



CENTRO INTERNACIONAL DE TOLEDO PARA LA PAZ

## *Hacia un concepto ampliado de defensa:*

### *La dimensión civil de la seguridad en España y en el marco de las organizaciones internacionales*

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Colabora



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El Centro Internacional de Toledo para la Paz (CITpax) es una fundación sin ánimo de lucro que tiene como objetivo contribuir a la prevención y resolución de conflictos, la gestión de crisis y la consolidación de la paz en el marco del respeto y promoción de los derechos humanos y los valores democráticos.

## CARTA DE PRESENTACIÓN

La celebración del Seminario “Hacia un concepto ampliado de defensa: la dimensión civil de la seguridad en España y en el marco de las organizaciones internacionales” ha sido posible gracias a la cooperación del CITpax con dos instituciones europeas de prestigio: Crisis Management Initiative y Fundación Europea Madariaga/Colegio de Europa.

Queremos agradecer a la Dirección General de Relaciones Institucionales del Ministerio de Defensa y a la Casa de Galicia en Madrid la confianza depositada en este proyecto - y en la institución responsable de llevarlo a cabo. Su apoyo financiero y material respectivamente, han permitido poner en marcha una reflexión sobre la importancia de no limitar nuestra seguridad y defensa nacional al ámbito exclusivamente militar.

Al hilo de lo anterior, cabe resaltar que este Seminario ha buscado concienciar a la sociedad civil y a las autoridades políticas nacionales de que la seguridad y la defensa tienen una importantísima dimensión civil que debe ser desarrollada en su plenitud para lograr una acción exterior orientada a la paz y la seguridad internacional más completa, más coherente y más eficaz.

Nuestro país necesita adaptar sus instrumentos y capacidades de defensa y acción exterior a los nuevos escenarios de seguridad del siglo XXI, lo que incluye un permanente esfuerzo por mejorar los mecanismos de cooperación y coordinación entre los diversos actores del ámbito militar y del ámbito civil. En 2010 España asumirá la Presidencia de la Unión Europea y desde el CITpax creemos que este debe ser un objetivo de desarrollo prioritario.

El presente documento recoge las principales conclusiones alcanzadas durante el seminario, así como las ponencias escritas de los expertos que participaron en el mismo. Esperamos que todo este material sea de su interés y les ayude a comprender mejor el complejo entramado de amenazas a las que debemos responder eficazmente en los próximos años.



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## Acrónimos

ECFR	<b>European Council on Foreign Relations (Consejo Europeo sobre Relaciones Exteriores)</b>
EMAD	<b>Estado Mayor de la Defensa</b>
EPLO	<b>European Peacebuilding Liaison Office (Oficina Europea de Enlace para la Construcción de la paz)</b>
ESDP	<b>European Security and Defence Policy (Política Europea de Seguridad y Defensa)</b>
CFSP	<b>Common Foreign and Security Policy (Política Exterior y de Seguridad Común)</b>
CIMIC	<b>Cooperación cívico-militar</b>
DDN	<b>Directiva de Defensa Nacional</b>
DPKO	<b>Department of Peacekeeping Operations (Departamento de Operaciones de Mantenimiento de la Paz)</b>
FAS	<b>Fuerzas Armadas</b>
HR/SG	<b>High Representative of the Secretary General (Alto Representante del Secretario General)</b>
IECAH	<b>Instituto de Estudios sobre Conflicto y Acción Humanitaria</b>
IEEE	<b>Instituto Español de Estudios Estratégicos</b>
ISAF	<b>International Security Assistance Force (Fuerza Internacional de Asistencia para la Seguridad)</b>
MAEC	<b>Ministerio de Asuntos Exteriores y de Cooperación</b>
MNTF– W	<b>Multinational Task Force West</b>
MONUC	<b>Misión de las Naciones Unidas en la República Democrática del Congo</b>
NAC	<b>North Atlantic Council (Consejo del Atlántico Norte)</b>
NP	<b>Nonviolent Peaceforce (Fuerzas de Paz No Violentas)</b>
OSCE	<b>Organización para la Seguridad y Cooperación en Europa</b>
OTAN –NATO	<b>Organización del Tratado del Atlántico Norte</b>
PRT	<b>Provincial Reconstruction Teams (Equipos de Reconstrucción Provincial)</b>
UNHCR	<b>Alto Comisionado de las Naciones Unidas para los Refugiados</b>
UNIDIR	<b>Instituto de las Naciones Unidas de Investigación para el</b>

**Desarme**

UNMIK	<b>United Nations Mission in Kosovo (Misión de las Naciones Unidas en Kosovo)</b>
UNSC	<b>United Nations Security Council (Consejo de Seguridad de Naciones Unidas)</b>
SACEUR	<b>Supreme Allied Commander Europe</b>
SSR	<b>Security Sector Reform (Reforma del Sector de la Seguridad)</b>

## Conclusiones

La defensa y la seguridad deben ser construidas entre todos. Todos los actores sociales, militares, civiles, gubernamentales y no gubernamentales, pueden contribuir a la defensa y a la seguridad nacional e internacional desde sus diversas capacidades y recursos.

El objetivo de este Seminario era subrayar la importancia de la dimensión civil de la seguridad. Para hacer frente a las nuevas amenazas el concepto tradicional de defensa debe ser superado. Ampliar esa visión tradicional de la defensa es fundamental para adaptarlo al nuevo contexto de la seguridad.

El Seminario se organizó en tres paneles. En el primero se analizó el concepto de defensa en España. En el segundo, los participantes debatieron sobre si el concepto de defensa de la Unión Europea es lo suficientemente amplio. Por último, en el tercero se estudió el caso concreto de Kosovo.

El Seminario fue inaugurado por Shlomo Ben Ami, Vicepresidente del CITpax; el Almirante Jaime Rodríguez-Toubes, Director del Instituto Español de Estudios Estratégicos y Juan Fernando López Aguilar, Presidente de la Comisión de Administraciones Públicas y Vocal de la de Exteriores del Congreso de los Diputados. En la inauguración, Shlomo Ben Ami se preguntaba si el ejército puede llegar a convertirse en una fuerza civil, encuadrando dicha cuestión en un análisis más general sobre la legitimidad en el uso de la fuerza. La pregunta formulada por Shlomo Ben Ami es crucial. ¿No es la imagen del ejército como fuerza civil, una *contradictio in terminis*? ¿Es un oxímoron? ¿Estamos hablando de la transformación de la naturaleza del Ejército o de la necesaria coordinación entre éste y los actores civiles? Probablemente sea cierto que las dos líneas de actuación se están explorando en este momento, con el objetivo de llegar a definir un concepto ampliado de defensa. Y Europa, y más concretamente, la Unión Europea, tiene que jugar un papel fundamental en este proceso. Esto fue destacado tanto por Juan Fernando López Aguilar, como por el Almirante Rodríguez Toubes. Éste último expuso con claridad el interés del Ministerio de Defensa en las investigaciones sobre la transformación del concepto de Defensa y su voluntad de seguir colaborando con el CITpax en esta área.

La primera mesa redonda estuvo presidida por el Embajador Emilio Cassinello, Director General del CITpax, que presentó a los ponentes y subrayó que el tema del Seminario era una de las áreas de actuación prioritaria del CITpax en el Programa de Gestión de Crisis y Consolidación de la Paz. Participaron como ponentes, Iñigo Pareja Rodríguez, de la Unidad de Transformación del Estado Mayor de la Defensa, Jesús Núñez Villaverde, Codirector del Instituto de Estudios sobre Conflicto y Acción Humanitaria (IECAH), y el Coronel Miguel Ángel Ballesteros Martín, del Instituto Español de Estudios Estratégicos del Ministerio de Defensa

Iñigo Pareja expuso su experiencia concreta en relación con la aplicación práctica del “*comprehensive approach*” o enfoque integral: el experimento multinacional 5 (MN5) en el que España participa junto con otros países. El enfoque integral permite obtener una “foto” completa de la situación que hará posible la aplicación de un concepto de defensa multidimensional. En este sentido, y tal como subrayó Jesús Núñez, las Fuerzas

Armadas son tan sólo una parte de la foto y deben habituarse a coordinarse con mecanismos civiles. Íñigo Pareja informó de que se está preparando el MN6, en el que España tendrá una participación más activa que ya se ha concretado, en parte, a través de la propuesta española de poner el acento en “cultural awareness”. Jesús Núñez insistió también en la importancia que tiene no sólo actuar para solucionar una crisis o para garantizar que no se va a reactivar una vez resuelta, sino sobre todo en el área de la prevención de conflictos. El enfoque preventivo es esencial si se quiere hacer honor al compromiso asumido por nuestro país de ser un activo constructor de paz. Propuso, en concreto, el establecimiento de mecanismos específicos para la prevención de conflictos, entre ellos, la creación de una Agencia de Intervención Especial y el reforzamiento de la protección civil. El Coronel Ballesteros expuso las diferencias entre Seguridad y Defensa y habló sobre la futura Estrategia Española de Seguridad y Defensa que calificó como necesaria. Además, subrayó que los “think tanks” españoles debían contribuir a la elaboración de la misma. Destacó también la necesidad perentoria de establecer procedimientos y mecanismos de coordinación interministerial.

La segunda mesa redonda estuvo presidida por Marie-Ange Schellekens-Gaiffe, Subdirectora de la Fundación Europea Madariaga con sede en Bruselas; y contó con los siguientes ponentes: Alessandro Rossi del Comité de Dirección de EPLO y Coordinador en Europa de la organización Nonviolent Peaceforce; Alicia Cebada Romero, Directora del Programa de Gestión de Crisis y Consolidación de la Paz del CITpax; José Ignacio Torreblanca, Director de la oficina en Madrid del European Council on Foreign Relations (ECFR); y Catriona Gourlay, Gestora de Proyectos e Investigadora Marie Curie en el Instituto de Investigación para el Desarme de Naciones Unidas (UNIDIR)

Alicia Cebada destacó la idoneidad de la Unión Europea para desarrollar un concepto ampliado de defensa. Por su cercanía al interés multilateral, por su carácter multidimensionalidad, por la aproximación que al tema de la Seguridad ha hecho en la Estrategia Europea del 2003, parece claro que un concepto ampliado de Defensa es consustancial al desarrollo de una política europea de seguridad y defensa. Hizo hincapié en el déficit de coordinación, y por tanto en la incoherencia en que se incurría a menudo por parte de la Unión Europea, no sólo cuando se trataban de coordinar acciones interpilares, sino también en el desarrollo de distintas políticas dentro del mismo pilar. Expuso las razones por las que una estrategia europea de seguridad y defensa se podría acercar a lo que se podría denominar una estrategia global de seguridad y defensa. José Ignacio Torreblanca, consideró que se pecaba de ingenuidad a menudo cuando se abordaba el análisis del papel de la Unión Europea en el mundo y se preguntó si no había que superar el debate sobre la falta de coherencia. Alessandro Rossi, habló sobre la importancia de la sociedad civil y pidió reiteradamente que se reconociera un mayor papel a la prevención de conflictos en la política de seguridad europea. Catriona Gourlay denunció que los instrumentos de la Unión Europea no funcionan bien y que, por tanto, no hay suficiente coordinación en la gestión de la interdependencia. La Unión Europea, desde su punto de vista, debería tener una actitud más cauteloso y oportunista, sin pretender ser, siempre, un actor principal sobre el terreno y destacó que, en su opinión, la Unión Europea no puede ser la solución a los problemas de seguridad globales. Recuperó el concepto de “cultural awareness”, del que se había hablado en la primera sesión, para advertir sobre las falsas expectativas basadas en un conocimiento insuficiente de las características del territorio o de la población en la que se pretende llevar a cabo una misión (citando, en concreto, el caso del Congo).

Tanto la primera, como la segunda Sesión fueron seguidas de un fructífero debate en el que intervinieron los asistentes, expertos en Seguridad y Defensa.

Después del almuerzo, Kai Sauer, Director de la Unidad para los Asuntos Globales y de la ONU del Departamento de Asuntos Políticos del Ministerio de Asuntos Exteriores Finlandés, pronunció un key note speech en el que expuso con claridad como fue concebido y aprobado el plan de Ahtisaari para Kosovo. El Sr. Sauer participó activamente en las negociaciones como asesor directo de Ahtisaari. A partir de los sucesos de marzo de 2004 se vio que la popularidad de Naciones Unidas en Kosovo había caído dramáticamente. Sobre la base de un informe que el Secretario General había encargado a Kai Eide en el que éste establecía que el problema de estatus de Kosovo no podía continuar sin resolverse, se otorga el Mandato a Ahtisaari en noviembre de 2005. El Proceso terminó con la aprobación del Plan y la posterior declaración unilateral de independencia de Kosovo en 2008.

La tercera sesión estuvo presidida por Kristiina Rintakoski, Directora del Programa de Gestión de Crisis de Centro Crisis Management Initiative con sedes en Helsinki y Bruselas; y contó con los siguientes ponentes Rafael Moreno Izquierdo, Periodista y analista de conflictos y operaciones de paz; Joaquín Molina Martínez-Lozano, de la Sección de Política de Gestión de Crisis de la OTAN; Martina Spernbauer, Investigadora del Instituto Universitario Europeo de Florencia; y José Carlos de Antonio Alcázar Teniente Coronel de Infantería que dirigió la *Multinational Task Force West* (MNTF-W) en los Balcanes durante 6 meses (octubre de 2007 - abril de 2008)

Rafael Moreno hizo una exposición sobre el componente policial de UNMIK. A continuación Joaquín Molina empezó destacando el acierto en la organización de la UNMIK en pilares, lo que hacía de ella una misión muy estructurada. Joaquín Molina destacó la importancia del componente civil en este tipo de misiones. Puso el ejemplo del PRT lituano en Afganistán que calificó como uno de los mejores, precisamente por el peso que se había reconocido al componente civil. Hablando de EULEX precisó que tendrá poder ejecutivo, aunque en áreas muy concretas, como el crimen organizado. Y avanzó que EULEX se desplegará en todo Kosovo y que alcanzará plena operatividad en diciembre, aunque en estos momentos existe cierto retraso. Martina Spernbauer habló sobre la cooperación civil/militar en el ámbito de la UE. Por último, el Teniente Coronel Carlos Alcázar, destacó el buen hacer de KFOR en Kosovo. Expuso su experiencia personal sobre el terreno, justo en el momento en que se produjo la declaración unilateral de independencia. Y, basándose en su experiencia personal, declaró tajantemente que la cooperación civil/militar podía “salvar vidas”. Consideró que el diálogo con los actores civiles sobre el terreno es fundamental para que los militares puedan cumplir su misión y para que puedan garantizar la seguridad.

En el Seminario se resaltó en varias oportunidades la relevancia del papel que los THINK TANKS pueden desempeñar en el proceso de transformación del concepto de Defensa. El CITpax está dispuesto a asumir ese papel. Para ello se propone seguir trabajando en esta línea, con la colaboración de sus dos socios, Crisis Management Initiative y Madariaga Foundation, que han participado en la organización de este seminario. La intención de las tres organizaciones es seguir colaborando en el tema y la idea, en este momento, es organizar un evento en Bruselas para seguir avanzando y contribuyendo a la aportación de ideas para que la defensa multidimensional llegue a ser una realidad.

## **Ponencias e intervenciones**

### **La búsqueda de una solución al “enfoque integral”**

**Teniente Coronel del Ejército de Tierra  
D. Iñigo Pareja Rodríguez**

Este documento es una contribución al Seminario convocado por CITpax en octubre de 2008, enfocado al “Concepto ampliado de Defensa”. La aportación pretende centrarse en un expediente que lidera desde hace más de dos años: el Estado Mayor de la Defensa (EMAD): la “experimentación” multinacional para el desarrollo de nuevos conceptos operativos, en concreto el del “*Comprehensive Approach*” o “Enfoque Integral”.

El valor añadido que se puede aportar a la globalidad del seminario viene porque los esfuerzos que se han hecho por parte del EMAD tienen dos finalidades: (1) involucrar – de manera permanente y estructurada - a la sociedad civil en este nuevo proceso llamado experimentación, que sirve para buscar soluciones conceptuales a los problemas operativos. Es esta una manera práctica de reconocer la relevancia de la aportación de la sociedad civil a la defensa y la seguridad en sus conceptos más amplios, y de buscar nuevas ideas evitando un peligroso “aislamiento intelectual” en las Fuerzas Armadas; y (2) fomentar la conciencia en nuestra sociedad sobre la conveniencia de trabajar en un concepto nacional de “Enfoque Integral”, concepto cuya esencia misma es la sinergia de todos los elementos nacionales en el proceso de gestión de una crisis.

No es la finalidad de este documento - porque otros ponentes tratarán el asunto con más detalle - el entrar en el fondo de otros conceptos que son vitales para la comprensión del problema que plantea el Seminario, como son: la diferencia conceptual entre Seguridad y Defensa; las implicaciones del nuevo marco que define la Ley Orgánica de la Defensa Nacional de 2005, entre otros.

Sí que tiene interés para centrar esta ponencia, hacer algunas reflexiones generales sobre la complejidad del nuevo escenario estratégico, y sus consecuencias sobre el nuevo ambiente operativo, en concreto, en el hecho de que la solución a la crisis vendrá por la aplicación equilibrada de todos los elementos de poder, no sólo por el uso de las capacidades militares con la finalidad de proporcionar seguridad.

### **Los nuevos escenarios**

El mundo actual se caracteriza no sólo por la incertidumbre y multi-polaridad del escenario estratégico en sí mismo, sino también por la complejidad de lo que los militares denominan el “Teatro de Operaciones”, debido a la cada vez mayor diversidad de los factores que componen dicho Teatro.

Sería una falacia afirmar que hasta el final del siglo XX, en las crisis o conflictos no se tomaban en cuenta aspectos o elementos como el Político, Económico, Social, Cultural,

aparte del Militar. Estas variables siempre han sido consideradas por los niveles de dirección o conducción, tanto político como estratégico.

Lo que sí es cierto es que hay nuevos fenómenos que han crecido exponencialmente desde los años noventa: la globalización, el acceso general a las nuevas tecnologías, el intercambio de información en mayor cantidad y a mayor velocidad, han hecho que el impacto de las acciones en cada uno de los aspectos antes citados, tenga efectos muy importantes en los demás. Ya no se entiende el conflicto como la búsqueda de una batalla decisiva; ahora se enfrentan en el “campo de batalla” fuerzas convencionales con un adversario irregular, que tiene el tiempo a su favor y que gana la batalla sólo por el hecho de no perderla.

El paradigma de estos nuevos escenarios puede ser Afganistán: un país en el que conviven – no sin dificultad - dos operaciones militares no sólo con distintos mandatos, sino también con esencias y finalidades radicalmente distintas. A esta confusión en las misiones se suma la operativa ya que muchas de las naciones presentes aportan simultáneamente fuerzas a ambas operaciones.

También tenemos en este escenario el que la Organización de la que emanan los mandatos, la Naciones Unidas, tiene una estructura débil y con poca presencia en las provincias afganas; el que conviven varias organizaciones - gubernamentales o no - con distintos propósitos y diversas maneras de operar y culturas organizativas; el que hay naciones liderando, de manera independiente, los esfuerzos internacionales de lucha contra el cultivo de droga, de asentar el buen gobierno, la justicia, crear una policía afgana y reformar el sector de seguridad.

Dentro de la propia misión de la OTAN, la Fuerza Internacional de Asistencia a la Seguridad (ISAF) se mezclan las tareas de seguridad con la de los Equipos de Reconstrucción Provincial (PRT), cuyas prioridades y nivel de ambición marcan, por cada provincia, las naciones que los lideran.

Por encima de todo, la principal consideración es la que ya hemos citado: la solución no vendrá por la aplicación exclusiva de las capacidades militares. Conceptos tan importantes como el de la sensación de apropiación local u “ownership”, la necesidad de un enfoque regional e inclusivo al problema, del liderazgo civil del proceso, del binomio “seguridad-desarrollo”, han hecho surgir la necesidad de un “Enfoque Integral”, imprescindible para solucionar esta situación de manera sostenible.

## **La Transformación de las Fuerzas Armadas**

Conviene aclarar que estos nuevos escenarios y conceptos no han aparecido de improviso. En los años ochenta ya se empezó a acuñar un término nuevo, el de la “Revolución de los Asuntos Militares”. Haciendo una reducción de lo que abarca este término, es esta una época en la que empieza a apreciarse la magnitud de la revolución tecnológica: la electrónica y la informática hacen que las plataformas sean menos importantes que las redes que las comunican. Es más importante la distribución y el acceso a la información del “campo de batalla” que el propio sistema de armas. Estamos entrando en una manera de hacer la guerra “centrada en la red” (*network centric warfare*).

La Guerra del Golfo de 1991 se unió a la autodisolución del enemigo de la Alianza Atlántica, el Pacto de Varsovia. Se simultanean dos fenómenos: el llamado “dividendo de la paz” y la referencia de una campaña rápida, “tecnológica”, “quirúrgica”, con relativamente pocas bajas. La idea que prevalece es que ya no se necesitan grandes masas militares y que se rebaja la noción del “soldado-ciudadano” que contribuye a la Defensa Nacional.

Sin embargo, en los principales conflictos o crisis de los años noventa, fundamentalmente en los Balcanes, lo que antes se ha denominado muy a propósito “campo de batalla”, que se creía iba a estar prácticamente “vacío” de fuerzas y dominado por la tecnología y la diseminación de la información, ha probado estar muy poblado, casi saturado, de actores que antes eran secundarios y ahora son los principales. Se tratan, entre otros, de las ONG,s presentes desde antes del estallido del conflicto; de las Organizaciones Internacionales, globales o regionales, que otorgan legitimidad a la posible intervención internacional; de los líderes tribales o locales. Todos estos actores son ahora claves. En resumen, los factores político, económico, social, humanitario, regional y diplomático tienen tanto o más peso que el militar. Es preciso buscar herramientas que faciliten la sinergia de estos pilares.

Este nuevo marco operativo, estas nuevas consideraciones, han hecho que se potencie el concepto de Transformación de las Fuerzas Armadas (FAS.). Las FAS necesitan estar implicadas en un proceso de cambio continuo y sostenido que les permita estar siempre preparadas y en condiciones de tener una ventaja competitiva continua, frente a los posibles adversarios futuros, en los complejos e inciertos escenarios operativos que se les puedan plantear.

Este cambio tiene como finalidad adecuar las capacidades de las Fuerzas Armadas - en los aspectos orgánicos, criterios operacionales y aplicación de nuevas tecnologías - a los retos que tendrán que hacer frente en el siglo XXI; dotándolas, en suma, del potencial militar adecuado que permita su actuación en el incierto marco estratégico.

La aplicación de las capacidades militares que buscamos, producirá unos “efectos” que, en coordinación con los otros instrumentos del poder nacional y aliado (político, económico y diplomático, entre otros), permitirán prevenir, gestionar y resolver las crisis y conflictos. En el futuro, se pretende adoptar una concepción de las operaciones, basada en los efectos que se pretenden conseguir, antes que orientarse a la mera destrucción del potencial adversario.

La OTAN ha reconocido esta necesidad, creando en 2003 el Mando Aliado de Transformación (ACT) en Norfolk (EE.UU.). En España, el impulso a la Transformación vino desde el ámbito político, mediante las directrices al respecto incluidas en la Directiva de Defensa Nacional (DDN) de 2004.

### **Desarrollo de Conceptos y su Experimentación (CD&E)**

Consecuencia de este impulso se creó en el EMAD la Unidad de Transformación de las Fuerzas Armadas (UTRAFAS) que, bajo la dependencia directa del Jefe del Estado Mayor de la Defensa (JEMAD), impulsa los esfuerzos necesarios para que las FAS españolas estén siempre en esa situación de ventaja competitiva frente a los posibles retos del futuro.

Para ello, se emplea como principal herramienta el llamado proceso de Desarrollo de Conceptos y su Experimentación (CD&E). La lógica del proceso es muy simple, su materialización muy complicada.

Para desarrollar este proceso CD&E, partimos de un esfuerzo de prospectiva - que no de predicción - de los posibles escenarios operativos del futuro. Es un “*Estudio de Futuros Ambientes Operativos*” en el que se implican analistas militares y civiles, con la intención de plantear ideas sobre cuáles pueden ser los riesgos y los escenarios a los que se enfrentarán nuestras FAS en 15 o 20 años.

Es “prospectiva” porque hacemos un esfuerzo por proyectar en estos escenarios las posibles referencias del futuro; huimos de una predicción simple que resulte en el crecimiento exponencial de las capacidades actuales. Un ejemplo: no consiste en pensar en escenarios cuya solución sean fragatas con el 120% del potencial de las fragatas de hoy, sino en idear y plantear nuevos marcos y nuevas soluciones, que pueden llegar, quizás incluso con capacidades<sup>1</sup> actuales o con nuevos prototipos totalmente distintos a lo que se tiene.

Tendríamos, pues, un documento que nos describiría 2, 3 o X escenarios distintos, escenarios que nos plantean problemas operativos diversos. Cada solución a ese problema operativo, lo llamamos un Concepto.

Por ejemplo: supongamos que el estudio nos dice que en el futuro, las mega-ciudades fallidas serán uno de los escenarios de crisis. ¿Cómo se lleva a cabo el Mando y Control de las pequeñas unidades que operarán en este ambiente? Elaboramos un borrador de concepto, un documento, que plantee soluciones a dicho reto operativo.

Mediante la “Experimentación”, pondremos a prueba dichas soluciones. Se experimenta probando el concepto mediante grupos de trabajo, seminarios y otros eventos en los que expertos, apoyándose en un escenario, van mejorándolo o refinándolo. Se prueban las nuevas soluciones, no, como en un ejercicio militar, la capacidad de las unidades de aplicar los procedimientos vigentes. Un experimento siempre será un éxito porque o valida una solución, o propone una alternativa.

### **El Enfoque Integral. Experimento Multinacional nº 5 (MNE-5)**

Las Fuerzas Armadas de nuestro entorno, llevan a cabo sus particulares procesos de desarrollo de conceptos (CD&E), y para ello aprovechan principalmente tres ámbitos de experimentación: el nacional, el ámbito OTAN (liderados por el ACT) y el foro multinacional de la serie de experimentos multinacionales (MNE).

En el marco del MNE nº 5, en el que España participa, un amplio grupo de naciones (entre otras, Francia, Alemania, Finlandia, Suecia, EE.UU., Reino Unido, Canadá, Australia, Japón y Singapur) y organizaciones (UE y OTAN), han experimentado – de 2006 a 2008 - con la intención de llegar a esbozar nuevos conceptos y procedimientos de planeamiento, para solucionar el Enfoque Integral o “Comprehensive Approach”.

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<sup>1</sup> Es importante tener en cuenta que una “capacidad militar” no es sólo un sistema de armas; una capacidad puede ser un nuevo material, pero también una reforma organizativa, un nuevo proceso o procedimientos, infraestructura, una nueva manera de entrenarse o de instruirse, etc.

Volvemos en este punto, al problema que se planteó al inicio de este documento: en un escenario indefinido y multipolar, la necesidad de coordinación de todos los agentes participantes (civiles y militares, estatales o no), desde la concepción a la ejecución de las operaciones o misiones. Se trata de buscar la auténtica sinergia de los instrumentos diplomáticos, políticos, económicos y militares, entre otros, con un planeamiento Inter-agencias, multinacional y en “el ámbito integral del Gobierno”.

Este es el concepto a estudiar y resolver: el Enfoque Integral, que permita que los integrantes de la coalición mejoren los procedimientos y que permita desarrollar una estrategia lo más coherente posible.

El Enfoque Integral o “Comprehensive Approach” precisa la coordinación íntima entre los actores necesarios para la resolución de una crisis, así como la aplicación de las herramientas. La diversa naturaleza de los agentes implicados (departamentos gubernamentales, ONGs, Fuerzas Armadas, organizaciones internacionales, poder local) hace intuir lo difícil de conseguir modelar unos principios previos y generales del Enfoque Integral.

Los conceptos se intentan centrar – entre otros elementos - en la resolución de las carencias detectadas antes y a lo largo del experimento, y que podrían resumirse en cinco grandes grupos:

- (1) Necesidad de que una posible Coalición disponga desde el principio de una Guía Política/Estratégica, que esté basada en una valoración común y que tenga en cuenta las necesidades de todos los actores en el terreno.
- (2) el ser capaces de un planeamiento “colaborativo” inter-agencias, en el que civiles y militares logren integrar un propósito común
- (3) Mejorar el intercambio de información entre organizaciones
- (4) Buscar un conocimiento/comprensión compartido de la situación
- (5) Tener una guía común de mensajes informativos a transmitir, una Estrategia Informativa.

### **Áreas en las que se divide el problema.**

Para resolver el problema y abordar los cinco grandes grupos arriba citados, se articuló el experimento en el estudio de tres áreas principales o focales, y otras que contribuían a estas, llamadas áreas de apoyo o de interés especial.

Las áreas focales elegidas inicialmente fueron tres: (1) el Planeamiento a nivel Estratégico (MNISP); (2) el Planeamiento Cooperativo Inter-agencias (CIP) y (3) la Gestión Cooperativa Inter-agencias (CIME). Estas dos últimas, a lo largo del experimento se fusionaron en un área única (CIP-CIME), ya que se comprobó su interdependencia y en aras de la eficiencia parecía más lógico integrarlas.

En suma, tras estos nombres lo que se esconde es la estructuración del problema en dos niveles de planeamiento y gestión de una crisis: el nivel Estratégico (MNISP) y el nivel de Teatro u Operacional (CIP-CIME).

Las áreas de apoyo y las de interés especial trataron asuntos como: las Operaciones Basadas en los Efectos (EBAO), el Desarrollo del Conocimiento (KD), la importancia de las Operaciones de Información (INFOOPS), la Arquitectura de Información, la Logística, el Apoyo Sanitario, el Conocimiento en el ámbito marítimo, etc. Se consideró que todos estos elementos ayudan y apoyan al desarrollo de las áreas principales. Por ejemplo, las Operaciones de Información incluyen un concepto sobre Estrategia Informativa que abarca de manera vertical a todos los niveles de gestión de una crisis; el mensaje debe estar coordinado en los niveles político, estratégico, operacional y sobre el terreno.

A lo largo de los más de dos años del experimento, una nación ha liderado cada una de las áreas y se ha encargado de redactar un concepto inicial y custodiar su refinamiento y mejora, en función del análisis y conclusiones que se deducían de los sucesivos experimentos o eventos convocados por cada nación líder, con asistencia multinacional.

Algunos eventos – de mayor magnitud, con alrededor de doscientos participantes y dos semanas de duración - integraban a varias áreas con elementos comunes que precisaban coordinarse. El último de estos “Eventos Principales de Integración (MIE)” se programó para diciembre de 2008, en varias sedes intercomunicadas en EE.UU., Suecia, Finlandia y Alemania.

### **Participación Española.**

El EMAD impulsó la participación de España en el MNE-5, siendo la UTRAFAS la encargada de coordinar dicha participación. España aportó expertos para los eventos que consideró de interés y en los que las naciones requerían un apoyo multinacional. A lo largo de 2007 y 2008, han participado expertos españoles de Presidencia del Gobierno, del Ministerio de Asuntos Exteriores y Cooperación, del Ministerio de Defensa, del Estado Mayor de la Defensa (Mando de Operaciones, Estado Mayor Conjunto y Centro de Inteligencia de las FAS.).

Es de subrayar el especial interés del apoyo del Real Instituto Elcano (RIE), materializado con la creación de un Grupo de Trabajo para el desarrollo de esta cooperación inter-agencias y con la finalidad de intentar sentar las bases de un concepto español de Enfoque integral, si ello es posible.

### **Seminario de Helsinki sobre Enfoque Integral**

En el marco de los anteriores Experimentos Multinacionales se han venido celebrando reuniones de alto nivel llamadas “Senior Leaders Seminars”, para informar del desarrollo y resultados del experimento en curso. A iniciativa de Finlandia el SLS pasó a ser una iniciativa gubernamental finlandesa, organizándose el 17 de junio de 2008, en Helsinki un “*Comprehensive Approach Seminar*”.

Fue este un seminario de alto nivel y de base muy amplia, dirigido a la Comunidad de Interés del “*Comprehensive Approach*” y con este asunto como tema principal a debatir.

En suma, se incorporaron las naciones del MNE-5, “como unos participantes más” a un esfuerzo más ambicioso.

Se circularon previamente al Seminario tres documentos. Los dos primeros eran un resumen factual del MNE-5 y un informe sobre los resultados de un grupo de trabajo celebrado el pasado marzo en Oslo (Noruega), liderado por NUPI, un Instituto de estudios noruego.

El tercer documento era quizás el más informativo, un primer borrador de lo que pretende ser una publicación a editar a finales de este año, que refleje los resultados del seminario. Este primer borrador contenía artículos de las naciones representadas (incluido el de España) sobre su visión particular del Enfoque Integral y sus “mejores prácticas” nacionales; también artículos de Organizaciones Internacionales (OTAN, UE, OSCE,...) y del MNE-5 como tal.

## Productos

El MNE-5 ha tratado un problema muy filosófico y de difícil concreción, pero podemos considerar que su resultado ha sido un éxito. Ahora la dirección del experimento está programando un “Plan de Transición” para entregar a las organizaciones que sobre el papel parecerían más interesadas, los productos o conceptos que se han elaborado, que son los siguientes:

- Guías, Conceptos o (“White Papers”): Guía para la Coalición; “White paper” sobre el Enfoque Integral y otro similar sobre la Estrategia de Información de la Coalición; una Guía de Planeamiento, Gestión y Evaluación en el Teatro (que sirva como marco de referencia tanto para civiles como para militares); y un Concepto marco de Desarrollo del Conocimiento (KD).
- Conceptos de Operaciones (CONOPS): Sobre las Operaciones Basadas en los Efectos (concepto que ha sido liderado por ACT-OTAN), sobre Logística Multinacional y otro sobre Estrategia de Información.
- Capacidades de Apoyo Técnicas: Se ha intentado sentar los principios para crear unas “Bases de Conocimiento”, aprovechando un estudio de área que se hizo sobre Kosovo, y que fue llevado a cabo por Alemania, aprovechando su liderazgo en KFOR; también conceptos sobre Diseño y Arquitectura Técnica, y sobre Estructuras y tecnologías de Intercambio de la Información que sean aprovechables en un marco “inter-agencias” de gestión de una crisis.

Participar en el MNE-5 ya tiene de por sí un valor añadido, al conseguir que España se introduzca y conozca el mundo de la experimentación. Pero hay que ser más ambiciosos y ver también qué productos tangibles podemos extraer del experimento, el principal, se insiste una vez más, crear la inquietud de la necesidad de un concepto nacional de Enfoque Integral.

## Conclusiones

Las crisis y conflictos actuales se generan y desarrollan en escenarios imprevistos en los que la mera aplicación de la capacidad militar no traerá una solución sostenida. Es

preciso combinar de manera sinérgica acciones que tengan los efectos deseados en los pilares político, económico, social, cultura y diplomático. A la vez, hay que evitar efectos cruzados indeseados, producidos por acciones en cualquiera de los pilares.

Las Fuerzas Armadas están en una continua adaptación a los nuevos escenarios operativos, en un proceso que hemos llamado de Transformación, cuya principal herramienta es el desarrollo y experimentación de nuevos conceptos o soluciones, también llamado “CD&E”.

La experimentación se puede desarrollar en el ámbito multinacional. España se ha implicado en el Experimento Multinacional nº 5, que trata de resolver el reto del Enfoque Integral (“*Comprehensive Approach*”) para la gestión de la crisis.

Se pretende investigar conceptos y procedimientos que faciliten una mayor armonización y coordinación de todos los actores - estatales, multinacionales y de otro tipo - que participan de una finalidad similar - aunque no necesariamente comparten objetivos – y que aporten valor añadido a la resolución de un problema. Este enfoque debe adoptarse en todos los niveles de la crisis (político, estratégico, operacional y sobre el terreno) y en todas las fases (concepción, planeamiento, ejecución y evaluación de una misión u operación).

El beneficio más interesante del MNE-5 sería fomentar en España la inquietud de trasladar al ámbito nacional el debate que está candente en los foros internacionales. Un concepto nacional de Enfoque Integral permitiría valorar a nivel nacional la situación, decidir sobre las opciones posibles y distribuir los esfuerzos de acuerdo con las posibilidades e intereses nacionales, fomentando la sinergia entre los actores.

Madrid, 23 de octubre de 2008

# **El concepto de defensa en España: apuntes más allá del terreno militar**

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Ponencia presentada en el Seminario sobre  
**“Hacia un concepto ampliado de la defensa: La dimensión civil de la seguridad en  
España y en el marco de las organizaciones internacionales”**

Organizado por el **Centro Internacional de Toledo para la Paz (CITpax)**

Madrid, 23 de octubre de 2008

En España- como efecto derivado de una experiencia que ha marcado profundamente buena parte de su historia en el siglo XX, y a pesar de que el fin de la Guerra Fría queda ya suficientemente lejano- todavía hoy los conceptos de seguridad y defensa están muy contaminados por referencias militares. En buena parte de la sociedad civil, y en amplios círculos de opinión, la mera mención de palabras como seguridad y defensa suscitan imágenes de uniformes, armas y equipo militar. Es como si algunos hubiesen quedado atrapados en un tiempo pasado- el de la Guerra Fría-, en el que el clima omnipresente de la confrontación bipolar hacia que las consideraciones de la estrategia militar dominaran la práctica totalidad de las relaciones internacionales.

En aquel tiempo cualquier dimensión de la seguridad y la defensa que no fuese la estrictamente militar era fácilmente despreciada, con el argumento de que nada podía distraer la atención sobre la amenaza de un holocausto nuclear que podía eliminar de la faz del planeta todo vestigio de vida humana. Hablar de otras amenazas- como las derivadas de la creciente brecha de desigualdad entre ricos y pobres, del hambre, del deterioro medioambiental o de las pandemias- y de otras interpretaciones de la seguridad- desde la asociada a la alimentaria o energética a nuevos conceptos como la seguridad colectiva, compartida y, mucho menos, la seguridad humana- parecía una simple distracción inaceptable. Y sin embargo, como han demostrado los hechos a partir de mediados de la década pasada, la aplicación de aquel modelo de seguridad y defensa tan militarista no resultó exitosa, por cuanto el mundo no era, ni es hoy, más seguro, más justo y más sustentable que cuando arrancó la rivalidad entre las dos superpotencias.

Por lo que respecta a España, el interés por dejar atrás una época de aislamiento internacional y el afán por alcanzar la homologación como país desarrollado, llevó a encapsular los temas de seguridad y defensa. Eso explica que todavía siga pendiente a día de hoy un necesario debate sobre nuestra visión de la seguridad y la defensa de los intereses nacionales, y sobre la articulación de los diversos instrumentos disponibles al servicio de esa tarea. Si a eso se suman los temores iniciales por cuestionar el papel de

quienes un día se consideraron la columna vertebral del Estado, como si el resto de los actores públicos y privados no fueran igualmente importantes, y la vigencia de algunos estereotipos muy interiorizados entre amplias capas sociales sobre la significación del estamento militar, se puede acabar entendiendo que, por unas razones y por otras, no se haya logrado aún desligar plenamente lo que corresponde a los temas de seguridad y defensa de los estrictamente militares.

Y ésta no es, en esencia, una responsabilidad que quepa achacar a los propios militares. Desde hace mucho tiempo, y como imponen los cánones de todo Estado de derecho, ellos se limitan a obedecer órdenes del poder civil y a hacer su trabajo con un nivel de profesionalidad ampliamente reconocido dentro y fuera de nuestras fronteras. En realidad la clave está en la ausencia de un esfuerzo de carácter pedagógico a nivel nacional. Tanto la generalidad de los representantes políticos como de los medios de comunicación siguen anclados en visiones distorsionadas de un realidad periclitada, sin un gran interés por actualizar su nivel de conocimiento en el terreno de la seguridad y defensa y, menos aún, sin atreverse a liderar una tarea que supone pisar un terreno que aún cabría calificar como resbaladizo. La tarea no es solamente de divulgación para perfilar mejor- ajustándolos al mundo de hoy- las implicaciones de la acción exterior del Estado, con sus componentes de política exterior, política de seguridad, política de defensa y política militar. También debe aspirar a la interiorización de unos conceptos de seguridad y defensa que sirvan para hacer frente a las amenazas de un contexto globalizado en el que la gestión de la seguridad se nos antoja más compleja, pero no menos preocupante, que en las décadas pasadas.

Hablamos de un mundo, de unos riesgos y de unas amenazas para las que los instrumentos militares no parecen los protagonistas únicos, ni los más adecuados. Dicho de manera telegráfica: dado que los riesgos y amenazas son básicamente de naturaleza social, política y económica, parece inmediato concluir que el protagonismo en la respuesta debe recaer en los instrumentos sociales, diplomáticos, políticos y económicos. Eso no quiere decir, en modo alguno, que las capacidades militares no tengan ya ningún cometido a realizar. Lo que más bien indica es que estas últimas son capacidades complementarias, de último recurso, que solo conviene activar cuando todos los demás mecanismos y capacidades han fracasado o están a punto de hacerlo.

Esa necesidad de replanteamiento de conceptos y de prelación de unos instrumentos sobre otros está ya recogida en el propio título de este seminario. Durante la Guerra Fría (y nuevamente en la actualidad si nos atenemos a los planteamientos definidos por la equivocada “guerra contra el terror” liderada por Washington) esos cuatro niveles de planificación, decisión y actuación- exterior, seguridad, defensa y militar- resultaron confundidos en un solo- el militar- que consecuentemente se impuso a los demás. Si ahora nos planteamos la necesidad de hablar de un concepto ampliado de defensa es porque percibimos que, para atender precisamente a esas amenazas difusas y complejas: a) los esquemas heredados del pasado siglo no resultan eficaces; b) es necesario volver al orden jerárquico clásico, colocando al componente militar como un escalón subordinado a los otros tres ya mencionados; c) es preciso atender de manera más directa y sostenida a las causas que generan inestabilidad e inseguridad, sin limitarse a hacer frente a los síntomas más visibles de la violencia en sus diferentes manifestaciones; y d) para ello es fundamental potenciar las capacidades no militares de actores civiles, complementados con los militares en los ámbitos en los que éstos puedan aportar un valor añadido a los demás.

A día de hoy ésta sigue siendo, en la mayoría de los países, una asignatura pendiente. En términos generales se sigue percibiendo- es una realidad con la que tenemos que contar- que hay un notorio desajuste entre el discurso y la realidad. El primero ha logrado un alto nivel de desarrollo, asumiendo que hoy la seguridad es multidimensional y que ya no se juega en las fronteras nacionales sino a escala planetaria. En esa misma línea, se insiste en que la seguridad y el desarrollo son dos caras de la misma moneda y que se debe trabajar simultáneamente en ambos planos si se quieren lograr resultados sólidos. La segunda, sin embargo, sigue empeñada en mostrarnos las dificultades para vencer inercias tan poderosas como las que han marcado la orientación de los esfuerzos de tantos gobiernos y organizaciones internacionales de seguridad durante tanto tiempo. En lugar de asumir que el uso de la fuerza es siempre el reconocimiento del fracaso de la política, se mantienen vigentes los planteamientos de Clausewitz, considerando que la guerra es simplemente la continuación de la política por otros medios. De ese modo, se tiende a adoptar un enfoque reactivo (en lugar de preventivo) y selectivo (de ahí que se hable con toda propiedad de conflictos olvidados) en el que se prefiere optar por el protagonismo de los medios militares, sin haber apurado previamente las potencialidades de todos los demás.

El error de obrar de ese modo es mayúsculo: es como si no se quisiera entender que hablar de reglas comerciales justas, de diplomacia preventiva, de reforma de la discriminatoria arquitectura financiera internacional, de tratamiento equilibrado de la deuda externa o de transferencia de tecnología es hablar, con absoluta propiedad, de seguridad y defensa. En el mundo de hoy (y todavía por mucho tiempo) los aviones de combate y los misiles seguirán siendo necesarios, pero nuestra seguridad y la de quienes nos rodean no puede descansar principalmente en ellos. Hacerlo así es renunciar a la construcción de la paz y a la prevención del estallido de la violencia y es, por otro lado, seguir pensando que nuestra seguridad y desarrollo pueden lograrse a costa de la inseguridad y el subdesarrollo de los demás.

Parecería que, en algunos casos, hemos conseguido ya pensar en términos globales, tratando de aunar enfoques y capacidades, pero, en gran medida, seguimos actuando básicamente en términos militares. Se trata de un desajuste que no ha sido resuelto a día de hoy ni a escala española ni a escala internacional.

### **España en la dirección correcta**

En el caso de España ahora mismo estamos afortunadamente- casi diría, por fin- ante la puesta en marcha de un proceso para la elaboración de una Estrategia Nacional de Seguridad y Defensa<sup>2</sup>. No solamente es justo que ese proceso tome cuerpo para colocar a España al mismo nivel de otros países de nuestro entorno, sino que es urgente y absolutamente necesario.

Interesa en este punto recordar que hoy nos movemos, tanto en el plano nacional como en el de las organizaciones de seguridad a las que pertenecemos, sin un marco

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<sup>2</sup> No es irrelevante el orden de los factores en esta ecuación. Se debe colocar el de “nacional” en su sitio: es una Estrategia Nacional de Seguridad y Defensa y no una Estrategia de Seguridad Nacional o de Defensa Nacional.

actualizado. No olvidemos que el concepto estratégico de la OTAN es de 1999<sup>3</sup>, mientras que la Unión Europea sólo ha sido capaz de formular una Estrategia Europea de Seguridad en 2003<sup>4</sup> y España cuenta con una Directiva de Defensa Nacional de 2004<sup>5</sup>. Simultáneamente, por lo que afecta a España, se han dado los primeros pasos para llegar a dotarse de una Estrategia Nacional de Seguridad y Defensa que es, desde mi punto de vista al menos, una pieza fundamental de un edificio que todavía adolece de carencias significativas.

España viene identificándose, desde 2004, como un activo constructor de la paz. Ésa es una seña de identidad que España pretende consolidar en su acción exterior y ya hay realidades que aspiran a llenar de contenido esa inicial declaración de voluntad<sup>6</sup>. A la vista de estas aspiraciones es inesquiable la reconsideración del propio concepto de defensa. Y es en ese marco, aplicado a España, en el que me atrevería a plantear algunos apuntes en tres planos interrelacionados: el conceptual, el institucional y el operativo.

**Plano conceptual** - Es bien sabido que la paz se construye a través de un esfuerzo permanente, que implica a todas las sociedades (ninguna está inmunizada contra la violencia) y que descansa en los actores locales (los externos solo pueden complementar lo que surge desde el seno de la sociedad afectada). Su pretensión última no es tanto la desaparición del conflicto, como su resolución a través de métodos no violentos. Para alcanzar un objetivo tan ambicioso resulta prioritario concentrar la atención en la fase previa a cualquier posible estallido violento (la prevención del conflicto); pero igualmente hay que atender a la gestión de la crisis y a la resolución del conflicto, si no se ha logrado evitar la explosión violenta; y, por supuesto, no puede descuidarse la etapa de reconstrucción postbélica, para impedir que se pueda producir una recaída. Todo esto hace de la construcción de la paz un concepto muy exigente- que debe operar en “el durante” y “el después”, pero sobre todo en “el antes” del estallido generalizado de la confrontación armada. En su aplicación son necesarios instrumentos muy diversos, entre los cuales tendrán que estar los militares, pero justo en la proporción adecuada y en el momento adecuado.

España debe construir la paz en su propio marco territorial, para consolidar su actual situación de estabilidad estructural, caracterizada por su alto grado de bienestar y su garantía de seguridad individual y colectiva. Asimismo, debe guiar su acción exterior tanto en los llamados Estados frágiles, como en otros que integran su agenda exterior- por esos mismos presupuestos, tratando de alejar la posibilidad de la violencia y procurando mejorar las expectativas de vida del conjunto de los ciudadanos de esos Estados. Ésta es una tarea eminentemente civil- de orden diplomático, cultural, económico y político-, en la que obviamente debe haber un componente de defensa militar. Es también un enfoque permanente, en el sentido de que debe desplegar sus capacidades en todo tiempo y lugar (dentro de las posibilidades reales de nuestras

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<sup>3</sup> Se entiende que será renovado en la cumbre de abril de 2009, que conmemorará el sexagésimo aniversario de su creación.

<sup>4</sup> A la espera de que se produzca el desbloqueo institucional en el que está sumida desde 2004 y de que sea posible actualizar lo que el Consejo Europeo aprobó, en materia de seguridad, el 12 de diciembre de 2003.

<sup>5</sup> En el momento en que se redactan estas páginas, octubre de 2008, es inminente la aprobación de una nueva.

<sup>6</sup> Bastaría para confirmarlo con repasar el texto de la conferencia del propio Presidente del Gobierno en el Museo del Prado (16 de junio de 2008), bajo el título “En interés de España: una política exterior comprometida”.

fuerzas), sin esperar a que en un determinado territorio surja una crisis o, menos aún, un conflicto violento.

Es preciso volver sobre el mismo punto: de lo que estamos hablando, si queremos construir la paz, es de evitar que el estallido de la violencia se produzca. Todo lo demás, operaciones internacionales de paz incluidas, supone reconocer un cierto nivel de fracaso, porque no se ha logrado abortar el proceso que conduce a ese punto de confrontación directa. Si se asume este principio, cabría esperar que la asignación de recursos de los que un Estado dispone para su acción exterior se estructurara en función de ese objetivo, dedicando más esfuerzos a la prevención de conflictos que a la gestión de crisis o a la reconstrucción postbélica. En la práctica no parece que ése sea el modelo dominante, y esto es así tanto en el caso español, como en el de la UE, la OTAN o en el de cualquiera de los considerados como actores nacionales más significados del panorama internacional.

Por otro lado, y también desde el punto de vista conceptual, interesa insistir en que la tarea de construcción de la paz- y esto debería resultar obvio para una potencia media como España, tanto en éste como en otros muchos terrenos- excede a sus capacidades individuales (igual que, de hecho, ocurre a la totalidad de los Estado del planeta). Esta simple constatación, nos obliga a trabajar de manera coordinada, sea en el plano bilateral o, preferentemente, en el multilateral.

Si queremos darle sentido a esa idea del multilateralismo efectivo- que, acertadamente, España ha adoptado como lema importante de su acción exterior-, las referencias más destacadas no pueden ser otras más que la Unión Europea y la ONU contempladas, al menos desde un punto de vista personal, precisamente en ese orden. Dicho así, se entiende de paso que la OTAN, tercera referencia a mencionar, debería figurar como la última de la terna. Y todo esto a pesar de que ya sabemos que la OTAN es la organización militar más poderosa del planeta y la más eficaz para la defensa colectiva de sus Veintiséis miembros. Al margen de otras consideraciones, la Alianza Atlántica puede haber prestado innegables servicios a la defensa occidental, pero, mirando hacia el futuro, no puede ser la pieza fundamental de la seguridad mundial (siempre sería un imperfecto policía mundial) ni el marco para desarrollar las relaciones entre Washington y Bruselas. Apostar por la vía del reforzamiento de la OTAN, solo podrá hacerse- dada la finitud de los recursos existentes- en detrimento de otras instancias (UE, en su calidad de potencia civil con capacidades militares al servicio de la prevención de conflictos violentos; y ONU, como auténtico policía mundial con la misión de evitar el flagelo de la guerra a las generaciones futuras, tal como reza su Carta fundacional). No parece éste el mejor modo de atender a los intereses de España.

**Plano institucional** - España tiene ya a día de hoy un Consejo de Defensa Nacional. Esto supone una mejora con respecto a la Junta de Defensa Nacional con la que contábamos antes<sup>7</sup>. Es, por tanto, un paso en la dirección correcta, pero todavía se queda a medio camino para alcanzar lo que parece imprescindible a día de hoy.

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<sup>7</sup> La última reunión de la Junta de Defensa Nacional se celebró en enero de 2002 y aunque la Ley Orgánica 5/2005 de Defensa Nacional contemplaba la creación del Consejo de Defensa Nacional, éste no llegó a constituirse hasta la aprobación del Real Decreto 1310/2007, de 5 de octubre de 2007. Su primera reunión, presidida por el Rey, se desarrolló el 10 de octubre de 2007. Se trata del principal órgano colegiado de asesoramiento y consulta del Presidente de Gobierno para asistirle en la dirección de los

¿No ha llegado ya el tiempo de crear un Consejo Nacional de Seguridad? Si realmente se asume la idea de que la seguridad es bastante más que la defensa y mucho más que las cuestiones militares, ¿no va siendo de que España se autoimponga la necesidad de crear un Consejo Nacional de Seguridad en el que se integren actores gubernamentales y no gubernamentales, civiles y militares que permitan contar, sobre una base de implicación permanente, con todos los conocimientos y recursos necesarios para atender a una tarea de la máxima exigencia para nuestros intereses? No podemos contentarnos con el paso dado desde la Junta al Consejo; como tampoco podemos quedarnos frenados ante los obstáculos, los personalismos y las reticencias corporativas que puedan surgir en el horizonte cuando se pretende vencer inercias tan asentadas. El Consejo Nacional de Seguridad no es una moda o un simple nombre, más o menos acertado: es una imperiosa necesidad para articular adecuadamente nuestras diversas visiones institucionales y nuestros variados instrumentos.

A esta necesidad cabe añadir aún, en este mismo plano institucional y aunque solo sea por remachar en la misma idea ya expresada anteriormente, la conveniencia de contar ya con una Estrategia Nacional de Seguridad y Defensa. Ni la tenemos aún ni existe un generalizado acuerdo sobre su utilidad. Para impulsarla es preciso por tanto un ejercicio de liderazgo que solo puede venir, para ser efectivo, desde la propia Presidencia del Gobierno. Una vez más hay que insistir en lo obvio: la Estrategia afecta a Defensa, pero va mucho más allá. No puede ser, por tanto, un ejercicio impulsado desde el Ministerio de Defensa, aunque resulta igualmente elemental entender que su participación debe ser importante a lo largo de todo el proceso. Por si sirviera de algo lo que se hace en nuestro entorno más inmediato, tenemos aún muy fresco lo que Francia ha aprobado a partir de un impulso directo de su máxima instancia ejecutiva.

Una Estrategia de ese calado, como ya apuntaba anteriormente, tiene que integrar plenamente a los actores gubernamentales- con las dificultades que pueda suponer el encaje de los planteamientos de Ministerios como el de Interior, Defensa Economía, Industria, Educación y tantos otros (teniendo en cuenta, además, la realidad autonómica de un Estado como el español). Pero se quedaría corta en sus aspiraciones y necesidades, si no lograría implicar igualmente a los actores no gubernamentales- y esto no quiere decir solamente a las ONG, sino también a las empresas españolas con vocación exterior. Su concurso es vital para mejorar nuestro conocimiento de lo que ocurre fuera de nuestras fronteras, pero también para actuar de manera coherente y coordinada en pos de objetivos que deben ser comunes: el bienestar y la seguridad de quienes nos rodean, como mejor vía para asegurar nuestro bienestar y nuestra seguridad.

Un elemento adicional en este campo, aunque de una significación distinta a los anteriores, apuntaría a la simbología (y operatividad) que tendría el hecho de que España se incorpore a la Human Security Network<sup>8</sup>. Hacerlo- asociándose a otros trece países, entre los que están Suiza, Austria, Canadá o Irlanda- no solo dotaría de mayor visibilidad al esfuerzo español por convertirse en un activo constructor de paz, sino que permitiría aprender y compartir experiencias con otros socios que entienden la necesidad de poner los intereses y la seguridad de los seres humanos por delante de la de los Estados.

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conflictos armados y la gestión de crisis que afecten a la defensa, así como informarle sobre las grandes directrices de la política de defensa.

<sup>8</sup> <http://www.humansecuritynetwork.org>

**Plano operativo** – Nada de lo anterior tendría sentido si sobre el terreno no se consigue contar con los instrumentos necesarios para hacer realidad los deseos y las declaraciones de voluntad. Partiendo del claro desequilibrio señalado ya desde el arranque del texto, a favor de la concepción militarista de la seguridad y defensa, no puede sorprender que los recursos acumulados hasta hoy en este campo sean más numerosos y potentes en el terreno militar que en el civil. Eso es, precisamente, algo que debe corregirse.

En unos casos se trata únicamente de poner lo que ya existe, tanto en el terreno militar como en el civil, al servicio de una visión común (la construcción de la paz y la prevención de conflictos violentos; sin abandonar en modo alguno la defensa en el sentido más estricto que marca la propia Constitución). En otros, por el contrario, se necesitan crear *ex novo* capacidades específicas.

En el ámbito civil existe un notable margen de mejora. Conceptos como los de Defensa Civil y propuestas como la creación o participación en Cuerpos Civiles de Reacción Rápida (en el marco de la UE, por ejemplo) son todavía hipótesis de trabajo que no han pasado a formar parte de la agenda gubernamental. Ni siquiera en un terreno tan necesitado de refuerzos como el de la Protección Civil parece existir un empeño sostenido para potenciarla. Antes al contrario, y ahí está la equivocada decisión de crear una Unidad Militar de Emergencias (UME) para demostrarlo, parece asumirse su inoperatividad ante la fragmentación que supone esa competencia entre las comunidades autónomas que conforman el Estado. En resumen, no se trata tanto de cuestionar la conveniencia o necesidad de aportar más o menos soldados a operaciones internacionales de paz (que seguramente serán más demandados en determinados contextos), sino de entender que la construcción de la paz y la prevención de conflictos es parte esencial de nuestra seguridad y de que esta tarea obliga a contar con medios no militares para hacer frente a las causas que generan la inestabilidad, la inseguridad y, en definitiva, la violencia que decimos querer erradicar.

Si eso es así en el ámbito civil, en el terreno militar la necesidad que se plantea a día de hoy sigue siendo la de construir unas fuerzas armadas en buena medida distintas a las actuales. Recordemos que estamos en España, es decir, en un país que no percibe ninguna amenaza en fuerza contra sus intereses y que cuenta con unas Fuerzas Armadas (FAS) en las que el modelo de profesionalización, que se puso en marcha de manera acelerada e imprevista a principios de la década, no es precisamente un ejemplo de éxito (aunque desde 2005 se haya logrado modificar la tendencia negativa que arrastraba desde su arranque). Esa ausencia de amenazas- aunque es elemental que será necesario seguir contando con medios creíbles de disuasión y castigo- permite replantear misiones, medios y recursos para atender a otras exigencias más presentes en la agenda de seguridad y defensa de nuestros días (y del previsible futuro).

Desde el final de la Guerra Fría nuestras FAS, como le ocurre en general a las del resto de los países de la OTAN, sufren una crisis existencial que no ha sido superada en su totalidad. En esa situación- en la que es necesario desembarazarse de rémoras que han perdido su sentido originario y adoptar nuevos enfoques de futuro- se corre un mayor riesgo de cometer errores. En el caso español, y por citar tan solo dos ejemplos de ello-achacables principalmente a los responsables políticos que toman decisiones y no a los militares que cumplen las órdenes recibidas-, cabe destacar dos bien recientes: la

utilización de las FAS como actores humanitarios y la ya referida creación de la UME. Nada menos que el entonces responsable del área- y no un portavoz de una ONG- llegó a definir a las FAS como un ONGército (dando a entender que contaba con mejores medios que cualquier ONG para cumplir misiones de asistencia y protección de posibles víctimas de catástrofes o conflictos armados). Plantearlo de este modo es sencillamente desconocer que los principios por los que se guían los ejércitos no coinciden con los que mueven a los actores humanitarios. Es- a pesar de lo que una lectura superficial de la Ley Orgánica 5/2005 de Defensa Nacional pudiera dar a entender- no querer reconocer que las FAS, por definición, no pueden ser actores humanitarios, aunque en algunos momentos puntuales puedan prestar alguna ayuda a víctimas de un conflicto o de una catástrofe (como tampoco pasan a ser bomberos, aunque contribuyan en algún momento a apagar un incendio).

En cuanto a la UME, en lugar de reconocer la necesidad de potenciar las capacidades de la Protección Civil para atender a tareas que le son propias, se ha preferido no ya solo emplear medios ocasionalmente ociosos de los ejércitos para colaborar en misiones que en origen no les corresponden, sino que se ha optado por crear una capacidad militar de difícil encaje en el marco competencial autonómico y en el organigrama de las propias fuerzas armadas.

Mientras tanto, no se han puesto en marcha con suficiente impulso las necesarias reformas en los modelos de instrucción, así como en los presupuestos, equipo, material y armamento, para mejorar nuestras capacidades en el desempeño de las misiones que con más frecuencia van a ser demandadas a nuestras fuerzas. No podemos pensar, por muchas que sean las alabanzas recibidas por nuestra participación en las misiones internacionales de paz, que con eso se justifica ante la opinión pública el esfuerzo dedicado a la defensa. Tampoco se puede mostrar satisfacción plena por un modelo de FAS que sigue contemplando el despliegue de fuerzas en el exterior como decisiones *ad hoc*, sin entender la necesidad de disponer de un centro permanente de enseñanza e instrucción para las unidades susceptibles de recibir esas misiones.

En esencia, y sin salirnos del campo militar, cuando España asume que sus intereses ya no se juegan prioritariamente en sus fronteras parece obligado que esa idea tenga consecuencias en cuanto al papel que van a tener sus fuerzas armadas. Unas FAS que no pueden tener el mismo equipo, material y armamento (ni el mismo tipo de militares y de sistemas de enseñanza e instrucción) que cuando se movían en el marco de la confrontación bipolar (o cuando nos manejábamos con el esquema de la “amenaza compartida” y la “amenaza no compartida”).

En resumen, estos apuntes- necesitados de un desarrollo más detallado y de otras aportaciones que permitan mejorarlo- solo pretenden llamar la atención sobre la imperiosa necesidad de actualizar nuestra visión de la seguridad y defensa en España. No atender a esa llamada significaría seguir encerrados en esquemas trasnochados de defensa, inadecuados para tratar los síntomas y las causas de la inestabilidad y la inseguridad del mundo de hoy.

Gracias

## Reflexiones sobre el concepto de defensa en España

**Instituto Español de Estudios Estratégicos (IEEE)**  
**Miguel Ángel Ballesteros Martín**

Miguel Ángel Ballesteros diseccionó los conceptos de Seguridad y Defensa, para posteriormente explicar el marco legislativo vigente en España en este ámbito y la experiencia de las Fuerzas Armadas (FAS) en operaciones de paz.

Así, a nivel conceptual Seguridad y Defensa no son conceptos sinónimos, a pesar de que en el lenguaje común se usen con frecuencia como tales. Cada concepto requiere instrumentos de respuesta distintos.

La Seguridad hace referencia a los *riesgos*. Un riesgo es aquello que sospechamos tiene potencial para dañar los intereses que se quieren proteger. Los riesgos son frecuentemente difusos y poco cuantificables. Se combaten a partir del diseño de capacidades que sirvan un poco para todo.

La Defensa hace referencia a las *amenazas*. Las amenazas son tangibles, deben conocerse y tratar de cuantificarlas. Frente a ellas podemos defendernos diseñando planeamientos estratégicos y adquiriendo medios materiales capaces de ejercer la necesaria disuasión. El agente hostil debe ser perfectamente identificado, y supone una amenaza cuando además de tener una cierta capacidad para dañar nuestros intereses demuestra con su aptitud posibilidad de llegar a utilizarla contra nosotros para alcanzar fines políticos de su interés.

En la práctica, la Defensa es una parte de la Seguridad y la Seguridad es un término más amplio que la Defensa. Frente a los nuevos riesgos, tenemos que dotarnos de medios y estructuras flexibles que puedan ser de utilidad en situaciones de crisis y conflictos de ámbito multinacional en escenarios alejados que requieren gran capacidad de proyección.

Por su parte, el marco legislativo español de la defensa, en concreto la Directiva de Defensa Nacional y la Ley Orgánica 5/2005 de la Defensa Nacional, incluyen aspectos relacionados con la Seguridad. Así, las FAS son responsables garantizar la soberanía independencia e integridad territorial de España y su ordenamiento constitucional; contribuir militarmente a la ‘seguridad’ y defensa de España y de sus aliados; y contribuir al *mantenimiento de la paz y la seguridad y la ayuda humanitaria; o en los supuestos de grave riesgo, catástrofe o calamidad*.

En relación con la experiencia española en misiones de paz, Miguel Ángel Ballesteros reflexionó sobre algunos elementos que inciden en el éxito o fracaso de una misión y en el alargamiento del conflicto. Así,

- las operaciones deben tener un carácter simultáneo (y no secuencial como hasta ahora) tanto en su planeamiento como en su ejecución de actividades militares y civiles;
- el planeamiento y la ejecución debe integrar las visiones del ámbito civil y de ámbito militar, pues la seguridad no es posible llevarla a cabo sin desarrollo y el desarrollo tampoco es posible sin seguridad;

- se debe concretar desde el principio el objetivo político y militar que se pretende conseguir y en qué plazo de tiempo debe alcanzarse;
- la intervención debe realizarse antes de que el conflicto estalle o en la primera fase del conflicto, porque en esta fase pueden intervenir solo civiles, o ir civiles y militares<sup>9</sup>.

Finalmente, Miguel Ángel Ballesteros concluyó que España debe elaborar una estrategia de Seguridad Nacional – como tienen otros países como Reino Unido, Estados Unidos y Francia – que incluya a todos los ministerios con responsabilidades en este ámbito (Defensa, Interior, Exteriores, Justicia, Educación, etc.). Esta estrategia es necesaria para facilitar la coordinación del trabajo de los civiles y de los militares desde el planeamiento de las misiones y en el terreno, y para contar con el apoyo de las ONGs y de toda la sociedad.

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<sup>9</sup> El modelo a seguir sería la operación ARTEMIS de la UE en el Congo, en la que intervino un grupo de civiles (incluidos diplomáticos, economistas, políticos, etc.) y un pequeño batallón (1500 hombres) que lograron que el conflicto no escalara y lograron que la crisis se resolviera ‘felizmente’.

# **Is the European Defence Concept wide enough? Why the European Security and Defence Policy should remain Multidimensional**

**Deputy Director, Madariaga European Foundation-College of Europe Foundation  
Marie-Ange Schellekens-Gaiffe**

“The world that surrounds us is changing fast”. It has become a cliché to say that; cliché, perhaps, but no less true.

From climate change to the financial crisis, weapons of mass destruction, not to mention the re-emergence of several frozen conflicts, the strong feeling of a world going through profound change has invaded the headlines.

If this new reality is becoming so vividly present in our minds, this is partly because it brings with it the fear for our modern societies of not being able to cope with the changes in question.

Indeed, these new threats represent great potential for conflict everywhere in the world, even in the most developed communities. Moreover they are a million times more complex than the traditional antagonizing blocks of the cold war era on which the whole multilateral system is still based today. They require an innovative and equally complex answer on the prevention and crisis management level.

The security role of the EU, which was barely discussed in non-specialist circles 10 years ago, has in the meantime been placed at the centre of the European debate by several factors. Paradoxically, one such factor, among others, is the latest American administration, whose attitude has pushed the Europeans to accept their global responsibilities.

But more recently, the Georgian crisis has also given an unprecedented boost to the European Security and Defence Policy by bringing to the forefront an unexpected situation with a war erupting in an EU neighbouring country while other international organisations could not -for technical or political reasons- be in the position to intervene.

*Is the European Union ready to cope with the new security challenges?*

Often criticised for its lack of coherence in term of foreign policy, the EU was born from the desire to secure a lasting peace in Europe. As John Hume at the Nobel Peace Price ceremony reminded us, the EU is in itself a successful example of conflict prevention and it has over the years developed several instruments and policies allowing flexibility efficiency in dealing with these issues.<sup>10</sup>

However, despite its experience of a whole array of policies and programmes oriented at stability projection and the acquisition of practical experience, peacebuilding and crisis management still remain one of the main challenges for EU external action.

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<sup>10</sup> John Hume 1998 nobelprize.org/nobel\_prizes/peace/laureates/1998/hume-symp.html

The Defence Policy, in its narrow definition, has long been a major drawback of the EU. Since the failed initiative of the CED in the fifties, The European Defence Policy has been a rather slow mover. After several limited and /or unsuccessful attempts, the Saint Malo summit marked a new start for European Security and Defence Policy (ESDP) a policy launched as a reaction to the frustration of the EU's weak performance in the Balkans war, where EU incapacity to deal with a conflict at its borders had forced the last reticence of the most sceptical Member States.

Nonetheless this rather inglorious birth has not prevented the European Security and Defence Policy developing in an incomparable manner in the last 10 years. It has today become one of the biggest success stories of the EU.

*Should the EU with its much criticised optimism be satisfied with these developments?*

At a time where not only the challenges are becoming more complex, the world order is changing and the demands placed on the EU are increasing, it is important to reflect on the very nature of the EU instruments and further analyse the potential for improvement.

*Is the EU defence concept wide enough?*

The EU has from the beginning played the card of civil action and conflict prevention. However it is today developing the ambition of becoming a major world power including in the field of defence of security and feels more and more the need to strengthen its military dimension.

Both elements are obviously essential and interconnected for an efficient response.

As Nicole Gnesotto was recently pointing out "*the military phase of crisis management is never as decisive as foreseen and post conflict stabilization and reconstruction is never as civilian as foreseen*"<sup>11</sup>.

The Madariaga Foundation, as co-organiser of the October event is grateful to Citpax to have launched this debate at such a timely moment. The political developments of the last few weeks have reinforced the accuracy and emergency of such a debate.

Is the EU current defence concept wide enough to fulfil EU ambitions to become a worldwide player in that field? Is the EU really taking advantage and making the best use of all instruments at its disposal? Is it well equipped to make a significant contribution to conflict prevention and crisis management at a global level as well as defending its security interests and contributing to its international commitments?

Based on the seminar held in Madrid last October, the current paper proposes first to analyze the new international context within which the EU defence should be further developed. The evolving nature of the new security threats, the future of the multilateral system as well as the new framework of transatlantic relations are all important elements setting the scene for an improved European defence concept.

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<sup>11</sup> IFRI Seminar 17/09/2008“ Bientôt 10 ans de PESD, quel bilan, quel avenir ? IFRI report p. 3

The current strengths and weaknesses of ESDP will then be further explored with the perspective of evaluating needs for reform in the civilian as well as military component of EU external action. This should allow us to define the paths for a future common vision for the EU Defence Policy.

## **I - Defining Security in a New World Order: from Multipolarity to Multilateralism**

World history over the past 500 years has been dominated by the West. Even the current multilateral system, still not very different from the one that emerged after the Second World War, features the heritage of the Cold War and of Western domination.

The 21<sup>ST</sup> century will be dramatically different and will mark the accession of what was previously the developing world to the top of the international agenda. The unprecedented economic rise of a country like China is already changing the global landscape very much. But China, although certainly the most striking example, is not unique. It is only the driving force of the so-called developing world which is already holding almost ¾ of foreign exchange reserve.<sup>12</sup> The emergence of these countries has a strong impact on all major challenges of our time, from the financial crisis to climate change, challenges that can therefore not be faced without these countries playing an active role.

Although it has not yet been translated into major institutional changes, this is one of the main reasons explaining why the emergence of Developing countries is also becoming more and more visible in the diplomatic world, especially at the UN.

It is often said; especially in the EU circles, that effective multilateralism is the road to peace and the model to be pushed forward.

Already in 2003 the European Security Strategy described the ideal multilateral system:

*“In a world of global threats, global markets and global media, our security and prosperity increasingly depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule based international order is our objective.”<sup>13</sup>*

Still, a significant number of authors today fear the danger of multipolarity with the re-emergence of antagonizing blocks. This fear is certainly not unfounded. During the past few years the international system has indeed been largely undermined, not only by the previous American administration, building unilateralism as a doctrine, but also by other countries such as Iran, North Korea and Russia on important treaties such as the Nuclear Non Proliferation Treaty and the Conventional Armed Forces in Europe Treaty.

But the vision of a multilateral world based on a shared culture of cooperation has strong promoters. In this scenario a world where all the poles will be committed to the

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<sup>12</sup> Charles Grant with Tomas Valasek Centre for European Reform December 2007 « *Preparing for the Multipolar World- European Foreign and Security Policy in 2020* , p 1

<sup>13</sup> A Secure World in a Better World” Brussels 12 December 2003 p. 1

rule of law and play an active role in international institutions and treaties, is believed to be most likely to happen.

The EU is obviously sharing this view and is building its future policy trends on this assumption. But has the EU not always been an ‘incorrigible’ optimist?

Observing, discussing and commenting are no longer an option. Europeans do not have the luxury of being a passive observer of the new international order that is emerging. The EU’s own attitude, policy and action will have a big impact on how the multipolar world develops. The stronger it is the more opportunities it will have to influence the future shape of the international system.

The EU’s future role in a multipolar world will depend on several factors:

First of all, to be a credible actor the EU has to be strong and further develop its economic strength. It would undeniably be a mistake to focus all energy on security issues and forget to strengthen what has always been recognised as being the main strength of the EU. Being/remaining a strong economic actor is therefore the building block for becoming a strong political actor and keeping some weight in the shaping of the future world order. The way Europeans went beyond their dissensions to agree on common answers to the financial crisis goes into the right direction, but efforts should be kept at a high level.

Another element, often recognised as one of the main assets of the EU, is the capacity of leadership on global challenges such as climate change. It is on these preventive aspects that the EU has achieved its greatest successes. Taking the lead in coordinating all actors to agree on constructive and innovative solutions to those major challenges representing high potential for conflict is still rather unique and this capacity will engender respect and consideration in the international community. Such a positive image might become extremely useful in a crisis management context.

Acting as a model also implies that the EU should not be afraid of clearly and loudly advocating its respect for international law. Soft power is a power and most EU power derives today from its support of international law and institutions of international governance.

Promoting multilateralism also means playing the multilateral game even before the play has started. It will therefore be crucial to engage constructively with all other global players avoiding the danger of leaving outside the most difficult ones. The capacity the EU has developed over the years to propose a comprehensive and flexible approach to problems shall be key in that respect.

Countries like China or Russia should not be ignored even if the EU should make clear that it gives priority to multilateral negotiations and not to bilateral talks with big powers. As a consequence it would be wise for the EU to give a proper answer to President Medvedev’s proposal for new security architecture.

To conclude, the EU has the obligation to become a more proactive actor and make multilateralism a means as well as an end. It is only by becoming a positive model that the EU will be able to make a real contribution to the success of the new world order.

## **II-Reinventing transatlantic relations**

Transatlantic relations have always been a central issue in the EU security debate and it is most likely to remain this way in the future. The recent and widely acclaimed election of Barack Obama has moved this item to the top of many agendas especially on our continent. This long awaited event has an important impact of the future EU / US relationships but it also indirectly launches a debate on the future of NATO and the future role that the EU will be willing to take in the field of security.

Indeed if many Europeans believe that the advent of a new American administration will offer new opportunities and see the US play a more active role on the international arena, the US also have some clear expectations as regards the form of the EU answer.

The new American President has already proved to be more open to a global answer to international security than his predecessor, but one should not forget that he is first and foremost the president of a country deeply affected by the financial crisis, and with an overstretched military.

The Europeans will certainly have to face a demand for stronger involvement not only toward greater support to current US priorities but also on its own side where US disengagement implies that the EU will increasingly have to assume roles previously played in and around Europe by the US.

It has indeed become clear that US priorities are nowadays not in the Balkans or North Africa but much more in Asia and Middle East. Indeed, this analysis was recently confirmed by Vice-President Joe Biden at the Munich Security Conference last February.<sup>14</sup> On the one hand he sent highly positive signals on consultation and cooperation with European allies, a change of attitude that had been long awaited on this side of the Atlantic. However, on the other hand, he also made clear that Obama's new foreign policy framework will have a cost for Europe.

The EU cannot expect a greater share in the decision-making without showing the willingness to shoulder a greater share of the burden.

*While pledging to abide by international rules, fight climate change, engage with the Islamic world and "press the reset button" with Russia, Biden warned that Washington would also expect changes from Europe. "America will do more. That's the good news," he said. "The bad news is that America will ask for more from our partners as well."*<sup>15</sup>

Afghanistan, which is going to be one of the most pressing issues in the coming months, will be the first test for the EU in that context.

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<sup>14</sup> Joseph R. Biden – Speech at the 45<sup>th</sup> Munich Security Conference -7 February 2009-  
[www.securityconference.de/konferenzen/rede.php?menu\\_2009=&sprache=en&id=238&](http://www.securityconference.de/konferenzen/rede.php?menu_2009=&sprache=en&id=238&)

<sup>15</sup> Leo Cendrowich “Europe: No Blank Check for Obama on Global Security “ Time Magazine 9 February 2009

At an event organised recently by the Security and Defence Agenda, J. de Hoop Scheffer warned the audience: “Afghanistan needs more than encouragements from the sidelines”<sup>16</sup>. He was clearly referring to a significant increase in forces but he also welcomed substantial increase in civilian reconstruction efforts.

It would be interesting to see how Europeans are going to answer this call in the coming months especially taking into account the lack of political strategy from the EU as regards this region. If we look at previous actions they seem to have been made without a clear view of what the EU wanted to achieve...

NATO is also reaching an important time in its history. The next NATO summit in April should see the adoption of a new strategic concept for the Alliance. What impact could/ should it have on EU/ NATO relationships?

Although EU and NATO are most of the time working side by side, the relationships between the two organisations have not been institutionalised and current arrangements are mainly based on “constructive ambiguity”<sup>17</sup>.

The Berlin + agreement is not always providing the right framework for the vast array of actions required. The current decision-making system is mainly based on consensus, and many aspects of the EU/NATO relationships are far from being optimal. Despite the fact that today the EU has as many as twelve ESDP missions in various parts of the globe, only in Bosnia are the EU and NATO integrated.

In Afghanistan, there is no formal agreement between the EU and NATO. In Kosovo there are still many problems that have not been resolved and NATO forces are working separately from the EU governance mission. Not to mention Turkey’s refusal to let Cyprus in to NATO operations.

What do Europeans want from NATO on the eve of the Kehl summit where the future of the Alliance shall be discussed?

This is certainly a tricky question for the EU, as in order to be in a position to give a proper answer the Europeans must first be clear about what they want from themselves.

A clear common position about NATO enlargement would certainly benefit the future of EU security strategy. For the time being the possibility of having Member States in the EU and in NATO holding different positions could be extremely detrimental.

The Lisbon Treaty includes several elements that could help define the future links between the two organisations.

Under the terms of the Lisbon Treaty the EU is not constricted to being the “civilian arm” of NATO. The Treaty goes quite far and takes over the mutual security provision of the old Western European Union. The European Defence Agency as an institution is

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<sup>16</sup> “Transatlantic Leadership for a New Era “Security and Defence Agenda evening debate , 26 January 2009 -report p.6

<sup>17</sup> Paolo Brandimarte and Roberto Menotti:”it’s time to clarify the constructive ambiguity in the NATO-EU security relationship” Europe’s World – spring 2007

granted the capacity to rationalise arms procurement policies. There are also provisions in the Treaty allowing a core group of politically willing and militarily capable Member States to integrate their armed forces and to undertake operations on behalf of NATO and the EU. Last but not least the treaty also foresees the possibility of the EU's neutral Member States abstaining constructively.<sup>18</sup>

All these elements would certainly contribute to the rationalization of the relationship between EU and NATO. It leaves several options open for EU future position vis a vis NATO but the Treaty will not solve everything: division of tasks and complementarity are still important issues to be discussed.

Unfortunately the future of the Lisbon Treaty is still dependent upon a constructive solution to the Irish problem and moving ahead in the transatlantic relationships might be difficult before some clarity is brought in the EU institutional architecture.

*What could be the role of the EU in defining the new NATO architecture?*

This will be dependent on the way the EU will choose to act as a security actor. The EU can choose to remain a strong civilian actor but its influence on NATO's future architecture will somehow also depend on its capacity to prove that it has the political will and practical means to offer at least some hard power in the defence of the continent.

Since the last Bucharest NATO summit in April 2008, the EU has confounded most of its detractors by deciding to revitalise NATO. The biggest signal has been made by France. First, President Nicolas Sarkozy surprised his partners by announcing that France would reverse General de Gaulle's 1966 decision to leave the military structures of NATO. And in parallel to that the French Presidency has worked hard to promote the adoption of concrete initiatives for the pooling of defence capabilities.

NATO has everything to gain from a strong and consistent partner even in the military field.

Should this become a reality, important grey areas will remain for the EU where America still intends to be a crucial player -as it was the case with Kosovo- but there will obviously be space for high profile European engagements.

Should the major EU countries fail to meet their stated goals, NATO will not be healed: on the contrary, it might be weakened. The alliance is not challenged by the potential success of the European Union as a strong international actor, but by its possible impotence and paralysis.

The Vatanen report, the first report ever issued by the European Parliament on EU-NATO cooperation was adopted by a large majority in the European Parliament's Foreign Affairs Committee on 20 February 2009. It sets out the main problems that hinder an effective EU- NATO cooperation and suggests possible remedies: creating an EU operational headquarters, insisting that tension between Turkey and Cyprus be solved for a workable EU-NATO cooperation, calling for a more effective division of

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<sup>18</sup> cf among others interesting analysis from MEP Andrew Duff [www.andrewduff.eu/news](http://www.andrewduff.eu/news)

labour between the two organisations as well as strengthened transatlantic relationships, the cornerstone of EU-NATO relations.<sup>19</sup>

At its summit in Strasbourg/Kehl in April, NATO countries are expected to task the Alliance to produce a new strategic concept for the organisation. The content and impact of this new strategy document is still unclear but the process of consultation will be highly interesting as such. However protagonists should not loose sight of the necessity to ensure mutual coherence between the European Security Strategy and the future NATO strategic concept.

If NATO is to survive and prosper, it needs in the EU an intelligent and coherent and strong partner and, as Ari Vatanen reported: "Barack Obama cannot change the world by himself, Europe must meet him halfway"<sup>20</sup>

European leaders should keep that in mind while reflecting on the future framework of the European defence concept.

### **III: Defining and Assessing New Threats**

*Complexity and uncertainty are core features of the international landscape. The boundaries of national and international politics are blurring. Old templates do not enable us to make sense of today's new threats, new issues and new powers. Meanwhile, many of the old problems from the rubble of past empires endure.<sup>21</sup>*

By remembering this, during a speech held recently at St Antony's College Oxford Javier Solana sets the scene for the future European security and defence concept.

Security strategies are always useful when it comes to mapping out future threats and ways to address them. But a security strategy concept as such has not entered the European debate before the beginning of the 21<sup>st</sup> century. Even at the academic level the discussion about security threats is rather recent.

During the cold war period, security issues were indeed rather straightforward and were dealt with in purely politico-military terms. The hard security concept was centred on mutual fear among regional great powers.

The 90's, with the collapse of former Soviet Union opened the way to a new, wide and rather vague conception of "new security issues" with a softer dimension such as environment, migration , poverty "...etc.

As with most concepts that have emerged in the field of security, the practice came before the definition. At that time these new security issues had not been clearly

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<sup>19</sup> Report on the role of NATO in the security architecture of the EU ( 2008/2197(INI) PE414.153v02\_00

<sup>20</sup> EPP-ED Group in the European Parliament –Press release 21 February 2009-

<http://www.epp-ed.eu/Press/showpr.asp?PRControlDocTypeID=1&PRControlID=82>

<sup>21</sup> Address by Javier Solana EU High Representative for the CFSP "Europe in the World: The Next Steps"

\_ Cyril Foster Lecture\_ Oxford, 28 February 2008 p.2

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/discours/99116.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/discours/99116.pdf)

defined and this lack of definition can represent a serious weakness when it comes to policy implementation.

The European Union, in line with its soft image quickly specialised on these issues, leaving the hard security stuff to its US partner, and by so doing reinforced the perception that EU capacity was mainly civilian.

Experience has shown that there could have been many ways of dealing with the new security challenges but the EU discovered in its toolbox a magic tool that was extensively used at an initial stage: i.e. Enlargement. When it comes to the Post Soviet era and the integration of countries from Central and Eastern Europe, Enlargement has undeniably proven to be the most successful tool for conflict prevention. However this response can only be valid for a limited period of time and for a limited group of security concerns. It cannot be applied to a wider extent without having an impact on the attractiveness and preventive potential of the integration perspective, although certain Member States today still tend to promote Enlargement as the appropriate answer to the potential neighbourhood security problems...

It is only in 2003 that the first official security strategy document was produced by the EU. This major paper which is now one of the most quoted documents, provided for the first time the framework for an official EU vision of threats

In 2003 the European Security Strategy listed five key threats:

- Terrorism
- Proliferation of Weapons of Mass Destruction
- Regional conflicts
- State failure
- Organized crime

Some authors such as Ole Waever<sup>22</sup> regret that this list is too much inspired by the fear of terrorism, bordering on paranoia that invaded the West after the tragedy of September 11.

It is certainly true that, in this list, terrorism is listed as the first threat, but all the other threats could have been selected because of their potential contribution to terrorism.

If we follow this reasoning it could be claimed that the European Security Strategy, at the time it was adopted, could be seen as a different spelling of the American war on terror or as Ole Waever writes, it seemed that in so doing, Europe accepted the rhetoric and adjusted the content, adopting more civilian means against the threat of terrorism.<sup>23</sup>

If it is not possible to officially confirm this analysis today, this assertion is certainly not unrealistic, taking into account that as one of the aims of a security strategy is to generate public support.

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<sup>22</sup> Ole Waever , *The Next Security Strategy for Europe: Conceptualising beyond the Age of Terror* in BEPA Monthly Brief, Issue 18, September 2008 p 4

<sup>23</sup> Ole Waever op. cit. p.5

5 years later the concept has evolved and the latest Solana document is now adding a whole range of new threats to the initial list: climate change, energy security, cyber security, piracy....<sup>24</sup>

The list is becoming wider and all the items listed have proven to be relevant, more and more interconnected, and all require a coherent and coordinated answer.

The EU decision makers bear a big responsibility in the way threats have been and will be identified in the future.

Identifying and naming a threat is not innocent. It has a clear impact on policy implementation and development of capacities and this raises unprecedented conceptual challenges that the EU decision makers will have to face.

There is a need to develop a political culture on how to handle the identification and prioritization of threats, avoiding false prioritization. The current list still remains largely an interesting sketch of the world problems but if there should be a link between identification and implementation; does it mean that the EU could have a central role in dealing with all these threats?

There has already been some concern about EU recent action in Somalia, addressing piracy. The EU involvement was questioned as addressing piracy is not addressing the root of the problem but only a contribution to a very complex situation.<sup>25</sup>

Between identification and implementation there is an important missing link in the diverse EU Security strategy documents: i.e. risk assessment.

The development of a risk assessment methodology shall become an integral part of a security strategy. But with the extended list of threats identified different fields of expertise are now intersecting in the security field. Assessment in each field is very technical and requires specific expertise. No such methodology has been designed yet in a way that would encompass the diversity we have to deal with. There might therefore be a danger of homogenisation of our assessment and as a consequence of our reaction to diverse threats.

Last but not least, like the initial document, the 2008 review still has a negative connotation, implying the necessity to react to forceful threats.

In order to develop its full capacity of becoming a global actor on the international arena it would be a wise move for the EU to find a more positive way to position itself by shifting the current debate from the security level to the strategy one.

Who do we want to be, how do we want to interact with the others and develop a vision for Europe as a society and as a global player?

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<sup>24</sup> Report on the implementation of the European Security Strategy – *Providing Security in a Changing World*, Brussels, 11 December 2008

<sup>25</sup> MEP Ana Gomes intervention in SDA monthly roundtable on *Assessing the Value of Security Strategies Reviews*-Brussels 16 February 2009

It is only by moving the debate to this strategy level that the EU will be able to tackle threats at the source.<sup>26</sup>

#### **IV: European Security and Defence Policy: a Civilian Record with Military Heritage**

The European Security and Defence Policy (ESDP) is one of the biggest success stories of the EU. Since the St Malo Summit took place, only ten years ago, significant common instruments have been established. The achievements are undeniable, and in many respects they are much more substantial than many other EU initiatives, not to mention the 50 years that were needed for establishing the Euro...

Would the current ESDP concept need to be widened? To answer this question, it is important to come back to the origins that explain most of the current features of this European policy, as well as its potential and limits regarding its expansion and widening prospects.

In the last 10 years, more than 20 ESDP missions have been successfully implemented. This fact in itself represents a major success. But what is even more interesting is the horizontal nature and geographical scope of these missions. ESDP missions until now have not been restricted to the European continent, but they have extended to Africa, the Middle East and even Asia. They have encompassed such diverse elements as crisis management, disarmament, civilian missions (training of judges and police forces) and cease fire control. ESDP missions have been horizontal in nature, requiring the use of extremely complex and diverse instruments that no other organisation could provide.

Civilian actions benefit from a direct control of the European Parliament, which is not the case with defence aspects. Moreover, the budget of the EU does not finance only civilian operations, but also a vast array of other instruments and programmes usefully contributing to the EU security profile, such as research in the field of security (1.3 M €) or Galileo (3.4 M €).

Today, among the 22 ESDP missions carried out by the EU, 16 have been civilian and only 6 military. This being said, even the missions that have been involving combat troops were rather limited with regard to the number of soldiers deployed.

According to most commentators, this gives to the ESDP a strong civilian dimension, which is often described as a weakness when it comes to the EU's ambition to become a global player in the field of security.

First of all, it is important to remind -and by so doing to dismiss a widespread misconception- ESDP is not a European Army, nor a European Defence system as such and there is very little chance that it will ever become one, at least in the traditional conception of these terms. It was also never created with the perspective of replacing NATO. In spite of its military origins,<sup>27</sup> ESDP was born from the recognition that many

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<sup>26</sup> Euro politics 3630 -311-2008 p. 25

<sup>27</sup> the failure of the EU in the Balkans was a military failure which outlined the need for the EU- to do better in the military sphere

of today's security challenges are non-military, ranging from conflict prevention to crisis management to post-conflict reconstruction. The idea behind ESDP was to use comprehensive policies, including institution building, financial assistance, trade policies, policing, etc. with the perspective of preventing conflicts and rebuilding societies emerging from war.

The deployment of military force -under the authority of the UN Security Council- was certainly not excluded, but it was never seen as the main element. ESDP, from the beginning, was seen as a unique blend of civil and military tools.

The operational progress in civilian crisis management made by the EU since 1999 has been impressive and has helped to enhance the EU's reputation as a credible security provider. To remind only a few of these achievements: the EU was involved in the reform of the Congolese army, in the reform of the judiciary in Georgia, in the training of police forces in Iraq and Afghanistan, in the monitoring of the Rafah border, and even in the oversight of the implementation of the peace agreement in Aceh. Last but not least, the EU launched at the end of last year its first naval operation, EU NAVFOR - Atalanta, to respond to the steady increase in pirate activity in Somalia and the Gulf of Aden.

The broad diversity of EU operations raises the issue of the definition of a civilian mission.

At the Helsinki summit in 1999, where the framework of the future ESDP was discussed, the need for improved "military and non-military" faculties has been outlined. But the focus was, back then, more on the military needs: how many units, of what type, etc. The conception of civilian capabilities was left as vague as "non-military". It was only later that civilian capabilities were defined more precisely to include police, judiciary, civil administration and civil protection capabilities.

This type of operations rapidly became successful and Member States quickly volunteered civilian staff to support these missions. At least 5,000 police officers have been pledged for ESDP missions.

Already in 2003 the European Security Strategy implicitly confirmed the importance of EU capacity for civilian crisis management, stating that "*the EU could add particular value by developing operations involving both military and civilian capabilities*"<sup>28</sup>

In 2004 the first Civilian Headline Goals (GHG) 2008 instrumentalised civilian capacity for ESDP with the aim of enabling the EU to conduct several civilian ESDP missions, including at least one large civilian substitution mission at short notice in a non benign environment.<sup>29</sup>

Already at that time, the document identified a shortfall of civilian personnel capacity in many categories: judges, prosecutors, prison personnel, police officers and police border officers.

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<sup>28</sup> ESS op cit

<sup>29</sup> Civilian Headlines Goals 2008 - <http://register.consilium.eu.int/pdf/en/04/st15/st15863.en04.pdf>

Civilian capabilities are undeniably one of the major successes of the EU but in order to face the growing demand for EU action worldwide these capabilities would need to be significantly extended.

However it appears that civilian capabilities have not significantly improved since the first Civilian Headline Goals but more importantly, that we have reached a threshold when it comes to Member State contributions. 2.000 police officers is the average contribution for all ESDP missions at any one time, with most missions operating at between 80% and 100% capacity. Moreover, with large missions such as EULEX Kosovo, rotation is becoming more and more problematic.

*Why is it so difficult for Member States to contribute more, taking into account that the total number of police officers in the EU is close to 1.6million?*

First of all the recruitment process is very labour intensive. It is not possible to assign civilian staff as one would do for the military. For a civilian mission, Member States cannot volunteer whole units of civilian officers, as the recruitment requires hand-picking of officers from each of the different Member States. Even once the recruits are found, this process means that heads of missions are presented with a large number of personnel with heterogeneous training backgrounds. For this reason, investment in training becomes essential and requires a big commitment in time. Yet this investment is not always affordable. The necessity to react rapidly and sometimes the political pressure to be seen quickly on the ground do not allow sufficient time for proper harmonisation and contextual training for deployed staff.

Moreover, a significant number of qualified staff is also needed for non-EU civilian missions or for daily duties in their own societies. Competing demands can turn into a nightmare especially when parliamentarians have to agree to both the financial and human resources aspects of an ESDP mission.

The growing number of civilian interventions, their geographical scope and the variety of instruments they require show that the EU has made faster progress in the soft dimension of crisis management than in the military one. The growing number of requests for civilian involvement validates this choice but also represents new challenges.

A special effort should be made in assessing civilian missions in a systematic way, involving all stakeholders and ensuring proper dissemination of useful information. This is one of the main priorities of the CHG 2010 but the current evaluation process remains mainly internal<sup>30</sup>.

As regards capacities' improvement as such, the Declaration of Strengthening Capabilities, adopted last December, sets very ambitious goals for the EU. According to this document the EU should aim at securing the capability of "*two major stabilisation and reconstruction operations with a suitable civilian component, supported by up to 10.000 troops for at least 2 years and around a dozen ESDP civilian*

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<sup>30</sup> Civilian Headline Goals 2010

[http://www.consilium.europa.eu/uedocs/cmsUpload/Civilian\\_Headline\\_Goal\\_2010.pdf](http://www.consilium.europa.eu/uedocs/cmsUpload/Civilian_Headline_Goal_2010.pdf)

*missions of varying formats, including in rapid response situations, together with a major mission (possibly up to 3000 experts) which could last several years".<sup>31</sup>*

These goals are ambitious but the question of availability as well as coordination will remain important.

#### *How should the current capacity gap be filled?*

The Council General Secretariat has on its side has increased its internal capacity up to 3300 staff and it is also developing a system for civilian rostering that should be linked with training needs. These initiatives are welcome but they probably won't be sufficient.

Other ideas have already been suggested such as the creation of a Civilian Peace Corps. This proposal, discussed informally at this stage, should be further explored

Commentators like Daniel Korski suggest that a civilian reserve force should be created with the purpose of serving ESDP missions<sup>32</sup>.

Improving infrastructure and command for civilian ESDP missions as well as ensuring better coordination between civil and military capabilities should remain a priority. The establishment of the Civilian Planning and Conduct Capabilities as well as the future merger of DG 8 and DG 9 into the Civilian Military Planning Directorate will hopefully have a positive impact.

The EU civilian operational capacities under ESDP and their coordination mechanism is a specific feature of the EU and have no equivalent in other international organisations. It is a real asset on which the EU should build to further develop its capacity as a global player. However, in the last few months the debate seems to have switched more to the military capacity of the EU. Civilian capacities should not be neglected as there is a danger that too high objectives in pure military terms might undermine the short and medium term efficiency of ESDP.

### **V- Is the EU Capacity Adapted to the Global Demand?**

The EU is increasingly solicited in different parts of the world, and this demand for greater EU involvement is likely to increase dramatically in the near future.

First of all, it is now becoming obvious that the future American foreign policy will increasingly focus on regions such as Iran, Iraq, and Afghanistan. As a consequence, US disengagement in certain regions of the world will have to be compensated for by EU diplomacy.

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<sup>31</sup> Declaration of Strengthening Capabilities

[www.consilium.europa.eu/ue/Docs/cms\\_Data/docs/pressData/en/esdp/104676.pdf](http://www.consilium.europa.eu/ue/Docs/cms_Data/docs/pressData/en/esdp/104676.pdf)

<sup>32</sup> Daniel Korski – “ Uncle EU needs you “ European Council on Foreign Relations -10 October 2007  
[http://www.ecfr.eu/content/entry/commentary\\_uncle\\_eu\\_needs\\_you/](http://www.ecfr.eu/content/entry/commentary_uncle_eu_needs_you/)

Instability in the South and in the Eastern ring might be amplified by the financial crisis, and the growing link between internal and external policies (organized crime, terrorism) is already posing a new challenge for the management of EU external action and institutional cooperation.

The EU has openly put an emphasis on conflict prevention and post-conflict stabilization. However, if in today's world military power is never enough- as it was clearly demonstrated in Iraq and Afghanistan- a purely civilian intervention is also not the solution. DRC and Darfur are two cases where lessons should be drawn for the future.

Until now, the EU has not yet carried out a military operation to the scale of NATO or UN ones. Should the EU more forcefully enter into this field of operations? Or should it specialize in civilian crisis management, taking into account that an increasing number of small scale but demanding actions are to be foreseen in the near future?

The EU has already shown that it has some capacity in the military field, like in Chad or in Kosovo, but a lot still needs to be done as regards implementation and operability.

The EU strategy, with or without NATO, is based on national building blocks. The military dimension of ESDP is indeed largely intergovernmental and the EU military capacity depends largely on the means that Member States are willing and able to put at its disposal for operations. It is therefore difficult to consider EU capabilities as a whole. Each nation has its own set of defence priorities and adapts its defence capacity accordingly.

#### *How are Member States conceiving the reform of the defence sector?*

In the new international context, most EU Member States- maybe with the exception of some countries from Central and Eastern Europe- don't fear any direct threat to their territorial security any longer. The ongoing reform of the military in Member States is therefore guided by contemporary commitments and new contingencies at home and abroad.

Yet defence budgets remain low and even decrease in some Member States. How will it be possible to face the growing demand for intervention? Is it realistic to expect having access to more forces, more deployable, more capable and at a lesser cost?

Assessing capabilities in a modern world has become a tricky issue. We have moved away from the cold war era, when military power was simply measured quantitatively. The number of tanks, aircrafts or men was the benchmark of a nation's power.

Nowadays, assessing military capacity is more subtle and criteria might evolve depending on the political context or the type of operations.

The IISS in its recent comprehensive survey is proposing useful new yardsticks for evaluation.

Five main elements are noted as relevant when it comes to military capacity assessment:

- The nature and scope of the defence reforms undertaken in each country;
- The level of defence ambition;
- The analysis of EU defence industry, access to supply, access to technology;
- Nations' track record on deployment, rapid reaction and participation to international exercises;
- Legal and constitutional procedures each country has to go through before deploying armed forces<sup>33</sup>

EU countries are obviously making progress to adapt their forces and resources to the needs of international operations. Serious efforts have been made to restructure the military to be better fitted to contemporary tasks and reduced budgets.

As shown by the figures, the theoretical capacity of the EU to influence international security issues through military power remains significant.

About 2 million military staff are in active service in the EU and more than 200 billion Euros are being spent on defence (although there are still major discrepancies between the different Member States). It is clear however that large countries are more ambitious than smaller ones. Developing capabilities so as to increase influence as well as tactical and operational weight is obviously much more important for France and the UK than for Belgium.

Adopted last February at the European Parliament, the Wogau report<sup>34</sup> deplores that, today, out of the 2 million troops in active service only 2,7 % are deployable. And the proportion would be much smaller if the French and British forces were not taken into account.

Hence the question should not so much be about increasing budget spending and capabilities, but about whether the capacities developed by Member States can be used to serve the EU ambition to have a greater impact in multinational operations.

Having a greater impact on operations worldwide requires a wide range of capabilities, some of which are still quite new, able to perform a variety of tasks ranging from humanitarian assistance to more traditional combat.

For the EU, this ambition implies not only the capacity to have access to usable arm forces, but also the necessity to develop the right mix of skills, training equipment, support systems, as well as the capacity to deploy rapidly even in far away places, and last but not least the capacity to sustain a mission several months, should this be needed.

In this context it is clear that a lot more needs to be done to modernise European forces and make them more available for deployment and better equipped, insisting on their interoperability.

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<sup>33</sup> International Institute for Strategic Studies-Strategic survey 2008  
<http://www.iiss.org/publications/strategic-survey/strategic-survey-2008/>

<sup>34</sup> Report: on the European Security Strategy and ESDP [2008/2202(INI)] - Committee on Foreign Affairs. Rapporteur: Karl von Wogau

The average deployment of European troops abroad since 1999 is between 55,000 and 79,000 men.<sup>35</sup>. This will not be enough to meet the future demand for international operations and most EU countries will need to increase their targets for deployability.

The defence budgets are not likely to increase in the coming years. This means that it would be wise to make better use of existing budgets. Too much is being spent today on maintaining existing infrastructures and too little on investment in modern equipment and research.

As regards equipment, improving the management of its procurement could have a significant impact on the modernisation of European armies. The current slowness has a negative impact on access to new technologies and the lack of coordination of industrial supply in Europe should also be remedied.

The recent defence directive targeting procurement for military and certain non-military security purposes goes into the right direction. It will be more flexible than the current Public Procurement Directive ([2004/18/EC](#)) and it provides special provisions for sector-specific issues such as security of supply. It will as a result enhance transparency and fair competition on defence markets.<sup>36</sup>

Successful steps have also been taken to link military capacity with industrial capacity, notably via the creation of the European Defence Agency in 2004. The Lisbon Treaty would have institutionalised the Agency but in the meantime the Agency will certainly continue to work and anticipate strategic needs of European Defence Policy.

The Wogau report<sup>37</sup> sets greater ambitions for the EU Defence Policy and insists on the need to use resources more effectively. Karl von Wogau calls for “an integrated European weapons systems” and advocates the setting up of an EU operational headquarters.

These proposals are rather advanced and it might be too early to see them adopted, but in the short term the main challenge for the EU is to secure the ability to deploy forces rapidly.

In that respect the last defence package adopted last December under the French presidency goes into the right direction

The Capability Declaration “sets numerical and precise targets to enable the EU, in the coming years, to conduct simultaneously, outside its territory, a series of civilian missions and military operations of varying scope, corresponding to the most likely scenarios”<sup>38</sup>.

It includes, among other targets, the ability to deploy 60 000 troops within 60 days, the ability to conduct two simultaneous operations of up to 10 000 troops for 2 years but

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<sup>35</sup> Dr John Chipman, Director-General of the IISS speech presenting the Strategic Survey 2008- 18 September 2008

<sup>36</sup> [ec.europa.eu/internal\\_market/publicprocurement/dpp\\_en.htm](http://ec.europa.eu/internal_market/publicprocurement/dpp_en.htm)

<sup>37</sup> Report on the European Strategy and ESDP (2008/2202(INI) PE414.030V03\_00

<sup>38</sup> Declaration on Strengthening capabilities, Brussels 11 December 2008 - [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/esdp/104676.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/esdp/104676.pdf)

also lighter and more easily and quickly deployable battle groups. A clear emphasis is put on the capacity to intervene already at an early stage of a conflict.

On capabilities, the declaration calls for the establishment of a European air transport fleet, an airlift command and an airbase for a European force. It also emphasises the need to develop observation satellites and the importance to take into account military requirements in space surveillance. Last but not least, the document calls for establishing mobilization of military assets for evacuating European nationals.

In operations, interoperability is essential. The document recognises the importance of this factor, and the commitment to develop a military Erasmus as well as to improve the functioning of the European Security and Defence College should have a positive impact on harmonisation.

Pooling of efforts is also to be further explored by looking at new methods for joint capabilities, collective capabilities and voluntary specialization provision through mutual interdependence.

However, if one can only welcome this positive move, efforts aiming at strengthening the EU capacity will remain useless if not supported by the willingness to use it.

Political will is difficult to measure and it can evolve especially in a complex structure like the EU. The diversity of military cultures of old and new Member States is a unique asset which has proved to be useful to analyze and understand complex conflicts, but it can turn into a major obstacle when it comes to take rapid decisions for action.

The EU has developed rapid reaction forces; it will be important to use them. There are a lot of demands on the international arena; it is important to use this capacity, without waiting for the ideal crisis. If they are not used there is a danger that the forces that the Member States have pledged will be put into question. The recent disagreements about whether to send EU peacekeepers to Congo- not to mention Darfur- give certain poignancy to this issue.

Forces that have been pledged will become real only if they are used but, more importantly, these forces will increase the influence of the EU only if they are demonstrated to be real.

Last but not least, it is only by using them in an increasing number of operations that the EU will be able to force a common vision.

The latest developments help to give a clearer picture of how the EU intends to position itself in the field of defence and security.

The EU seems to be aiming at developing a defence capacity that will provide Europe with the ability to take action to resolve problems that threaten European interests more intensively than US interests, focusing on the problems that gave rise to ESDP: i.e.: crisis in Europe, at its borders and in neighbouring regions.

This view has been endorsed by many EU leaders. For Karl von Wogau, presenting his report at the last session of the European Parliament, the first, second and third priority

is the Balkans, the Balkans and the Balkans.” That position was also taken in the report presented by Jacek Saryusz-Wolski, on the EU's Common Foreign and Security Policy (CFSP). His report listed the western Balkans – both Kosovo and Bosnia and Herzegovina – as the primary security concern for the EU, ahead of Georgia, Russia and the Middle East.<sup>39</sup>

The main added value of ESDP is to provide an answer to the security problems by which European interests are more intensely or differently affected than the American ones.... But in order to succeed in this endeavour, a significant increase of capacity is necessary.

Does this increased need for capacity mean that the EU will need to enter the military game? What is more likely to happen and certainly the most efficient European contribution is that the EU will continue to focus mainly on stabilization, reconstruction and response to state failure. For major combat operations, NATO would remain the appropriate tool.

However, this does not entail minimising the importance of the military dimension. This option still implies for the EU a capacity to secure sufficient troops, the means to get them on stage and to sustain them. A militarized EU is not the answer and it will not in itself give more power to the EU, but it would also be wrong for the EU to limit itself to a soft power approach.

## **Conclusion**

### **Between Peacebuilding and Fighting: Perspectives for the EU**

Despite its rapid and concrete successes, the European Security and Defence Policy is still in its infancy. The question now should be: is it ready to enter into adulthood?

In 2007 a survey undertaken by the European Council of Foreign Relations and Gallup highlighted that an increasing part of the world population considers a growing EU influence as key for the development of a better world. It is also interesting to note that no one sees the necessity to balance the EU's rising influence on the world stage, contrary to the other big powers such as US, China and Russia...<sup>40</sup>

Does this mean that the EU's popularity is compensated for by the feeling that it is powerless?

Besides the early state of EU military development, the main weakness of the current EU Defence Policy is the lack of a common vision in terms of an external policy that could guide Defence Policy.

Even if the initial objective of ESDP was to give weight to EU diplomatic action, ESDP tends more and more to develop independently from CFSP. It is now increasingly

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<sup>39</sup> Annual report on the CFSP- Committee on Foreign Affairs- Rapporteur Jacek Saryusz-Wolski (2008/2241(INI))

<sup>40</sup> [http://www.ecfr.eu/content/entry/commentary\\_gallup\\_poll\\_results](http://www.ecfr.eu/content/entry/commentary_gallup_poll_results)

developing as a separate pillar with a growing control from the Member States. This somehow could explain the strong support of the UK for this policy.

Since its origins, ESDP has suffered from being mainly a reactive policy. The European Security and Defence Policy was indeed launched as a response to the Bosnian war that brought to light the weakness of Europeans when it comes to solving problems on their continent independently from the US.

Ten years later, reaction to external events and improvisation unfortunately remain a striking feature of this policy. On this point, the reactive nature of ESDP can be seen as a sign of weakness from European policy makers, who are not able to have a vision for the future of European security interests.

But one could also focus on the positive aspects and the capacity to react can be turned into an asset. To come back to the Bosnian war, the dependency on the US partner also made it clear that conflicts arising at our borders might require a different strategy than the American one, which was still based on Cold War models. ESDP can therefore also be described as a constructive reaction to the world structural changes, where post-Cold War problems need a different answer and strategy.

It is becoming important to turn this capacity to react as a tool for success by linking it to a real and clear strategy, indispensable to manage a coherent range of operations.

The best vehicle for this is the European Security Strategy, drafted by the High Representative Javier Solana, and endorsed by the European Council in December 2003. This document, the first of its kind, was rather innovative, not to say pioneering, for its time. Five years later however, this document needed serious refurbishment to reflect not only the new international context but also the clearer and more comprehensive objectives of the Union as set out in the Lisbon Treaty.

Unfortunately the “review” document endorsed by EU leaders last December is – as most analysts seem to agree- rather disappointing. It underlines Europe’s growing role as a force for global stability and draws attention to new security-related challenges like climate change, access to energy, cyber attacks and piracy on the high seas. But on the implementation side, it limits itself to listing the achievements of the past five years, rather than giving a clear orientation for the future.

One might have expected it to be more forward looking and ambitious as regards setting clear and measurable goals for the future, but the timing for revising this document was probably not the best for such an approach.

Much more could have been said if this document had been published a few months later, after the new US President had entered the White House and after the 2009 NATO summit which intends to design a new role for the Alliance.

But political agendas have their own logics and the French Presidency was certainly not ready to leave such a symbolic item out of its calendar.

The new international context is opening unique opportunities to reflect on the improvements of the EU capacity, in a concerted way going beyond the divergence that

usually dominates the debate between Europhiles and Atlantists. This opportunity should not be missed.

ESDP already has political and military significance by providing an alternative to NATO and the US for small scale crises management and state building. Can it grow into an efficient and comprehensive tool for global peacebuilding and crisis management?

Efficiency strongly depends on the capacity to learn from experience. It will be important in the future to work on a systematic assessment and follow up of every ESDP mission combined with professional proposals for improvement.

The EU future efficiency in the field of defence and security shall also depend on priorities: being a global actor does not mean acting everywhere on everything.

Globalization certainly does not imply that the EU has to be equally active everywhere on the globe. It has often been argued that globalization killed the traditional concept of geostrategy based on geography. It is only partially true. Geography remains important in the field of security and Enlargement has made it even clearer by bringing the arch of instability closer.

The EU will have to make the best use of its currently limited capacities and design clear regional priorities, priorities that should be coupled with relevant regional strategies.

As reminded earlier, the Balkans should undoubtedly be the main focus in the coming years, but Russia, the Middle East and Sub-Saharan Africa should also remain central to our preoccupation.

Crisis management is clearly multifaceted and requires the involvement of a wide diversity of actors outside but also within the EU system. Purely military actions have proven to be inefficient if not supplemented by a strong civilian component, especially as regards reconstruction and institution building (Iraq, Afghanistan). The civilian dimension where EU has till now occupied a unique position should remain a priority.

Ensuring coherence will also be one of the big challenges the EU will have to face, externally with other international organisations and major actors, but internally as well.

To conclude, let me quote Javier Solana, presenting the Security strategy review at the European Parliament on 19 February 2009: “*The EU is not and will not become a military power. It is and will remain a civilian power with more military means*”.<sup>41</sup>

Most probably the EU’s main asset as an external actor is its capacity to design and propose an answer mixing different types of instruments. The EU political and policy framework offers a wide range of components -policies and instruments-going far beyond what individual Member States could offer. This characteristic can be useful when it comes to convincing Member States to engage into further development, as well as NATO which is much less flexible as regards the nature of answers it can provide.

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<sup>41</sup> Statement by Javier Solana EU High Representative for CFSP at the European Parliament 18 February 2009 –S045/09

A reinforced ESDP will help to improve the EU's ability to confront 21st century threats. To achieve this goal, the Vatanen report calls on the EU to develop the instruments of its security strategy, ranging from diplomatic crisis prevention and economic and development assistance, to civilian capacities in the field of stabilisation and reconstruction, as well as military means. Moreover it considers that a strategic use should be made of the soft power instruments in the EU neighbourhood.

At a time when Euro-scepticism is prevailing and when EU decision makers are trying to engage citizens in the European future, the Security and Defence Policy seems to be a very popular policy supported by a large majority of citizens.

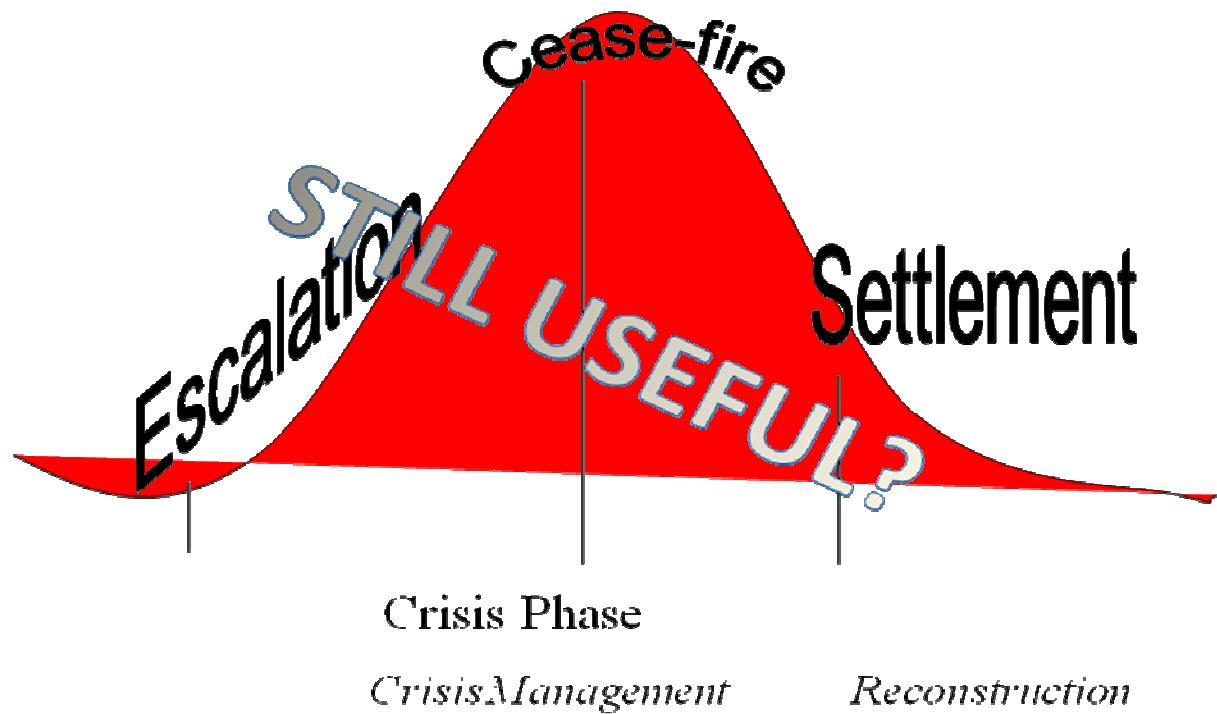
This support is not only providing ESDP with legitimacy, but it can also guarantee a useful citizens' support when it comes to further developments and improvement of this policy.

## European Civil Society Contribution to a more Secure World

European Coordinator of Nonviolent Peaceforce and Steering Committee Member of the European Peacebuilding Liaison Office (EPLO)  
Alessandro Rossi

*Summary of the intervention in MADRID, 23 October 2008: “European Civil Society Contribution to a more Secure World”*

Conflicts are part of human society, but violent conflicts are not unavoidable. In the post-war world, a mental map has become the obvious representation for international security “practitioners”. An idea of the conflict cycle looking like the “Gauss bell” so used by statistics, but with a different meaning.



In this now classical representation of the co-called conflict cycle, the horizontal dimension represents the time and the vertical the intensity of the violence. In this scheme, an escalation of the violence is ended by a cease-fire or other sort of agreement, bringing to the phase of the settlement of the conflict. In this more or less uni-linear conception, a lot of international actors have found a relatively easy way to position the pre-crisis or *conflict prevention* policies, the *crisis management* ones, bringing to the *post-conflict* ones. But is this simplified way of categorising the conflict management policies still useful? Does it still bring clear indications for who's in the quest for security and stability in the international arena?

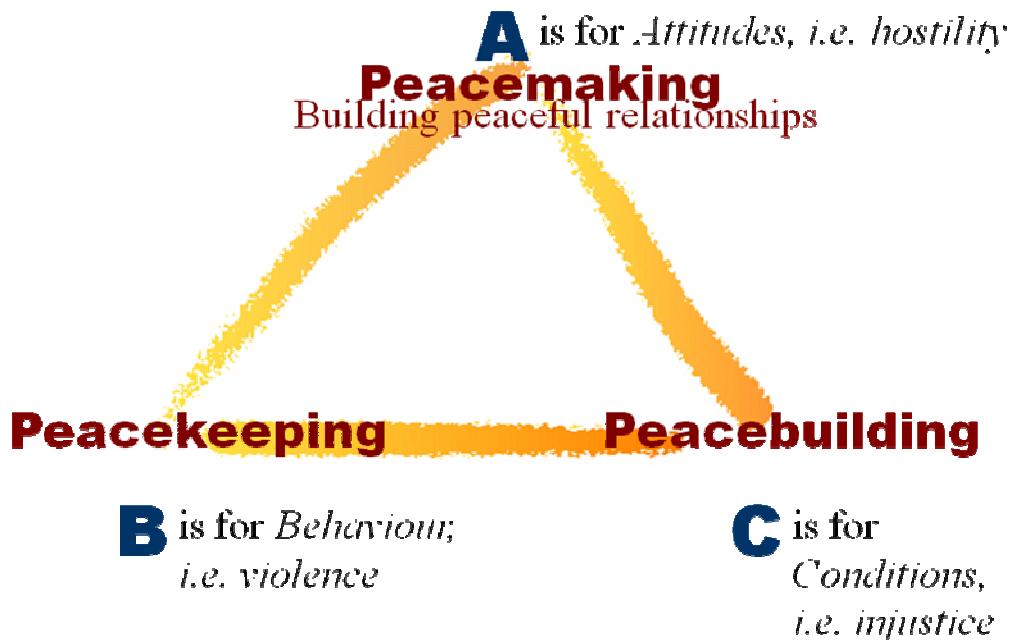
*Security, much more than crisis management*

For many practitioners nowadays, especially within Civil Society Organisations, the idea that the phases are irreversible and that crisis prevention or post-conflict

reconstruction can be looked at separately is not applicable. On the other hand, it can help to have in mind that in each moment of an escalation or of a de-escalation of the violence of the conflict there are chances to influence positively the social factors behind the violent eruptions.

In other words, such a conflict cycle representation is useful if we think of it as a continuum, whatever is the formal definition of the policy field we are called to operate in: conflict prevention, crisis management, peacekeeping or peacebuilding, and so on.

A useful orientation in distinguishing the relevant dimension in conflict management efforts has been provided by Johan Galtung in his “ABC” triangle.



In his view a violent attitude (e.g. the image of a group as enemy), possibly caused by certain root conditions or contradictions (e.g. the “structural violence” of unequal distribution of resources), brings to violent behavior, the so-called “direct violence”.

Even recognising the complexity of each conflict and thus that the map will never be the “territory” (in this case all the conflict actors/factors), such a triangle gives as a probable more useful way of conceptually distinguishing peacekeeping (e.g. preventing direct/physical confrontation), peacemaking (letting parties agree on a shared understanding, be that formal agreement or shared cultural understanding of the conflicted issues) and peacebuilding (e.g. working to remove the roots societal causes of the conflict).

There is indeed some evidence from the field practice of these NGOs in the last years that at the different levels of security policies NGOs can bring something that Governmental Institutions will always need.

This appears most of all in the dimension of the involvement and the focus on **Local Peace Constituencies and Actors, seen as the key of any strategy for a sustainable peace**

When a country falls into violent conflict, the first and main victims are the local peaceful populations, especially peaceful civil society groups.

But these are also the key actors which can be the motor of any real peaceful conflict resolution, the ones who are going to stay there after all the international interventions have flown away.

The support peace INGOs try to provide them can be as “physical” as the one given by Nonviolent Peaceforce (NP). This NGO pools international resources for third-party nonviolent civilian intervention (unarmed civilian peacekeeping) to support and protect those populations and groups at grassroots level in the conflicted areas themselves.

#### *Bringing civil society centred approach at the EU level*

If all these considerations are in many senses the obvious background of many peace Nongovernmental Organisations, it is not the same for Regional International Governmental Organisations, such as the European Union.

Centrality of local populations’ role and importance of civil society organisations’ (CSOs) contribution to international peace efforts are therefore the core of the advocacy activity of the European Peacebuilding Liaison Office<sup>42</sup>, platform of the main European NGOs working for peace, towards the EU.

The EU has made significant advances in developing its institutional structure over the last five years in order to address foreign, security and development challenges and accommodate EU enlargement. Potential future structural developments include the proposal for a European Foreign Minister and the establishment of a European External Action Service. It is hoped that these changes will increase the EU’s ability to be a global player as outlined in the 2003 European Security Strategy.

However, the raised profile of conflict and security issues has highlighted the continued problems of the pillar structure and the EU’s ‘strategic deficit’ in conflict prevention and peace-building.

The European Security and Defence Policy (ESDP) which incorporates civilian and military crisis management operations are Council led- under pillar two. These activities are institutionally and practically divorced from conflict prevention, peace-building and post-conflict reconstruction - activities supported by the Commission - as well as from the wider range of aid and trade policies at the EU’s disposal in pillar one. This institutional disconnect between the Commission and the Council means that complementary conflict prevention and development programming is not sufficiently taken into consideration in the strategic and operational planning of crisis management operations.

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<sup>42</sup> For an overview of EPLO activities and membership: [www.eplo.org](http://www.eplo.org)

The EU needs to engage with relevant stakeholders in a serious dialogue about how to reform EU structures and processes with a view to bridging institutional divides. Only by overcoming this strategic deficit will the EU realise its ambitions to be a more active, capable and coherent actor in promoting international peace and security.

The potential establishment of a joint European External Action Service (EAS) should provide a common platform for concerted action. In particular, the benefits of establishing a mechanism such as a Peacebuilding Agency or Directorate as part of the EAS to facilitate coordination between and beyond the EU institutions should also be explored.

A steady enhancement of the cooperation with external organisations and non-governmental organisations should be a priority.

First of all, this would mean to minimise duplication and maximise efficiency of implementation between external organisations, regional and sub-regional, non-governmental and civil society organisations, involved in crisis management and conflict prevention/transformation, through mechanism of regular consultation at the planning stage (e.g. through the creation of formal or informal crisis management and conflicts prevention contact groups of stakeholders).

Secondly, it could ensure the development of joint operations that support local capacity-building and longer-term peacebuilding.

In this perspective, there is the need to document and develop, in consultation with NGOs, best practice principles for all parties engaged in EU crisis management and conflict prevention.

Large room is available to learn lessons from models of cooperation/interaction between governmental bodies and non-governmental organizations, with some successful models already realised by Member States (e.g. the German Civilian Peace Services) and others implemented by non EU countries as well as regional and international organisations.

Especially in the course of the current reforms, it isn't avoidable any more to establish a regular dialogue at EU policy level with groups of NGOs in Europe active in peacebuilding, conflict prevention, transformation, and resolution.

Unfortunately, when we look at the map of the responsibilities involved in the EU external action as designed by the Lisbon Treaty, simplification is far from being an accomplished promise.

In the meanwhile, the EU is also revising its European Security Strategy, currently based on the 2003 documented approved by Member States' consensus.

While this consensus won't probably allow more than marginal revisions and maybe some annexes to the strategy itself, it could be useful for the readers to look at the recommendations to the European Security Strategy (ESS) Review by the peacebuilding NGOs, as compiled and proposed by EPLO.

Europe needs a security strategy that recognizes that security is indivisible; that Europe and European people contribute to insecurity (as much as they might also contribute to security in other ways) and that the best contribution the EU could make is to lead by example: to take strong action on our contribution to global insecurity. The ESS should lay the foundation for a clear and coherent strategy for peacebuilding, crisis management and prevention, as well as post-war recovery, drawing on the full spectrum of EU instruments and policies for an integrated security approach.

Further clarification of the security concept applied in the strategy is needed, putting the people and their needs at the centre. It should be explicitly recognised that European citizens will not be secure until all members of world society are.

Rethinking of the exclusive focus on external threats is needed. The EU and its Member States should take a self-reflective approach to challenges and threats identified in the ESS, i.e. consider how their own policies and actions affect the security environment in Europe and beyond.

Attention to the role of non-state-actors, especially the potentially positive role of civil society, should be given.

A review of the ESS should acknowledge the important role of civil society as the basis of legitimate and democratic governance structures.

Civil society organisations' expertise should be recognised and the need for dialogue, coordination and cooperation with them expressed, also to support the further development of operational capacities.

Specific attention should be also given to development and long-term preventive measures for effective security policies.

A revised ESS should make a strong statement about giving priority to preventive measures, and explicitly recognise the potential of development policies and external aid programmes for contributing to an improved security environment.

Systematic use of conflict analysis methodology should become a common practice for all external action programming, including an explicit commitment to mainstreaming conflict sensitivity in development to be included in the ESS.

The EU and Member States could increase its efforts to meet the OECD target of 0.7% of GDP for official development assistance. Exceeding this target would set a clear marker as to where the EU priority is.

More specifically, the EU's approach to fragility and regional conflict needs to include thorough conflict analysis and should focus on the re-establishment of governance structures.

The participation of local civil society, and especially peace stakeholders and potential spoilers, in different phases of re-establishing good governance is essential for long-term success.

Regional peace-building strategies should be programmed in better coordination with regional organisations (AU, ASEAN, etc.) and UN agencies, including exchange of best practices.

#### *Die hard prejudices*

In all this debate on revising security strategies in Europe at EU and national level, it is a sad evidence that at least 3 taboos restrict the perspectives of what is politically correct in the quest for international security.

First, that security is a legitimate objective also for civilian, nonviolent, civil-society based activities. There is a long way to go in the debate in diplomatic and military circles to fully recognise that. The possibilities now opened by the Instrument for Stability of the EU and its still incipient Peacebuilding Partnership are a chance to overcome this taboo.

Secondly, standing capacity to intervene in conflict area is a legitimate concept only for military forces, while civilian crisis management cannot pretend a similar standing infrastructure. This perspective is already overcome by the realities of some specialised bodies, e.g. the Civilian Response Teams within the ESDP civilian crisis management, and also in the United States similar “ready-to-go” civilian units are under construction. The problem remains that in the political arena is still perceived as politically incorrect to envisage spending of public money for standing civilian capacities to intervene in conflict areas.

Thirdly, civilian activities specifically aimed at supporting local peace actors should be implemented throughout the conflict cycle, including when the violence is at its peak. Otherwise, the experience shows that the local social actors left available for the “reconstruction” will be those same armed actors blamed for the violence uprising.

*Si vis pacem, para bellum*, “if you want peace prepare war” was a popular dictum in Ancient Rome. But we all know that if you want peace, you must prepare peace too.

## **Reflexiones sobre la Política de Seguridad y Defensa de la Unión Europea**

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Alicia Cebada**

¿Existe una política de defensa de la Unión Europea?

Tenemos una Política Europea de Seguridad y Defensa, con importantes desarrollos en los últimos años (desde la Cumbre de Saint-Malò en el 98), pero todavía no contamos con una verdadera Política de Defensa Europea.

¿Existe una política de seguridad europea?

Tenemos, desde el 2003, una Estrategia Europea de Seguridad en la que la Unión Europea identifica amenazas y riesgos, realizando una determinada lectura del mundo, que le sirve – al mismo tiempo – para definirse a sí misma. Para efectuar una especie de “racionalización” de lo que “es” o de lo que “aspira a ser”.

He mantenido siempre que la Unión Europea, como un fenómeno inédito que aunque enraizado en el ordenamiento jurídico internacional, ha evolucionado hasta convertirse en un “subsistema” o, desde el punto de vista jurídico “un régimen autocontenido”, se define a través de su discurso, en el que se incluyen actos jurídicos, declaraciones políticas y también la práctica. Y en ese discurso, la Estrategia Europea de Seguridad, es una pieza fundamental.

Es, en cierta medida paradójico que una pieza esencial en el discurso “identitario”, “identificador”, “legitimizador” (porque hay una relación entre identidad, legitimación y reconocimiento) se produzca en el marco del segundo pilar, cuando es sabido y aceptado que la ventaja comparativa de la UE se localiza en el primer pilar. Ya he escrito en algún lugar que esto puede tener la lectura de que los Estados están interesados en desplazar el centro de gravedad de la acción exterior desde el pilar supranacional (comunitario) hacia el pilar de cooperación intergubernamental, donde ellos mantienen el control.

Puesto que la Unión Europea está todavía en un proceso ontológico, puede tratar de “reforzararse” mediante una identificación de sus características “trascendentales” que le permita obtener “reconocimiento” y legitimarse frente, tanto a los ciudadanos europeos (y a sus Estados miembros) – en la vertiente interna – como frente a terceros Estados y otros actores y sujetos internacionales – en la vertiente externa – Por eso el discurso de la Unión Europea es un discurso multilateralista. La Unión Europea, por su propia naturaleza, está más cercana al interés multilateral, de lo que pueden estarlo los Estados nacionales (sobre todo aquellos que tienen poder suficiente para hacer valer su interés unilateral). Puede contribuir a impulsar la agenda multilateral.

La Unión Europea es, además, un ejemplo de nuevo regionalismo, que se caracteriza por su multidimensionalidad, y eso la convierte en un ente idóneo para perseguir y promover los intereses de una agenda multilateral muy fragmentada: comercio,

cooperación para el desarrollo, medio ambiente, son todos ámbitos en los que la UE puede actuar.

La Estrategia de Seguridad Europea, en proceso de revisión actualmente (se espera del Alto Representante que presente un documento en diciembre, aunque se sabe ya que el resultado del Proceso de Revisión no será una nueva Estrategia, sino simplemente una especie de Anexo a la Estrategia 2003), digo, que la Estrategia Europea de Seguridad se acerca bastante a una Estrategia Global de Seguridad. La identificación de las amenazas: terrorismo, proliferación de armas de destrucción masiva, conflictos regionales, descomposición del Estado, delincuencia organizada.

Como objetivo estratégico se establece la necesidad de hacer frente a las amenazas. Y aquí se hace hincapié en que es necesario desarrollar un nuevo concepto de defensa para hacer frente a las nuevas amenazas. Se rechaza el concepto tradicional de autodefensa. Se habla de la importancia de la prevención. Se dice expresamente que “ninguna de las amenazas es meramente militar, ni puede atajarse únicamente con medios militares. Cada una de ellas requiere de una combinación de instrumentos”. Y sigue “La Unión Europea está preparada para responder a estas situaciones multidimensionales”.

Pero se queda ahí. Yo creo que la acción exterior de la Unión debe contar con una equilibrada combinación de instrumentos civiles y militares, aunque situando el peso específico en los civiles (porque es ahí donde se sitúa, repito, el valor añadido de la acción exterior de la Unión). Y es necesario establecer instrumentos adecuados que permitan una combinación de las capacidades civiles y militares. Sabemos que la imposibilidad de coordinar ha hecho que en algunos casos haya sido necesario lanzar operaciones separadas (militar y civil) en el mismo territorio. En la Estrategia 2003 se subraya la necesidad de mejorar en este aspecto: coherencia en la utilización de los instrumentos a disposición de la Unión y coherencia con la actuación exterior de los Estados miembros.

**Es evidente, por tanto, que un concepto “europeo” de defensa tiene que ser necesariamente multidimensional o, lo que es lo mismo, un concepto ampliado de defensa.**

No es una empresa sencilla, no obstante. La coordinación entre los instrumentos que la unión despliega en cada uno de sus pilares no funciona bien. Hasta el punto de que he sostenido que la principal causa de la debilidad que proyecta la Unión en el escenario internacional es, precisamente, esa incoherencia.

Si no es fácil, en la Unión, desarrollar una política de seguridad y defensa realmente multidimensional, tenemos que pensar que tampoco es sencillo en el ámbito estatal.

No sabemos, a ciencia cierta, qué saldrá del proceso de revisión de la Estrategia Europea de Seguridad. Parece que el resultado no será una nueva Estrategia, sino un anexo a la actual. Éste había sido el encargo que se había hecho a Solana (no hacer una estrategia nueva sino trabajar en cómo mejorar la implementación de la existente – en estrecha cooperación con la Comisión). España ha solicitado que se incluyan como amenazas: la pobreza extrema (que hasta ahora es un desafío) y la inmigración ilegal (en relación con esto último, me plantea ciertas dudas porque puede contribuir a “criminalizar” la inmigración ilegal y puede dificultar la formulación de un discurso de

integración dirigido a la inmigración legal). Tal y como se dice en la Estrategia 2003 la naturaleza actual de las amenazas se ajustan mal al concepto tradicional de defensa. Se propone considerar la pobreza extrema, y frente a la misma no vale una respuesta militar. En los debates, se ha llegado a hablar de las turbulencias financieras como una amenaza.

Asignaturas pendientes, extremos que merecería la pena considerar: el fortalecimiento de las capacidades diplomáticas de la unión (el nuevo servicio exterior de la unión tiene que recibir formación específica en técnicas de mediación y diálogo. Los mecanismos alternativos y pacíficos de resolución de conflictos están al alcance de la Unión Europea. Pueden potenciar su reconocimiento, fortalecer su posición en el escenario mundial, como poder civil que contribuye a la prevención, gestión y resolución de crisis/conflictos internacionales). Aquí los países nórdicos tienen una gran experiencia – de la que la Unión debería beneficiarse. Precisamente, nosotros en el CITpax, estamos tratando de organizar un curso de este tipo en cooperación con una de las organizaciones más prestigiosas en este ámbito, la Folke Bernadotte Academy sueca.

La definición de las relaciones con socios estratégicos: Rusia, India, China o Japón. La multidimensionalidad de la Unión permite que se puedan realizar asociaciones estratégicas, con contenido. Es un momento decisivo en la redefinición de las relaciones con Rusia. Plantea dudas cómo se puede diseñar una Estrategia Europea de Seguridad sin tener claro cómo se va a afrontar la relación estratégica con Rusia.

La coherencia: la mejora de los mecanismos de coordinación entre capacidades civiles y militares es una necesidad.

Esperemos que la Estrategia Europea de Seguridad salga reforzada del proceso de revisión. Debido a la naturaleza de las “nuevas amenazas”, las estrategias de seguridad son cada vez menos nacionales y/o regionales y se van acercando paulatinamente a lo que se podría denominar “una estrategia de seguridad global”. La Unión Europea debería poder contribuir a la construcción de una agenda global de seguridad y ser capaz de desarrollar un concepto ampliado de defensa en el futuro, construida sobre la base de un consenso acerca de la necesidad de colaborar para hacer frente a las amenazas globales.

En tiempos de “seguridad humana”, parece coherente, definir la seguridad en términos globales. Humanidad sólo hay una. Las estrategias de seguridad – y más en el caso de la Unión Europea – deberían – evolucionar hasta el punto de convertirse en un marco en el que se hagan propuestas concretas acerca de la contribución del actor de que se trate a la seguridad global. La Unión Europea está en buena situación para contribuir a la seguridad global y la justicia global, proponiendo modos para afrontar desafíos globales como la pobreza extrema o el cambio climático. Ésa es la Estrategia de Seguridad que la Unión Europea se merece, una estrategia en la que se puede encontrar una relación entre seguridad y justicia.

Madrid, octubre de 2008

## **Reflexiones sobre el concepto de defensa de la Unión Europea**

**Director del Consejo Europeo de Relaciones Exteriores (ECFR)**  
**José Ignacio Torreblanca**

José Ignacio Torreblanca reflexionó sobre el concepto de seguridad de la Unión Europea, considerando que es un concepto demasiado amplio y poco profundo, cuya operatividad queda diluida por la permanente dicotomía entre las políticas nacionales de seguridad y defensa y la política comunitaria.

Para el Director del ECFR, la cuestión de la coherencia de la PESC seguirá estando encima de la mesa en la medida en que la UE carezca de doctrina europea de seguridad que merezca tal nombre y en la medida en que la UE no logre articular de forma coherente los dos niveles en los cuales se desarrolla la política exterior: nivel comunitario y nivel nacional.

La UE quiere que se la identifique como una fuerza para el bien. Pero la fragmentación de los dos niveles de su política exterior causa contradicciones. Así, de un lado la UE practicaría un tipo de discurso blando: habla de sí misma como un poder civil, no se decide a formar un ejército europeo y no termina de crear una doctrina sobre cómo aplicar la fuerza. De otro, la UE proyecta una imagen de poder duro: mantiene dos millones de militares, dedica un quinto del gasto mundial de defensa y tiene 90.000 soldados desplegados por el mundo.

En consecuencia, el Director del ECFR concluyó que el mundo percibe a la UE como una enorme potencia política, económica, civil y militar – más que como un poder exclusivamente civil – cuya política exterior responde a unas prácticas individuales que se intentan racionalizar a posteriori.

# Speaking Notes: The Defence Concept of the European Union: Is it Wide Enough?

**Gestora de Proyectos e Investigadora Marie Curie en el Instituto de Investigación para el Desarme de Naciones Unidas (UNIDIR)**  
**Catriona Gourlay<sup>43</sup>**

## Introduction: Widening vs. Deepening the European Security Strategy

Following the previous speakers, I will also base my remarks on the European Union's security ambitions as they were laid out in the European Security Strategy, agreed in December 2003. I understand that there is an on-going process to revisit this strategy, which may, as previous speakers have indicated, seek to 'widen' the Strategy in so far as it will likely mention additional challenges for European security. In the 2008 review we can, for instance, expect to see migration, climate change, critical infrastructure and energy security as issues which the EU will need to address. These are in addition to the 'key threats' of non-proliferation, terrorism, regional conflicts, state failure and organized crime highlighted in the original version. Similarly, the review may take note of the broader geo-political shifts in power and reflect on what 'effective multilateralism' means in a context of an increasingly multi-polar world order in which the West is in relative decline. I have no objection to an EU strategic review which 'widens' the previous security strategy by recognizing the increasingly diverse and inter-connected nature of challenges to European and human security. Indeed, I welcome a comprehensive approach to assessing the European security context over a traditional one that seeks to identify a more limited number of discrete and essentially violent 'threats' to European territory, interests and people. Nevertheless, just as a threat-based analysis has the benefits of guiding 'strategic' responses, it is more difficult to craft a clear over-arching strategy, with priority objectives and a vision of how to achieve them, in response to a broad analysis which defines security widely and emphasizes the inter-connected nature of European, human and planetary (environmental) security. A strategy that highlights the need for system-wide responses to a broad range of security challenges risks being intangible and ineffectual at guiding policy and practice. The trick, as ever in politics, will be to prioritise -- identifying key issues and/or regions in which the EU is willing to play a leading role and has or is willing to develop the capabilities to do so.

Even if we all accept the 'widening' of current security challenges, what the EU does about them ultimately depends on whether member states can agree to act in response to a series of case-specific crises. These decisions are determined not only by the alignment of national foreign policy interests in relation to particular countries or issues but also on national visions of the EU's role as a security actor. The value of any European Security Strategy is therefore not only about the breadth of the shared 'threat' analysis, but also about the depth of a common vision for the EU. It remains to be seen whether the 2008 assessment will provide greater clarity on the EU's strategic priorities

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<sup>43</sup> This presentation was given in a personal capacity in the role of a 'discussant'. It is not therefore a research paper and is not properly referenced. Should readers be confused by jargon or interested in finding out more about unsupported or referenced points, I will be happy to expand. Please contact me at cgourlay@unog.ch.

and further guidance regarding a common approach to addressing the challenges identified, over and above the broad commitments to ‘effective multilateralism’ and making the EU ‘more active, capable and coherent’ identified in the 2003 Strategy.

That being said, it is perhaps inappropriate to reflect on whether the European Security Strategy Review process should increase the scope and depth of the EU’s strategic security ambitions when the 2008 Review is explicitly intended to assess the *implementation* of the 2003 strategy, rather than expand or replace it. It is in this spirit that I focus my remarks on the EU’s track record since 2003. I will limit myself to addressing the EU’s role in crisis management and will consider the European Security Strategy’s stated policy ambitions for an EU which is more *active, capable* and *coherent* in turn.

### **More Active?**

Since 2003 when the European Security and Defence Policy (ESDP) became operational – enabling member states to launch crisis management missions under the EU flag for the first time – there has been an impressive surge in activity in the form of some 20 missions launched in the Balkans, the Caucasus, Middle East, Africa and Asia. This appears to be clear evidence that the EU’s ambitions to be a global security actor have been realized. However, the EU remains cautious in its approach to crisis management. It is significant that the vast majority of EU operations are small civilian missions in relatively secure contexts, designed to build capacity in police or rule of law, monitor borders or disarmament and demobilization processes, or provide advice to security sector reform processes. On the military side, it is undeniable that ESDP has resulted in increased European military engagement in Africa. The number of European troops deployed in UN missions in Africa had steadily declined to the point where, even before ESDP, European troops typically made up less than 1 percent of UN troop deployments. Few would deny that it is ESDP that made, for instance, German troop deployments in the EUFOR Congo mission possible (albeit still controversial domestically). However, while ESDP has arguably led to more European military crisis management activity, these actions have been closely circumscribed. The EU has been willing to take over military tasks from other security actors in the EU’s relatively secure neighborhood, notably in the Balkans (operation Concordia in Macedonia and operation Althea in Bosnia Herzegovina). Its military engagements in Africa have not replaced the UN’s leading role but rather served to address gaps in UN operations. For instance, the ‘bridging’ operation of Artemis focused on civilian protection in a limited area -- Bunia, Ituri and the over-the-horizon mission EUFOR in the DRC, provided stand-by support during the 2006 elections. Invariably and by design, the UN has been the EU’s exit strategy. The UN can not, however, count on EU support even for limited supporting roles. Despite early UN requests for ‘predicatable’ support by the EU, for instance in the form of stand-by arrangements, the EU, like all other nations, provides support on a purely case-by-case basis. This is because member states insist on the ‘decision-making autonomy’ of the EU.

In practice EU actions require not just clear requests for assistance by the UN, other regional actors or host countries but also internal leadership. In the case of EU military missions, this has typically been provided by the EU’s leading military powers, France and the UK, supported by the HR/SG. Their calculations about whether to act in an EU framework are naturally conditioned by a number of factors. These include their

available capacity, national interests and calculations of acceptable risk. These evidently change over time and are context dependent. For instance, while the EU has been ‘active’ in the DRC in the past, it appears that in the present context France is less interested in leading an EU intervention. Despite the increasingly desperate security situation in Eastern Congo, and increasingly explicit and high-level demands for additional support for the UN’s mission MONUC, the EU’s voice is conspicuously absent. It appears that addressing the present Congo crisis is not a mission that France, the UK or other Europeans are readily willing to take on.

Reflecting on the first five years, it is clear that the EU has become more active and that EU activity has been global, rather than limited to its near abroad. Nevertheless, it is also fair to say that within the EU, member states’ appetite for a pro-active, global crisis management action is still relatively small. When the going gets tough it is still more likely to see European nations acting through military coalitions or the NATO Alliance, for instance in Afghanistan, or not at all. This leaves in many instances the UN as the security organization of last resort and, in others such as Somalia, civilians with no international protection.

### **More Capable?**

Although the 2003 Security Strategy emphasized a comprehensive approach to crisis management, drawing on the EU’s existing humanitarian and development tools as well as its nascent military and civilian ESDP ones, the ‘policy implications’ section of the Strategy were most explicit in regard to need to build-up military capabilities for crisis management. This was, for instance, to be achieved through the transformation of European militaries and increased pooling of military assets between nations. Despite institutional innovations such as the European Defence Agency that aims to support these efforts, progress has been slow. This means that militarily, the EU still lacks critical ‘enabling’ capabilities including in the area of strategic transport that allow forces to be deployed and operate far afield. This not only limits the capacity of the EU to serve as a crisis management actor, but also limits global crisis management capacity, given that other crisis management organisations including the AU and UN lack these assets. Even if the EU wanted to serve as a force multiplier through supporting UN missions with critical military assets, its ability to do so remains severely constrained at present. This is not necessarily a case for increased military expenditure within the EU; there is an argument that military reform only happens in times of (budgetary) crises. But it is evidence of resistance within national governments to a concept of defence which prioritizes (multilateral) crisis management capabilities. So long as member states privilege the maintenance of a comprehensive set of capabilities designed for national territorial defence there will be neither the will nor the money to realize the capabilities required for robust EU peace operations and the EU will continue to be, at most, a niche player in global crisis management.

Ten years ago when the EU first developed its military crisis management ambitions, there were a number of European civil-society organisations and parts of member state administrations that were wary of ‘civilian power Europe’ taking on military roles. The fear for some was that rather than increase its political impact the addition of military tools would compromise its ability to exercise its soft power effectively. Partly in response to these concerns and in (greater) part in response to the evident failure of the international community to deploy civilian police for law and order tasks in the Balkans

in the 1990s, member states agreed that the EU should ‘round out’ its military capabilities with new civilian ones. Initially the emphasis was on the development of rapid deployment capabilities for executive policing missions, although in practice EU police missions have been deployed primarily to support the development of local police capacity in post-conflict contexts. Subsequently, the scope of the EU’s civilian deployments has increased. Judicial expertise has been required for missions that provide advice and build capacity in the area of rule of law (Georgia and Kosovo) and the EU has drawn on specialist (often military) expertise for its disarmament and demobilization monitoring mission in Aceh, Indonesia and its Security Sector Reform (SSR) missions in DRC and Guinea Bissau. It has also launched border monitoring missions, with a dual purpose of confidence building and capacity building in the Caucasus (Moldova/Ukraine) and Middle East (Rafah crossing) and most recently launched a monitoring mission to Georgia to monitor stabilization and the implementation of the six-point Agreement brokered by President Sarkozy.

The idea that the EU might develop a comparative advantage in relation to civilian aspects of crisis management, by mobilizing the capacity of national civil servants for international deployments has only partly been realized however. Despite sizable pledges by member states of police, rule of law and civil administration experts, the EU has struggled to find candidates for the launch of missions and for subsequent staff rotations. Attracting candidates in response to EU ‘Calls for Contributions’ has been particularly problematic for missions in relatively insecure environments. In Afghanistan, for example, a year after the launch of the police mission in June 2007 and after no fewer than 12 calls for contributions, there were only 156 personnel deployed of the 231 authorised. The EU recognizes the challenges associated with recruiting staff and has sought to address them through working to improve ‘buy-in’ from relevant line ministries (of the Justice and the Interior) so as to improve the legal, financial and career incentives for international deployment. This process remains in its early stages and commitment to promoting civilian international deployments remains weak in many EU member states.

Over and above the issue of attracting the right number of candidates is the question of appropriate staff composition of a mission. This is inherently challenging given the process of mission design. Missions often have vague ‘provide to support to’ mandates and staffing decisions are made based on generic mission templates often before much is known about the programming priorities and approach that the mission will adopt. For instance, it took over six months for EU POL Proxima to work out a niche role in the crowded area of assistance for Macedonian policing. In some cases, such as in Guinea Bissau the mission mandate is intentionally vague, with the rationale that it is up to mission leadership to identify and realize the needs and opportunities on the ground. This requires not only politically able mission leadership but an appropriately flexible approach to staffing. Too often the EU has decided on mission size and structure before knowing what the mission will be required to do.

As with other international peace operations, the EU is also open to the charge that it often doesn’t get the right quality of personnel. This is not necessarily a matter of member states being reluctant to release their most gifted staff. It also reflects that skills required in domestic contexts are not a neat match with those required in international deployments. The EU’s approach to building capacity through the deployment of professional counterparts to ‘monitor, mentor and advise’ evidently requires personnel

with appropriate levels and types of experience. Their tasks extend beyond technical support to project management and advice for politically sensitive reform processes. These are not tasks that police officers are generally trained for or have experience of in their domestic contexts. Although common professional culture matters and should help foster trust between external EU actors and the internal actors they are sent to support, it is far from sufficient. International mission and/or development experience arguably matters more, yet it remains unclear how the EU aims to build a cadre of professional staff that are committed to building international deployments into their careers.

It is interesting to note that after years of experimentation with its on-line centralized recruitment system (Galaxy) and internal rapid deployment rosters, the UN now favours the build-up of a cadre of 1,500 civilian peace operation staff that is qualified to perform a core sub-set of functions that are common to all missions. Within this cadre staff could develop their career path within their respective managerial, technical or political competencies. The idea is that this will enable the UN's DPKO to draw upon a dependable and mobile pool of peacekeeping professionals<sup>44</sup>. In contrast, although there have been suggestions that the EU might consider the direct employment of staff with EU-specific financial, procurement and management skills, there is clearly no EU 'conflict career track' at present. Rather, the EU is committed to outsourcing recruitment through member states on a case by case basis, whereby this is based on the assumption that international deployments of national civil servants are temporary 'one-off' assignments and that staff will return to their domestic duties afterwards. Even if ESDP has been successful in accessing a new sources of civilian expertise, the current EU recruitment practices are not predicated on developing a pool of individuals for recurrent international deployments.

In practice, however, some member states have been doing just that at a national level. Countries such as Sweden, Germany and the UK have developed recruitment processes (rosters) and incentives (pay) designed to harness a wide range of expertise from both public and private sectors. In the majority of member states, however, recruitment is an internal civil service matter whereby international deployments are still considered exceptional and are not easily integrated in domestic career development paths. These disparities in national approaches are also reflected in-mission, for instance in relation to the pay that deployed civilians receive<sup>45</sup>. It therefore appears that while the EU's decentralized approach to building civilian capacities has certain advantages, for instance harnessing 'new' domestic sources of expertise for international deployments, it also has certain disadvantages, notably that it has not encouraged the longer-term development and professionalisation of the sector.

The 2008 strategic review could provide an opportunity for (re)considering the EU's approach to harnessing and developing appropriate expertise. This might involve a more collaborative approach to staffing needs and professional development including through greater cooperation with development actors that also specialize in building rule of law and governance capacity. Given that state-building and reform initiatives are implemented by non-state actors in a majority of cases, the development/statebuilding

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<sup>44</sup> This idea has yet to be approved by UN member states however. Member states, particularly from the South have traditionally resisted the expansion of the scope and institutionalization of UN peacekeeping capacity.

<sup>45</sup> All EU mission staff receive the same EU *per diems*, but since they are seconded their base salary varies considerably and some countries also offer additional incentives for international deployments.

sector is not only a source of potential talent for EU missions but is also key to the professionalisation of the sector. Further cooperation between EU planners, national recruitment actors and development actors could provide long-term benefits in terms of harmonizing professional standards and promoting specialist career development. Regarding recruitment this might lead to greater emphasis being placed on key ‘competencies’ (rather than qualifications or experience narrowly defined) required for international capacity building tasks and greater consideration of relevant domestic and international experience. In terms of career development, further collaboration between ministries of justice, interior and development ministries might also help promote mobility between ministries, and potentially lead to an increase in the funding of international deployments through development budgets.

The EU should begin to think more strategically about how it might better foster and retain talented personnel. This might involve the development of mobility programmes between member states and the EU institutions, possibly in line with the arrangements made for recruiting member state personnel for the future European External Action Service. In any case the incentives for member state personnel to apply for secondments to the EEAS or to EU missions should be comparable, and previous field experience (whether for EU, OSCE or UN) should be seen as an advantage when applying for both. In addition, the EU should, like the UN, begin to consider the development of a core cadre of ‘development and security’ specialist staff that could be deployed to boost the capacity of EC (in future EU) delegations and ESDP missions in fragile or post-conflict states. These could include current staff from the Commission and Council as well as new staff recruited on the basis of a specialist competition or *concours*. Promoting career mobility between first and second pillar interventions and between EU and national deployments should also contribute to improving programming coherence between EU members and between security-led and development-led approaches to (re)building state capacity.

Additional attention should be paid to addressing technical areas where the EU routinely experiences shortfalls for instance in procurement, with consideration given to directly contracting positions that are not easily filled through secondments and/or to using specialist recruitment agencies for niche expertise. Last but not least, the EU should pay particular attention to the issue of gender in ESDP recruitment, not least because this has a direct impact on how an EU mission is perceived, its normative impact on local societies and its operational efficacy. At entry level, it has been observed that it is more difficult for women to get ‘first mission’ experience. This might be addressed through specialist traineeship programmes, providing additional qualified human resources for EU missions or EC delegations. At a more senior level, the EU might, for instance, consider outreach efforts to create a roster of suitably qualified women who would be encouraged to apply for Head of Mission, senior and middle management positions. To this end a campaign to identify ‘100 women for Solana’ was suggested in 2004, but was not actively pursued.

In short, if the EU is to get serious about developing its civilian capacities it needs to go beyond encouraging member states to do a better job of recruiting, training and seconding civil servants for international deployment. It must consider, in collaboration with other development actors that routinely employ civilians for capacity-building tasks, how the EU will: contribute to developing the size of the personnel pool; promote staff mobility between development/international and domestic contexts; and move

towards the over-arching goal of greater professionalisation of the rule of law/state-building sector.

### More Coherent?

Achieving coherence or coordination is the art of managing inter-dependencies. The EU 2003 Security Strategy recognized the inter-dependence between security and development and specifically called for a more coherent approach to EU crisis management, arguing that:

‘the challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from Member States and other instruments. All of these can have an impact on our security and on that of third countries. Security is the first condition of development. Diplomatic efforts, development, trade and environmental policies, should follow the same agenda. In a crisis there is no substitute for unity of command’<sup>46</sup>

This is first and foremost a call for whole-of-EU coherence to ensure consistency between different policies and actions undertaken by the EU. While the Council and Commission are enjoined by the Treaties to be jointly responsible for ensuring consistency of EU external activities, this is difficult in practice, particularly so in the area of civilian crisis management precisely because there is no ‘unity of command’ and competencies overlap. It follows that qualitatively similar actions *inter alia* in support of the rule of law, institutional capacity building, security system capacity building and reform can be supported through either first pillar (development) or second pillar (ESDP mission) instruments. Much has been said already by previous speakers about the challenges to EU-level coherence associated with these structural divisions. Indeed, while there is evidence of increased efforts to work together including for example in fact-finding missions and through ‘flanking’ measures designed to provide complementary programming support to ESDP missions, it remains the case that there is no institutional venue within the EU for joint strategic planning. The hope is that internal inconsistencies will be addressed through the structural changes foreseen in the Lisbon Treaty. These would create of the position of ‘High Representative of the Union for Foreign Affairs and Security Policy’, combining the roles and functions of the High Representative for CFSP and the Commissioner for External Relations, and establish a common European External Action Service (EEAS) to serve him/her. This may, indeed, be a partial solution, particularly if the EEAS brings together the operational ‘instruments’ and budgets of crisis management and development policy. However, it will not change the fact that the planning of development interventions and crisis management interventions follows different time-lines, processes and even more significantly ‘agendas’. Even if EU planners for the different agendas are co-located they will not be conjoined and there is no guarantee that their different planning processes will lead to complementary outcomes. For instance, whereas development planning increasingly, in light of the Accra Agenda for Action on aid effectiveness, involves multi-lateral co-ordination in support of nationally agreed poverty reduction strategies, planning for EU missions will invariably be driven by priorities identified member state’ foreign ministries. The challenge of internal coherence is therefore likely

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<sup>46</sup> ‘A Secure Europe in a Better World’, European Security Strategy, 12 December 2003, p 13.

to be an enduring one, requiring persistent efforts to link-up separate planning processes.

This brings me to another aspect of the quest for greater coherence which is also relevant to the 2003 Security Strategy's ambition to promote 'effective multilateralism' in relation to crisis management. This regards *external* coherence, or the harmonization of the different actions pursued by external actors in relation to a particular country. It is important to note that there are potential trade-offs between these different levels (whole-of-EU and whole-of-international community) coherence. For instance, EU development policy might be consistent with long-term multi-donor development strategies but not aligned with short-term EU crisis management priorities. Conversely, if development assistance is to be more closely linked to short-term EU crisis management priorities, it runs the risk of undermining efforts to ensure coherence and aid efficiency through multi-donor planning processes. By way of example, the UN Resident Co-ordinator in DRC, Ross Mountain, recently lamented that one of the effects of privileging internal whole-of-government consistency is that it resulted in less-flexible approaches to donor decision-making within multi-donor post-conflict reconstruction frameworks<sup>47</sup>. Where the EU is not the lead external actor, it is therefore perhaps more important for the EU to focus on contributing to the definition and implementation of a broader strategic vision than on ensuring internal unity of effort in relation to specific EU foreign policy priorities.

Finally, there is another dimension of coherence which has not been highlighted in this seminar, nor was it in the EU's strategic security strategy. It is none-the-less critical for effective crisis management and post-conflict state building. This relates to the coherence or alignment of external policies and actions with those of the internal actors, including the government, in a particular country context. Although 'national ownership' is key to the sustainability of capacity-building efforts and is therefore a slogan of both EU 'supportive' security missions and EU development programmes, there is very little agreement over how to operationalise it. What is clear, however, is that the EU in the context of its crisis management capabilities has given far too little attention to this issue. Relationships between the EU and internal actors are often assumed rather than pro-actively developed through trust-building processes. This makes it more difficult for the EU to identify opportunities for operational impact. The two EU Security Sector Reform missions are cases in point. In the case of the EU Sec mission in DRC, the EU's advice was effectively rejected when the national authorities did not buy into the EU mission's vision for army reform. The EU SSR mission in Guinea Bissau got off to an even more inauspicious start with relevant national counter-parts questioning the need for the mission at all. My point is that interventions to build and reform sensitive state-capacities are highly political undertakings. Even if the EU mission is formally invited by the relevant government, this by no means guarantees government engagement much less ownership. It is therefore critical that careful consideration be given to developing and maintaining relationships between the EU and relevant local actors before, during and after missions. The EU mission should not be viewed as an 'entry' or starting point of that relationship. This requires that more attention be paid to consultations with host countries in pre-mission planning, including where relevant through EU Special Representatives or local EC delegations. Similarly, the importance of process design should be elevated within pre-mission and in-mission

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<sup>47</sup> Remarks made at the Challenges Forum on International Peace Operations, 21 October 2008.

planning. Once again, a cross-sectoral approach might provide valuable insights and build internal capacity. For instance, skills developed in the context of designing and implementing dialogue and mediation processes to prevent or end violent conflict are relevant to designing ‘transformative’ processes of governmental reform and capacity building. Greater and earlier attention to the mapping of political dynamics within host governments in pre-planning phases should also help inform process design and identify entry points as well as programming objectives.

To summarise by way of analogy, after five years the EU is no longer crisis management infant. But it remains a relatively immature security actor. It is more like a teenager, still uncertain of its identity and role vis-à-vis its peers, still relatively skinny in regard to its capabilities, and still socially introverted and awkward. Its relationships within the EU family -- with member states and the European Commission -- are often dysfunctional and it has not yet fully appreciated the benefits of wider networking beyond virtual (facebook) links. It is nevertheless impressively advanced for a less than 10 year old and will hopefully continue to mature quickly, given that there will be no let-up in the pressure for it to do so.

## Comprehensive Crisis Management – From Concepts to Practise\*

**Director of Programmes in Crisis Management Initiative**  
***Kristiina Rintakoski***

### **Need for coherence in crisis management is increasing**

Managing complex conflicts and crises requires a wide range of internal and external actors, including governments, civil society, the private sector and international agencies, to work together in a coherent and coordinated effort. Security and development cannot be guaranteed by the efforts of any one nation or organisation alone. Instead, it requires effective multilateralism and a networked approach combining all available civil and military instruments in the best possible way. The political, security, economic and social spheres are interdependent: failure in one risks failure in all others.

Crisis management operations are often carried out in fragile states which confront particularly severe development challenges, such as weak governance, limited administrative capacity, chronic humanitarian crisis, persistent social tensions, violence or the legacy of civil war. Linking security and development is fundamentally relevant in those conditions. Therefore a broad developmental approach to security that integrates human security concerns is vital to ensure a durable exit from poverty and insecurity.

For the international community in general, dealing with a fragile state involves four distinct communities – the humanitarian, human rights, development and security – but each of these communities see the problem from diverse perspectives – undermining the dialogue on approaches and responses. The need to make security and development interventions work more effectively together and share the same objectives, without undermining each other, is currently recognized by most donors. Nonetheless, there is a strong disconnection between the policy rhetoric concerning integrated approaches at the international level and policy realities at the sectoral and field levels. Moreover, countries are usually on different security and development trajectories, which require different combinations of security and development policies specific to their needs, while international actors rely upon a standard set of policy tools that are not necessarily compatible.

The amount and complexity of the actors, both internal and external, is a particular challenge from the perspective of Comprehensive Approach. Internal actors vary from governmental officials and parties to the conflict to private sector agents and local NGOs, and the variety of external actors can include peace operation(s), other international organisations and NGOs, donor governments and representatives of the private sector. This complexity highlights the need to develop coherence and coordination at different levels in parallel; within an organisation or government,

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\* This article is based on the seminar publication “Comprehensive Approach - Trends, Challenges and Possibilities of Co-operation in Crisis Prevention and Management”, edited by Kristiina Rintakoski and Mikko Autti and published by the Finnish Ministries of Defence, Interior and Foreign Affairs and the Finnish Defence Forces in November 2008.

between organisations and governments and between external and internal actors in crisis areas. There is broad consensus that inconsistent policies and fragmented programmes entail a higher risk of duplication, inefficient spending, a lower quality of service, difficulty in meeting goals and, ultimately a reduced capacity for delivery.

### **Defining the concepts for comprehensive approach**

Whilst there is no commonly accepted definition for ‘Comprehensive Approach’, there is broad agreement that it implies pursuing an approach aimed at integrating the political, security, development, rule of law, human rights and humanitarian dimensions of international missions.

The report<sup>49</sup> from the Norwegian Institute of International Affairs (NUPI) identifies different degrees of coherence for inter-agency relationships, namely Coherence, Cooperation, Collaboration & Coordination and Coexistence. Various actors may operate in a more or less comprehensive fashion, depending on their motivations, identities and organisational independence.

The rationale behind the Whole of Government approach (WGA)<sup>50</sup> is two-fold. The first motive is to avoid duplication of efforts, interfering with the plans of other departments, and the consequent waste of energy and resources. The resulting information flowing between actors increases situational awareness and enhances the capacity for ‘strategic’ planning and intelligent decision-making, including more awareness of second- and third-order effects. The second motivation for a Whole of Government approach stems from a recognition that the goals of military and civilian organisations are co-dependent: without security, development cannot happen, and without development, lasting security cannot be sustained. Harmonizing these efforts requires compromises and developing understanding between military and non-military actors.

The distinguishing characteristic of the Whole of Government approach is that there is an emphasis on objectives shared across organisational boundaries, as opposed to working solely within a ministry. WGA has been developed particularly in the context of the OECD’s Development Assistance Committee (DAC) Fragile States Group (FSG)<sup>51</sup>. Meeting the special needs of fragile states often requires the use of a range of instruments in addition to aid—including humanitarian assistance, diplomacy, security, justice, and financial measures such as debt relief. A coherent, Whole of Government Approach is therefore required of international actors, involving those agencies responsible for instance of political, security, justice, and financial affairs, as well as those responsible for development aid and humanitarian assistance, with respect to the mandates of each agency. To improve knowledge of existing good practice in the area, FSG is conducting work on evaluating existing practice in whole of government initiatives, and identifying useful approaches and new directions for the future, looking for examples at issues of Integrated Planning, Diplomacy and Development, and Public

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<sup>49</sup> Comprehensive Approach - Challenges and opportunities in complex crisis management. Karsten Friis & Pia Jarmyr (eds); NUPI, 2008

<sup>50</sup> There is no one established abbreviation for the Whole of Government approach. This paper uses WGA, which has been adopted in the OECD as an abbreviation.

<sup>51</sup> See further Whole of Government Approaches to Fragile States, DAC Guidelines and reference series, A DAC reference document, OECD, 2006

Financial Management. OECD DAC has also worked in developing WGA guidance for Security Sector Reform.

A vital question is how multinational Comprehensive Approaches and national Whole of Government approaches interact and what is the relationship between them? When national policies are developed according to WGA it is crucial to take into consideration not only national concerns, but also those of the higher level, i.e. the strategies of those organisations with which national agencies are going to interact with in the field. It is perhaps useful to distinguish between WGA as policy and WGA operations. The former is about developing and ensuring a consistent national policy in various fora and organisations, the latter describes the actual work that all government agencies do together in the field.

### **Approaches in international organisations**

Multinational actors such as the UN, NATO, the EU and the AU as well as many nation states are developing new concepts for a more comprehensive approach to crisis management. These include models and concepts such as the Comprehensive Approach of MNE5, NATO's 'Effects-based Approach to Operations (EBAO)', 'whole-of-government' approaches in national governments, and the United Nation's 'integrated missions' concept.

The UN Secretary-General's Note of Guidance on Integrated Missions describes the concept as follows: "An integrated mission is based on a common strategic plan and a shared understanding of the priorities and types of programme interventions that need to be undertaken at various stages of the recovery process. Through this integrated process, the UN system seeks to maximize its contribution towards countries emerging from conflict by engaging its different capabilities in a coherent and mutually supportive manner." Peacekeeping also includes participating in humanitarian assistance; a field in which the UN has a leading role in the world. The Integrated Missions concept thus refers to a type of mission where there are processes, mechanisms and structures in place that generate and sustain a common strategic objective, as well as a comprehensive operational approach, among the political, security, development, human rights, and where appropriate, humanitarian, UN actors at country level.<sup>52</sup>

The European Union, like other actors in the field of crisis management, has been grappling with the overarching issue of how to generate greater civil-military coherence. The EU has developed its concept for Emergency and Crisis Coordination Arrangements (CCA), which is referring to internal EU processes, both to civil-military within the European Security and Defence Policy (ESDP), as well as to civil-civil between the Common Foreign and Security Policy (CFSP) and Commission competencies. This poses a series of distinct challenges: how to better coordinate the EU's civil and military crisis management tools within the CFSP; how to achieve better coherence between the ESDP and those activities that are planned and implemented by the Commission; how to align EU Member States' ongoing national activities and how to improve cooperation between the EU and other actors such as the UN, OSCE and

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<sup>52</sup> United Nations, *Note of Guidance on Integrated Missions*, Issued by the Secretary-General on 9 December 2005.

NATO.<sup>53</sup> Furthermore, within the CFSP/ESDP context EU has developed the concept for Civil Military Co-ordination (CMCO) that addresses the need for effective co-ordination of the actions of all relevant EU actors involved in the planning and subsequent implementation of an ESDP operation.

In the field level the case of the EU Force in Chad is probably the best example of EU's CA. The operation is carried out in close cooperation with the UN's MINURCAT-operation which is largely funded by the Commission's Stability Instrument. The EUFOR Tchad/RCA is the most multinational operation the EU has ever carried out in Africa and its main focus is on protecting refugee camps near the border with Sudan/Darfur. However successful the EUFOR Tchad/RCA turns out to be, the EU needs to develop its capabilities further. It will most likely keep on bringing together the necessary tools and root out the last remnants of internal institutional rivalries. It must be said that with the Lisbon Treaty in place EU's CA-capacity would further deepen.

The EU has started to develop systematic ways to engage with NGOs in crisis management. Regular informal exchanges between NGOs/CSOs and the appropriate level of Council bodies, in particular the Committee for Civilian Aspects of Crisis Management are taking place. Fact-finding and pre-planning missions should take into account, where appropriate, NGO and CSO expertise. NGO/CSO liaison officers are to be identified within the Council Secretariat, with a view to strengthening its capacity to have dialogue with civilian agencies, NGOs and CSOs.

At present NATO is focusing on developing the comprehensive approach as an operational concept based on its Effect-based Approach to Operations (EBAO). However, NATO is essentially a military alliance and can only deploy as such. NATO can thus only participate in a larger comprehensive approach, as it is incapable of achieving a system-wide effect on its own. NATO's challenge is that Civil-Military interaction requires information from both civilian sources and military sources and such reciprocity is a key to successful and sustainable information sharing practices. Promoting the "need to share" principle and encouraging proper classification markings will improve the current framework at the theatre level and enable the exchange of information that will help in de-conflicting programmes and activities, while ensuring the safety of the local population and IO/NGO personnel.

Its biggest internal challenges are improvements to its crisis management instruments, including its military and political planning procedures. NATO has acknowledged that all operations include civil-military interaction with non-NATO actors. Its effectiveness in its own military domain requires a new approach to civilian-military and international cooperation. NATO sees CA on different levels: strategic & political, intermediate and theatre level. The Alliance will continue to be a predominantly military organisation also in the future and makes only one part to a larger CA of the international community. Externally NATO is focussing on improving its practical cooperation for instance with the UN, EU, OSCE, AU and NGO's in planning and conducting operations. NATO is also enhancing its ability to bring military support to stabilisation operations and reconstruction efforts.

The Organization for Security and Co-operation in Europe (OSCE) works within three dimensions of security: the politico-military, the economic-environmental, and the human dimension. All three dimensions carry equal weight, are embedded in all activities of the Organisation's institutions and Field Operations and are a substantial part of the political dialogue among its participating States. In addition, the OSCE addresses new threats and challenges, such as organized crime, trafficking in human beings and international terrorism, working to strengthen the structural capacities of States and to deepen international co-operation.

The OSCE's strength and weakness is for some observers the same issue; that of inclusiveness. All members must support the organisation in its actions and be involved in the decision making processes. This requires a lot of patience as it takes time to take into account all the aspects and dimensions of a conflict and also to form cooperation with other organisations. The consensus-based approach is however also a hidden success story. The OSCE provides a forum for "permanent negotiations" and creation of good will in the field with a long term scope often using methods of silent diplomacy.

The concept for comprehensive approach has been developed also in the coalition context in Multinational Experiment 5. Even if it differs from the organisational approaches described above it is discussed here as it is multinational by nature. In the context of MNE 5, the term "Comprehensive Approach" is used in a broad sense to describe the wide scope of actions undertaken in a coordinated and collaborative manner with the affected nation(s). Coordination and collaboration includes coalition civilian government agencies and their defence and security forces, international and intergovernmental organisations, non-governmental organisations and the private sector to achieve greater harmonization in the analysis, planning, management, and evaluation of actions required to prevent, ameliorate, mitigate and/or resolve the conditions precipitating the crisis.<sup>54</sup>

The Comprehensive Approach concept for MNE 5 describes the overarching framework in which various nationally sponsored concepts (or focus areas) are being evaluated for their individual practicality and for the critical integration linkages between focus areas to support effective and efficient coalition operations. MNE 5 has aimed to provide capabilities by which concerned nations and organisations can harmonize potentially divergent views and interests in order to respond to a crisis in a unified manner. The capabilities developed through the MNE 5 series of experimentation is offered for use to practitioners in the field.

MNE5 has been criticized because of its military lead, under-presentation of relevant civilian actors and limited engagement with the United Nations. Despite these shortcomings it is seen as a unique opportunity to develop understanding and co-operative practises. Experimentations such as MNE5, though ideally having even more equal participation from military and civilian fields, are important tools in cultivating this culture of cooperation and studying and experimenting the needed co-operative

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<sup>54</sup> The Comprehensive Approach: A Conceptual Framework for MNE5, U.S. Joint Forces Command, 2008.

planning and implementation processes. In the future an experimentation engaging the key multilateral organisations might pave the way towards a strategic framework.

Even if substantial progress has been made by these organisations, they also have a long way to go in developing internally coherent operational concepts. The UN, EU and OSCE suffer from internal, institutional and inter-agency rivalry; and all suffer from disagreement and fragmentation between member states. Furthermore, there is still an ideological gap between political/military actors on the one side and humanitarian actors on the other. That gap runs through both the UN and the EU and potentially blocks NATO's effort to bring humanitarian partners into its comprehensive approach.<sup>55</sup> However, the organisations have an even longer way to go to develop models for cooperation amongst themselves.

Achieving a functioning culture of cooperation is much more important in relations between international organisations than formal structures, an area where much has already been achieved. This culture would deliver the best effects if it were implemented not only on the top level, but also on the lower (field and individual) level. People working in international organisations should make themselves familiar with CA, which after all is more a mindset than a formulized way of working. Humble attitudes and reasonable expectations are needed between organisations and at all levels of operation.

It is important to note that national governments represented in different multilateral organisations play a vital role in bringing coherence to multilateral approaches. If national approaches are consistent across the international organisations i.e. a representatives of a country in NATO, UN, OSCE and EU speak with one voice it is bound to have an impact. Unfortunately this is currently not the case as the national agendas are not effectively coordinated in majority of governments.

### **Comprehensive approaches in national governments**

The “comprehensiveness” of the Comprehensive Approach varies as the countries have developed the concept to be compatible with their national processes and needs. There are different reflections on which actors should be included in the CA; “3D” means comprehensive approach for some and some want to go beyond that. Actors are currently in the process of gaining their first ever concrete experiences from the field after having pursued CA in recent years. A certain commonality of language has developed and also strategic planning has moved forward.

National administrations need more tactical harmonization as they might have completely different development, deployment and training cycles between ministries. Also the rational for engaging in crisis management may differ already between national ministries. The military establishments may be used to thinking about international engagement, but for some other ministries, it may be difficult to see a meaningful scope outside a national sphere.

Unity of effort of donors is especially at risk when there are tensions between the donors' national political and/or security and development interests, or when there are

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<sup>55</sup> See further Multidimensional and Integrated Peace Operations, NUPI working Paper 728, page 13, [http://english.nupi.no/publikasjoner/notater/2007/multidimensional\\_and\\_integrated\\_peace\\_operations](http://english.nupi.no/publikasjoner/notater/2007/multidimensional_and_integrated_peace_operations).

tensions between short and long-term needs. Donor defence ministries may prioritize concrete challenges of crisis response and counter-terrorism or counter-insurgency, whereas justice and interior ministries may prioritise the need for counter-narcotics, tackling human trafficking and other serious domestic and transborder crimes.

As many nations have come to the realization that a cross-government approach is indispensable to effective and efficient performance and success in crisis interventions WGA **processes** and specialised inter-ministerial crisis management units have been developed at national level. Examples of the approaches include:

- Canada: The Stabilisation and Reconstruction Task Force (START)
- UK: Stabilization Unit (former Post Conflict Reconstruction Unit - PCRU)
- USA: Office of the Coordinator for Reconstruction and Stabilization (S/CRS)
- Norway: Inter-department Working Group on Afghanistan
- Finland: Inter-ministerial cooperation and coordination process on crisis management

So far very little evidence and evaluation findings exist about the pros and cons of these different approaches. Majority see WGA as a key means by which the synergies of the vast array of civilian and military tools are being promoted. Many national inter-agency task forces and/or joint committees have been founded in the past few years to provide governments with models of coordination.

The first analysis seems to indicate that WGA is still very much a concept and first experiences from experimentations and practical cooperation efforts are building the necessary bridge from strategies to actual implementation. It is obvious that there is not and probably never will be one single definition of Whole of the Government approach or Comprehensive Approach. A Comprehensive Approach will rather be a flexible amalgam of different approaches – a way of thinking or a method, rather than a mechanical process.

### **Implementing comprehensive approach**

The point of view from the field level is that Comprehensive Approach / WGA methods look and work well “on paper”, but the critical question to address is how to put them into practice in the field. In practise, there is no unified definition of the concept, nor are there set templates for integration. A variety of practices have emerged based on different actors’ and different missions’ own interpretations of the concept, some more successful than others.

**Clear political guidance and leadership** is the starting point for an effective WGA. There is a need for clarity on who plays what role in creating an integrated approach, and the need for a lead co-ordinating role. Otherwise, the risk of fragmentation remains. To establish co-ordination is crucial and sensitive; it should not be underestimated. Here, one should differentiate between leadership and coordination. The first implies that other ministries and departments have to follow directions; the latter indicates equal relationships which are essential for joined-up working.

It is important to **create the right incentive structures** for co-operation at national level. WGA has considerable resource implications, both in financial and human terms. In view of potentially high transaction costs, governments should acknowledge that

there are disincentives for collaborative working (e.g., time-consuming, requiring compromise and a willingness to dilute one's own policy agenda, possibly less visibility). Similarly, existing and new incentives for joined-up working should be identified. An important incentive is providing the means and resources for joined-up working on crisis management, allowing ministries and departments to devote part of their budget to crisis management activities.

A WGA to crisis management requires access to both Official Development Assistance (ODA) and non-ODA funds, which are usually managed by different departments and have different criteria. In addition, the amount of non-ODA funds available is very restricted within many donor countries and organisations. **Pooled funding** is considered an important alternative instrument to foster integrated planning, allowing flexibility. Some donors have already created pooled funds to support integrated approaches in the area of security and development, including SSR activities. For example the UK's Africa Conflict Prevention Pool and Global Conflict Prevention Pool, which merged into the Conflict Prevention Pool in April 2008, and its new Stabilization Aid Fund. Further examples include Canada's Global Peace and Security Fund and the Dutch Stability Fund.

**Training** is identified as a key tool in overcoming organisational and human challenges related to the implementation of Comprehensive Approach to crisis management. Many countries emphasised the value of training and most notably the importance of sharing training assessments and practices with those parties which are interested in learning from others' experiences. Majority of countries still organise military and civilian training separately even if joint civil-military training methods are being developed. In some countries training is already being conducted in an increasingly joint manner and for instance NGOs are being used in training purposes more often. The further integration of civilian elements into military training modules should be advanced.

**Information sharing and interoperability** are identified as vital enablers in a complex operating environment. Typically, the organisational structure of actors in crisis management is not designed for collaboration and smooth information sharing. Instead, organisations are often structured to reflect their vision, mission and activities. To enable effective action, information should flow smoothly, both internally in an organisation and between organisations. The use of new information technology in planning and decision making was promoted by a number of countries.

Until now the emphasis of Comprehensive Approach and WGA has been on coordination, integration and planning. However, as a number of operations and missions are starting to mature, a new set of questions has emerged around the topics of **monitoring progress and evaluating impact** in a system-wide or Comprehensive Approach context. Evaluation is lagging behind in the overall planning structure of crisis management. Governments are just starting to think how jointly owned and operated missions could be evaluated in a joint manner. However, monitoring and evaluation at an early enough stage, provides actors with the requisite information to adapt their strategies accordingly and improves the likelihood that an operation will achieve its goals while at the same time avoiding unintended consequences. Sharing best practices and lessons learned has proven to be a great challenge for many even on an intra-governmental level. It is important for many actors to receive measurable short

term goals for their own needs. Therefore, new forms of evaluation methods have been established to study all the phases of engagement in crisis management.

### The way forward

Comprehensive Approach is desirable at all levels; strategic, operational and tactical level. However, there needs to be consideration on where it is most effective and needed. A Comprehensive Approach has proven particularly important in the field, where lack of cohesion or differences among international actors can be exploited by the local parties.

A key to CA-success is to achieve increased flexibility, to be able to adapt and adjust operations and budgets on the operational/theatre level. This is where the success of a mission usually is determined. Improved national coherence through WGA-efforts can contribute substantially here, if the field is entered in tune with other international actors, and with the necessary flexibility to adapt and adjust over time.

**Local ownership and inclusion of local actors into leadership mechanisms** benefits all parties. It helps to create long term stability and exit strategies for international actors. We cannot achieve a sustainable solution without the internal actors taking responsibility and ownership of the peace process. And yet, many of our current systems and practises pathologically undermine this reality. None of us underestimate the complexity of the challenge, but the maxim is unforgiving, and if we are serious about achieving Comprehensive Approach we must invest considerably more resources into generating new ways to enable, empower and facilitate the active participation and leadership of the broadest possible cross-section of internal actors.

There is a **need to diversify civilian input in the planning**: ‘Defense, diplomacy and development’ do not cover all aspects of crisis management. The police, the judiciary and a wide range of other civilian expertise, from both governmental and non-governmental organisations, should also be an integral part of the planning process and of missions in the field. Policymakers should strive to share more information with these actors and to improve consultation and cooperation with them.

Experiments allow the nations to test, adjust and iterate until the best solution is found. Additionally, multinational experimentation provides a process for developing and evaluating concepts that are multinational and multi-organisational in nature from the very beginning while leveraging the expertise and contributions of all partners. **Experimentation** is also a useful and practical tool in increasing understanding, cooperative culture and management practices among crisis management organisations and should therefore continue to be one method in developing Comprehensive Approach further.

Developing **funding mechanisms that better support coherence and Comprehensive Approach both on national and multilateral level** is vital. To support synergistic action, financial instruments need to be flexible in their setup and quickly disbursable. Pooling funds at national and multinational level, combining ODA and non-ODA funds and establishing flexible decision-making procedures offer a number of advantages. National pools, multi-donor trust funds and joint programmes can promote a more programmatic and long-term approach. They reduce fragmentation; provide finance for

large scale important infrastructure projects; rebuild state capacity; and give some predictability for national planning.

Civilians and the military face a common challenge in verifying progress on the ground and towards achieving overall goals. Many organisations are able to measure their own project-level activities; however adequate methods have not yet been developed **to evaluate the mission-wide impact of collective efforts**, making it more difficult to implement shared multi-organisational solutions. At the end of the day, we must be able to determine if the objectives of the strategy are being achieved.

There is a need to further **develop civilian-military training capabilities** as it is clear that joint training is critical as a means of avoiding misunderstandings and dealing with institutional prejudices. More **secondment of staff** between different ministries and international organisations can greatly help to develop shared understanding of the synergy between defense, diplomacy and development. In addition, synergy can be improved by making political and development advisors co-operate closely with military commanders in the field, and by joint training of personnel from different departments.

There is a need for research and development to address the existing infrastructural gaps between actors. For instance the use of in-compatible IT-tools hinders information sharing and interoperability.

A broad range of **common standards** (to include training) needs to be developed, agreed and implemented. As far as is practical, **agreement on common use of language and standardization of terms** should be encouraged. For example, it is important to describe in common terms what each participant does. It's imperative to avoid confusion based on differing understanding of terms of reference when the NGOs and the military occupy the same space and where missions may overlap.

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However, Comprehensive Approach is not an end in itself but a means to an end. The aim is *not* to build new structures and hierarchies, but to achieve better outcomes and to resolve a crisis in a sustainable way. It is important to underline the value of knowledge and awareness in leadership and management of organisations about the mandates of other actors and recognize the fact that one organisation or entity can no more conduct crisis management on their own.

## Negotiating the ‘Comprehensive Proposal for the Kosovo Status Settlement’: Practitioner’s view

**Director Unit for UN and General Global Affairs, Department for Political Affairs  
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Kai Sauer**

Mr. Sauer, speaking on his personal capacity, shared the practitioner’s point of view of the Kosovo status process, focusing his presentation on the political context in which negotiating process started, the structure of the operation and how the negotiation process proceeded.

### *Political context*

In 2003-2004 the guiding principle of the international community was “standards before status” concept, meaning that Kosovo had to fulfil certain benchmarks before the status process could start. These benchmarks related to rule of law, human rights, minority rights, democracy, etc.

It created some frustration on the side of the Kosovo government because they were not the only ones who could contribute to the fulfilment of the standards, as there were other parties involved, like the international community and the Kosovo Serbs, even Belgrade.

In addition, there was no real implementation strategy of the standards. The international community, especially UNMIK, could not create one. Time and again the Security Council was asking UNMIK to produce it, but it simply did not happen.

So the UN, who had come to Kosovo in 1999, together with NATO and KFOR as liberators, had lost a lot of its legitimacy among the population. A UNDP poll show that the popularity had plunged from 70% to 30% by 2004. This led to a situation where there was a lot of pressure in the society. In that context the recipe of the disaster exploded in March 2004, creating immeasurable human damage (19 deaths) and a violent and chaotic situation politically, culturally, economically, etc.

In this situation one detail is quite telling, only the UNMIK cars were burnt. No cars from the EU or the OSCE were touched. UNMIK was regarded as a source of the troubles of the Kosovars.

After these two or three days of violence it was clear that the policy could not continue. The Kosovo status process could not be postponed. This was the conclusion of the report produced by Norway’s Ambassador to NATO, Mr. Kai Eide. This lead the six countries of the contact group (US, UK, France, Italy, Germany and Russia) to decide who would be the suitable person to conduct and lead the status process. They decided that President Martti Ahtisaari would be the right man. Kofi Annan appointed Ahtisaari in November 2005 as his Special Envoy.

### *How did negotiations start?*

A liaison structure, including EU Council Secretariat and the Commission, NATO and the State Department, were attached to this peacekeeping operation. This was a very unique creation. The UN could learn from this hybrid structure because it proved to be very useful.

Russia refused to have a representative in this UN structure. Nevertheless, the Russia connection was secured by inviting a Russian high level diplomat from UNMIK as the political director of the operation, and so there was a direct channel of communication with Russia.

In addition to this, Ahtisaari's group had working relations with the OSCE and the Council of Europe, as well as with other international organisations and individual governments.

The mission was established in Vienna due to many logistical advantages.

### *How did we enter the negotiations?*

The Contact Group came with 10 guiding principles. The most important one was that there would be no return to the March 1999 situation. This was interpreted differently by the Russians and the rest of the contact group.

On the level of Political Directors the Contact Group also agreed to convey certain private messages to the parties, basically saying that Kosovo would not return to Serbia. Russia didn't agree to deliver this message but did not block the delivery of the message by the rest of the Contact Group countries.

The next step was preparing the ground. The Contact Group visited the parties and the neighbouring countries (Macedonia, Albania, and Montenegro). After these talks the actual negotiations started.

Four topics were negotiated: 1) decentralisation; 2) cultural heritage and religious sights; 3) economy; and 4) minority questions. Decentralisation was very much lead by the UN and the Council of Europe. Cultural heritage was lead by UN and UNESCO experts. The economy dossier was allocated to the European Commission. And the minority questions were allocated to the Council of Europe and the High Commissioner for Human Rights.

Then there were other sub-sets of topics such as constitutional questions, security and future international presence of Kosovo.

Talks were intensive. There were 17 rounds of direct talks, two larger meetings on the comprehensive settlement and two so-called elephant's meetings.

Elephant's meetings mean that the plan was presented to the political heavy-weights, Presidents and Prime Ministers. The choreography was always the same; everybody would play to the script. Then comments would be received from each side and a plan would be drawn to be presented in 2006.

The presentation of the Plan finally took place in late February 2007 (after the Serbian elections) in Belgrade and Pristina.

*Ahtisaari's Plan: The Comprehensive Proposal for the Kosovo Status Settlement.*

The Plan contained three parts: a report, general principles and twelve annexes. These were handed to the new UNSG, Ban Ki Moon, who in turn handed it to the UNSC for deliberations.

The Special Envoy used the time the UNSC took for deliberation to consult with stakeholders. The Serbs and the Albanians were also quite active diplomatically.

The Ahtisaari Plan was not voted in the UNSC because it would have not been approved with 11 votes in favour, 3 abstentions and 1 veto. Divide the UNSC is a very negative thing for the international agenda.

So in the summer of 2007 in the context of the G-8 meeting, it was raised the idea to attempt to bring the parties closer. This attempt should be conducted by a Troika consisting of three main actors, the EU, the US and Russia. The resulting report arrived to the conclusion that there was no room for compromise. The UNSC discussion on the Troika's report led to no conclusion.

So in January 2008 a new government in Kosovo was formed. The EU continued to discuss on ESDP modalities and the platform of recognition. And on the 17 February, Kosovo's declaration of independence took place. Serbia had elections in May 2008 and signed the Stabilisation-Association Agreement with the EU whilst launching its diplomatic campaign against recognition of Kosovo.

# **La reforma del sistema de seguridad en Kosovo: la experiencia policial de UNMIK**

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## **1 – ANTECEDENTES**

La participación de policías civiles en intervenciones internacionales no es un fenómeno nuevo. Ya en la primera Operaciones de Mantenimiento de la Paz de las Naciones Unidas –UNEF-, desplegada en Oriente Medio entre 1956 y 1967, incluyó un componente policial (primero de naturaleza militar que luego fue sustituido por uno completamente civil) para asistir a las autoridades civiles en la zona de Gaza. Sin embargo, no fue hasta 1960, con la misión en el Congo (ONUC), que se desplegó una unidad policial propiamente dicha –procedente de Ghana en este caso- para operar en la capital Leopoldville (ahora Kinshasa). Meses después, se amplió hasta 400 policías civiles, en este caso nigerianos, y muchos de ellos permanecieron en el país una vez retirada la misión de la ONU a mediados de 1964, asumiendo algunas de las misiones de las tropas militares (protección de edificios, etc.) y la supervisión de la policía local<sup>56</sup>.

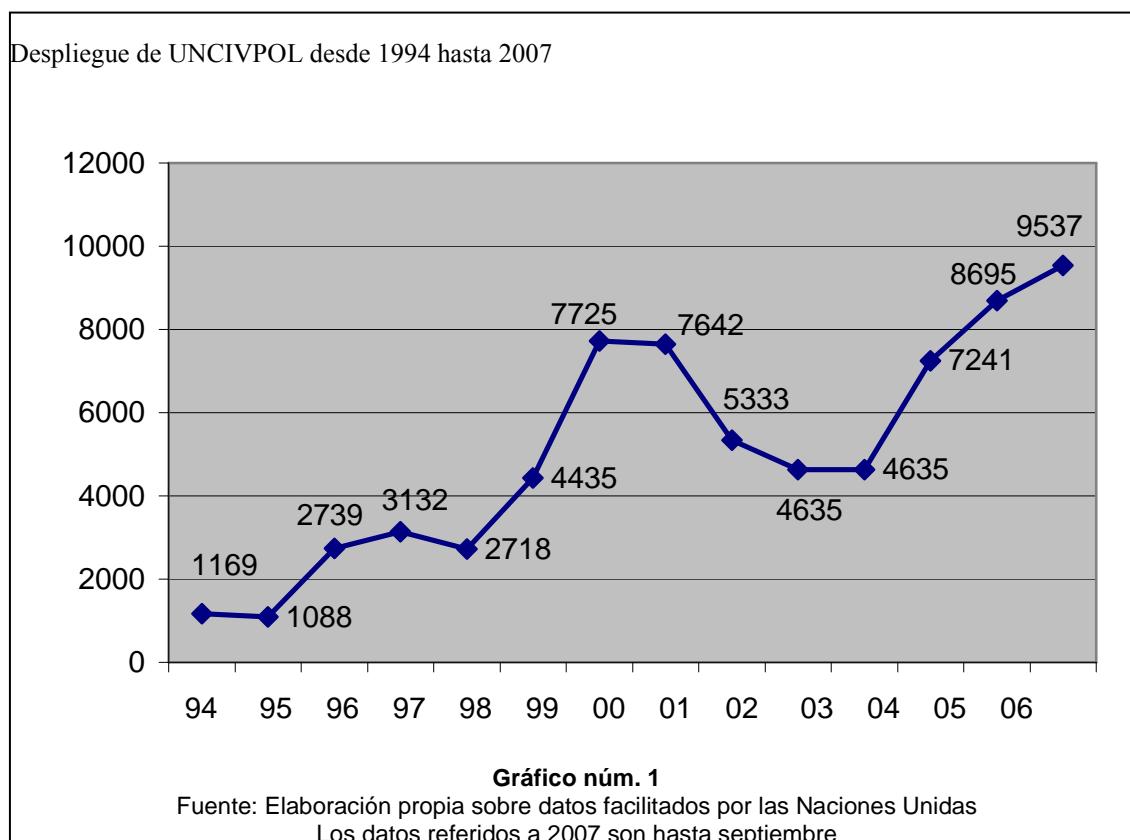
El término CIVPOL –policía civil- fue utilizado por primera vez dentro de la ONU con ocasión de la misión en Chipre (UNFICYP) por recomendación del comandante de la fuerza, el teniente general indio P.S. Gyani, quien propuso el despliegue de un destacamento de 30 policías como apoyo y supervisión de la policía local chipriota. El contingente fue declarado operativo el 14 de abril de 1964 y llegó a contar con 173 policías de cinco países (Australia, Dinamarca, Suecia, Austria y Nueva Zelanda)<sup>57</sup>.

Sin embargo, no fue hasta 1989, con el final de la Guerra Fría y coincidiendo con el replanteamiento de las Operaciones de Paz en general, que evoluciona significativamente el uso de los policías civiles en entornos de gestión de crisis internacionales. Hasta entonces, la tendencia era limitar las intervenciones militares a la restauración a corto plazo de “un ambiente estable” bajo el criterio de comprometer el menor número de efectivos y durante el tiempo más corto posible. Pronto se hace evidente que la manera más fácil de asegurar el rápido regreso de las tropas internacionales pasa por la restauración de capacidades locales de mantenimiento del orden y la seguridad pública en el marco de un sistema judicial y penal aceptables: lo que hoy conocemos como Reforma del Sector de la Seguridad (RSS). El primer reconocimiento oficial dentro de las Naciones Unidas de la importancia del imperio de la ley se produce en 1992. El entonces secretario general Butros Gali hace hincapié en “la obvia conexión” entre prácticas democráticas -el mantenimiento de la ley y un sistema de decisión política transparente- y la obtención de una verdadera paz y seguridad.

<sup>56</sup> CHAPPELL, D and EVANS, John, *The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations*, Sydney, International Centre for Criminal Law Reform and Criminal Justice y UN Crime Prevention and Criminal Justice Division. 1997, Pág.19.

<sup>57</sup> SCHMIDL, E.A.: *Police in Peace Operations*, Vienna: Landesvertigungsakademie, Militärwissenschaftliches Buro, 1998.

Los Policías Civiles de la ONU (UNCIVPOL) han sido desplegados hasta el momento en más de 30 operaciones de paz y asumido una gran variedad de misiones relacionadas con la seguridad pública y la reconstrucción de instituciones. En enero de 1988, solamente existían 35 policías civiles sirviendo en una misión de la ONU –UNFICYP-. A principios de 2008, este número superaba los 9.500 policías (Gráficos núm.1 y núm.2)<sup>58</sup>. Proceden de cerca de 80 países de los cinco continentes –desde China a EEUU pasando por Jordania o Malawi- y en la actualidad operan en 13 misiones dirigidas por el Departamento de Operaciones de Mantenimiento de la Paz de la ONU (DPKO) y otras tres por el Departamento de Asuntos Políticos de la ONU (DPA)<sup>59</sup>.. En 1995, los policías civiles representaban escasamente el 3 % de todo el personal uniformado desplegado por la ONU y hoy en día cerca del 10 %. En agosto de 2006, el Consejo de Seguridad autorizó 6.900 policías para la misión de Sudán (Darfur) y Timor Oriental, doblando el número de UNCIVPOL desplegados hasta ese momento, y alcanzando niveles no conocidos hasta entonces. También hay que destacar que la participación de los policías civiles en misiones de la ONU no ha estado exenta de riesgos. Desde 1994, han fallecido 82.



<sup>58</sup> UNITED NATIONS Department of Peacekeeping, “United Nations Political and Peace building Missions, Background Note”, 30 June 2006, <http://www.un.org/Depts&dpko/dpko/ppbm.pdf>.

<sup>59</sup> Es necesario destacar que actualmente más del 40 por ciento de los policías desplegados en misiones de las Naciones Unidas lo están en África y, curiosamente, los países africanos se encuentran asimismo entre los principales contribuyentes de UNCIVPOL. En junio de 2007, más de un cuarto de los policías civiles desplegados dentro de misiones de la ONU procedía de países africanos.

Paralelamente al incremento del uso de policías civiles, también es importante destacar que la ONU ha ampliado su doctrina de utilización con la incorporación de las llamadas Unidades de Policía Uniformada (*Formed Police Units*, FPUs), grupos orgánicos de entre 120 y 140 hombres, armados y fácilmente movilizables para ser enviados a zonas de conflicto con poco preaviso. Estas unidades están especialmente entrenadas para operar con más “músculo” que los policías normales y, por tanto, de hacer frente y controlar el agravamiento de situaciones (manifestaciones, motines, etc.) demasiado volátiles para policías individuales<sup>60</sup>. La primera vez que fueron aprobadas por el Consejo de Seguridad fue con ocasión de la Misión en Kósovo<sup>61</sup> (UNMIK) teniendo en cuenta la inestabilidad reinante y desde entonces ha proliferado su activación por los buenos resultados obtenidos. A mediados de 2007, el Consejo de Seguridad había aprobado el despliegue de 35 de estas unidades (unos 4.000 oficiales) a pesar de que su coste económico es bastante superior al de observadores policiales<sup>62</sup>. Como prueba de esta tendencia basta destacar que en julio de 2007, el Consejo de Seguridad aprobó el récord de 19 unidades FPU (cerca de 2.500 policías) para la misión híbrida ONU-Unión Africana para Darfur (UNAMID) confirmando la tendencia de la organización de reducir en lo posible los contingentes militares, y sustituyéndolos por civiles (“*menos color caqui y más azul*”)<sup>63</sup>.

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<sup>60</sup> Estas unidades, inicialmente denominadas Specialized Police Units (SPUs) fueron desplegadas primero en Kósovo y Timor Oriental como parte de las estructuras de seguridad de sus respectivas Administraciones Internacionales. En el caso de Haití, el Consejo de Seguridad autorizó en 1997 la Misión de Policía Civil de la ONU en Haití (MINOPUH) a incluir 90 policías integrados en “*special police units*”. El tamaño, estructura y funciones de estas SPU son diferentes a las actuales FPU pero se puede considerar como precedente de estas. UNITED NATIONS, *Report of the Secretary-General on the United Nations Transition Mission in Haiti*, S/1997/832/Add.1, 20 November 1997, Para. 2 y 8.

<sup>61</sup> Usaremos las reglas españolas de acentuación para los topónimos y gentilicios, i.e. Kósovo, Kumánovo, etc., pero mantendremos la ortografía original para los nombres propios y patronímicos.

<sup>62</sup> El coste de las FPU, aunque parezca mentira, no son mucho más caras para la ONU que los oficiales policiales por el sistema financiero estipulado para su compensación. El policía individual recibe un suplemento (MSA) de entre 80 y 150 dólares por día (3.200 y 4.500 por mes) mientras que en el caso de las FPU la ONU restituye al país donante una cantidad fija de 1.400 dólares por hombre y por mes. Esto quiere decir que un efectivo de FPU cuesta a la ONU menos de la mitad que un policía individual.

<sup>63</sup> Para más información sobre la doctrina de la ONU respecto a la reforma del sector de la seguridad se puede consultar la resolución del Consejo de Seguridad titulada: “Seguridad, paz y desarrollo: el papel de las Naciones Unidas en apoyo de la reforma del sector de la seguridad”. A/62/659-S/2008/39.

## UN Police Deployment

(authorized strength in brackets)

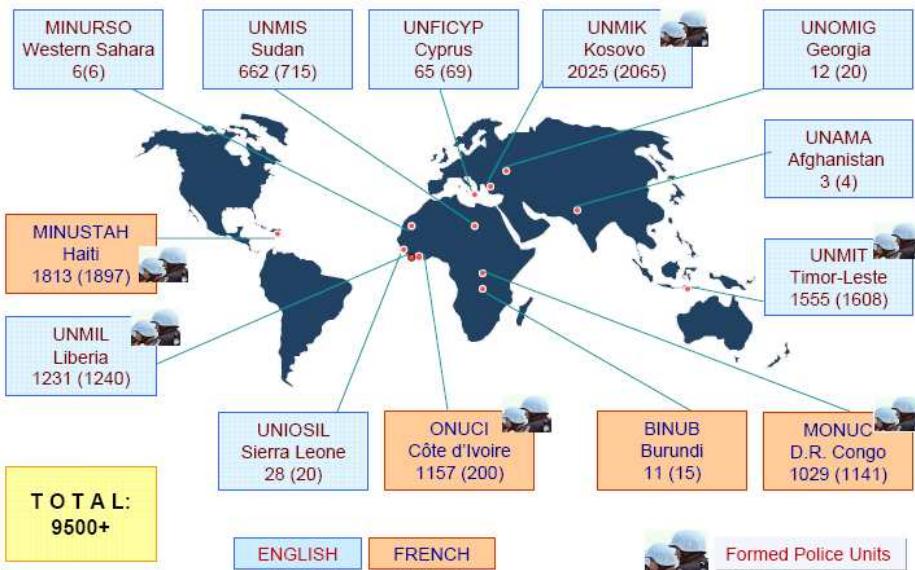


Gráfico núm. 2

Fuente: Elaboración propia sobre datos facilitados por las Naciones Unidas  
Los datos referidos a 2007 son hasta septiembre

## 2.- EVOLUCIÓN DE LOS MANDATOS POLICIALES DENTRO DE LA ONU

El reconocimiento de la importancia de los efectivos policiales en las operaciones post-conflicto se confirmó a raíz del llamado informe Brahimi. En el año 2000, el Comité para Operaciones de Paz de la ONU hizo público un documento que, entre otras cosas, revisaba las estrategias llevadas a cabo por la organización internacional en el campo de la gestión de crisis y hacía un llamamiento a “un cambio doctrinal” en la manera en que se entendía la utilización de los cuerpos civiles de seguridad de cara a la reconstrucción de estados fallidos.

El informe Brahimi resaltaba que los componentes de policía civil sobre el terreno estaban participando cada vez más en la reforma y reestructuración de las fuerzas locales de policía y, por tanto, recomendaba “*un cambio doctrinal según el cual dichas actividades pasarían a ser uno de los centros primarios de atención de la policía civil en futuras operaciones de paz*”. Asimismo, recomendaba la creación de mecanismos para el rápido entrenamiento y despliegue de UNCIVPOL y alentaba a los Estados miembros a crear listas nacionales de oficiales de policía civil que pudieran estar en condiciones para el despliegue rápido (fuerzas de reserva)<sup>64</sup>.

En respuesta a estas recomendaciones, el entonces secretario general de las Naciones Unidas, Kofi Annan, implementó de forma inmediata algunas como la creación de la

<sup>64</sup> Informe del Comité de las Naciones Unidas para las Operaciones de Paz (A/55/305-S/2000/809) de 21 de agosto de 2000. Pág. 64.

División de Policía de la ONU con los siguientes objetivos: a) prestar apoyo a los componentes policiales de la ONU; b) mejorar su capacidad de planificación; c) asistir, según procediera, en el fortalecimiento de la actuación, eficacia y eficiencia de los sistemas de justicia penales locales, incluyendo la policía y las instituciones correccionales; d) mejorar la capacidad de rápido despliegue de los componentes policiales y e) mejorar la calidad de la actuación sobre el terreno<sup>65</sup>.

En el marco de esta evolución doctrinal, podemos destacar la progresiva ampliación de sus mandatos en tres grandes tipos:

a. Misiones tradicionales:

Las misiones tradicionales de policía se caracterizan por la utilización de oficiales policiales desarmados con el único o principal cometido de monitorear de forma pasiva la conducta y actuación de los cuerpos de seguridad locales e informar a sus superiores de las violaciones a los derechos humanos que pudieran cometerse. Esencialmente consistían en una medida de confianza (mantenimiento de la paz) tendente a reforzar el proceso de gestión de crisis y asegurar a la población civil que la policía local no actuará más con brutalidad y respetara los derechos humanos básicos. Estas misiones requieren un número mínimo de efectivos, desplegados de forma no intrusiva y con reglas de enfrentamiento (ROE) conservadoras y no “agresivas” (Capítulo VI de la Carta de las Naciones Unidas). Los cometidos de las Misiones tradicionales de la Policía de la ONU son:

- Supervisión de la policía civil local para comprobar que llevan a cabo su cometido siguiendo los estándares de un cuerpo de seguridad democrático y profesional.
- Controlar que los cuerpos de seguridad locales no están influenciados/dirigidos o actúan como instituciones militares y están siempre bajo las órdenes de las autoridades civiles reconocidas
- Vigilar y asistir en la lucha contra la delincuencia común, el crimen organizado y la proliferación de armas, y
- Comprobar que los líderes policiales cumplen lo acordado en los acuerdos de paz u otros documentos firmados entre las partes.

Ejemplos serían la mayoría de las operaciones con contingentes policiales aprobadas en la década de los 80 y principios de los noventa como Namibia (UNTAG), Sahara Occidental (MINURSO), Angola (UNAVEM II) y Mozambique (ONUMUZ), así como Camboya (UNTAC).

b. Misiones de transformación policial:

La realidad sobre el terreno dejó en evidencia las debilidades de los mandatos tradicionales y condujeron a que las Naciones Unidas asumieran la insuficiencia de la función de supervisión asignada hasta entonces a los componentes de UNCIVPOL. El Consejo de Seguridad se convenció de que era prácticamente imposible modificar las conductas de policías y militares locales en un escenario de post-conflicto de no existir al mismo tiempo un sustancial cambio institucional y cultural. En otras palabras, era imperativo que los efectivos de UNCIVPOL fueran

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<sup>65</sup> Información en [www.un.org/Depts/dpko/civpol/civpol/1.htm](http://www.un.org/Depts/dpko/civpol/civpol/1.htm) consultado el 15/08/07.

capaces de reforma, adiestrar, reestructurar y reconstruir los cuerpos de seguridad locales, para adecuar su filosofía y modos de actuación a principios democráticos. Algunos lo han denominado *policekeeping*, palabra de difícil traducción<sup>66</sup>. El avance es significativo desde el punto de vista doctrinal porque reconoce que la ONU no debe limitarse a “denunciar” los abusos cometidos a nivel local sino que su responsabilidad es lograr una transformación profunda de las actitudes y métodos de esos policías locales que pronto se demostró era sólo una parte de un todo que requería una reforma del sistema judicial en su conjunto (leyes, códigos, formulación de sentencias, etc.).

En este sentido, el elemento básico de los mandatos de transformación policial radica en obtener una reestructuración del sistema interno de seguridad de un Estado con el espíritu de despolitizarlo y profesionalizarlo y, al mismo tiempo, modificar su forma de actuación alienándolo a partir de entonces al profundo respeto a los derechos humanos. Este proceso, además de requerir una gran formación en derechos humanos, suele implicar una reducción sustancial de las fuerzas existentes, dimensionarlas o modificar su composición interna, en muchos casos equilibrando la distribución étnica y de poder de sus componentes y “familias políticas”. En Bosnia-Herzegovina, por ejemplo, la *Internacional Police Task Force* (IPTF) –la institución sancionada por la ONU para estos cometidos- supervisó la reducción de la policía local de los 44.000 efectivos que tenía en diciembre de 1995 a 17.000 en 2004, aunque al mismo tiempo readiestró a estos oficiales a nuevas normas de funcionamiento y principios de actuación<sup>67</sup>.

#### Funciones y problemas de los Cuerpos de Seguridad

<b>Funciones bajo un sistema democrático</b>	<b>Principales problemas en la etapa post-conflicto</b>
▶ Tienen el monopolio del uso legítimo de la fuerza	▶ Están militarizados o bajo control militar y son corruptos
▶ Respetan el imperio de la ley, tienen independencia operativa y un código ético y profesional	▶ Están mal pagados y liderados
▶ Proveen seguridad efectiva a la comunidad y respetan los derechos humanos	▶ Tienen pocas capacidades de garantizar la seguridad de la población
▶ Cuentan con la confianza y la colaboración de las comunidades donde operan	▶ Tienen poco o ningún entrenamiento para desempeñar adecuadamente sus funciones policiales

Gráfico núm. 3 Fuente: *Operational Guide to the Integrated Disarmament, Demobilisation and Reintegration Standards*, UN, 2006

<sup>66</sup> SMITH, J.G..HOLT, V.K. and DURCH, W. J.: *Enhancing United Nations capacity for post-conflict police operations*, Ob. Cit. Pág. 17.

<sup>67</sup> VETSCHERA, Heinz, H. and DAMIAN, M.: “Security Sector Reform in Bosnia and Herzegovina: The Role of the International Community”, *International Peacekeeping* 14 (1), March 2006, Pág. 41.

Otro de los elementos principales de cualquier programa de transformación policial tiene relación con la profesionalización de la policía en su conjunto: mejorar la eficacia de los cuerpos locales de seguridad en su lucha contra el crimen organizado y el control de desordenes civiles. Desarrollar una policial local que respete las normas democráticas y los derechos de la población y, a la vez, haga bien su trabajo no es fácil ni siquiera en los países democráticos desarrollados y, por tanto, mucho más en naciones en transición, donde la falta de medios, la corrupción, la desconfianza y la pobreza son impedimentos que hay que superar día a día. Por ello, es particularmente importante reconocer que además del cambio de cultura y actitud es imprescindible que estos nuevos cuerpos de seguridad estén adecuadamente equipados y adiestrados para cumplir las funciones que se les asignen, y algo no menos significativo aún, razonablemente bien remunerados para evitar la corrupción y la infiltración de grupos de presión y bandas criminales.

Hay que resaltar que en la mayoría de las misiones iniciadas por las Naciones Unidas desde 2003, el Consejo de Seguridad ha aprobado mandatos con, entre otras cosas, responsabilidades de “transformación policial” de diversa amplitud y profundidad como reflejo del reconocimiento de la importancia de su contribución a cualquier estrategia de reconstrucción institucional. Es evidente que las funciones y dificultades de los cuerpos de seguridad no son los mismos en una situación de normalidad democrática que saliendo de un conflicto o guerra interna, y, en este sentido, hay que tener en cuenta –como señala el Gráfico número 3- que los puntos de partida son distintos y, por tanto, el énfasis en determinados hitos u objetivos intermedios está condicionado a muchos factores que el RESG y los mandos policiales internacionales deben valorar en cada caso con detenimiento y sensibilidad. Estas consideraciones deben de ser tenidas en cuenta, asimismo, en la formulación de los programas de adiestramiento y enseñanza de los cuerpos de seguridad locales, así como en las políticas generales de las Administraciones Internacionales, ya que algunos casos –falta de recursos económicos y buenos líderes- sólo pueden ser resueltos por los niveles más altos de decisión, bien dentro de la estructura de administración internacional o del gobierno de transición.

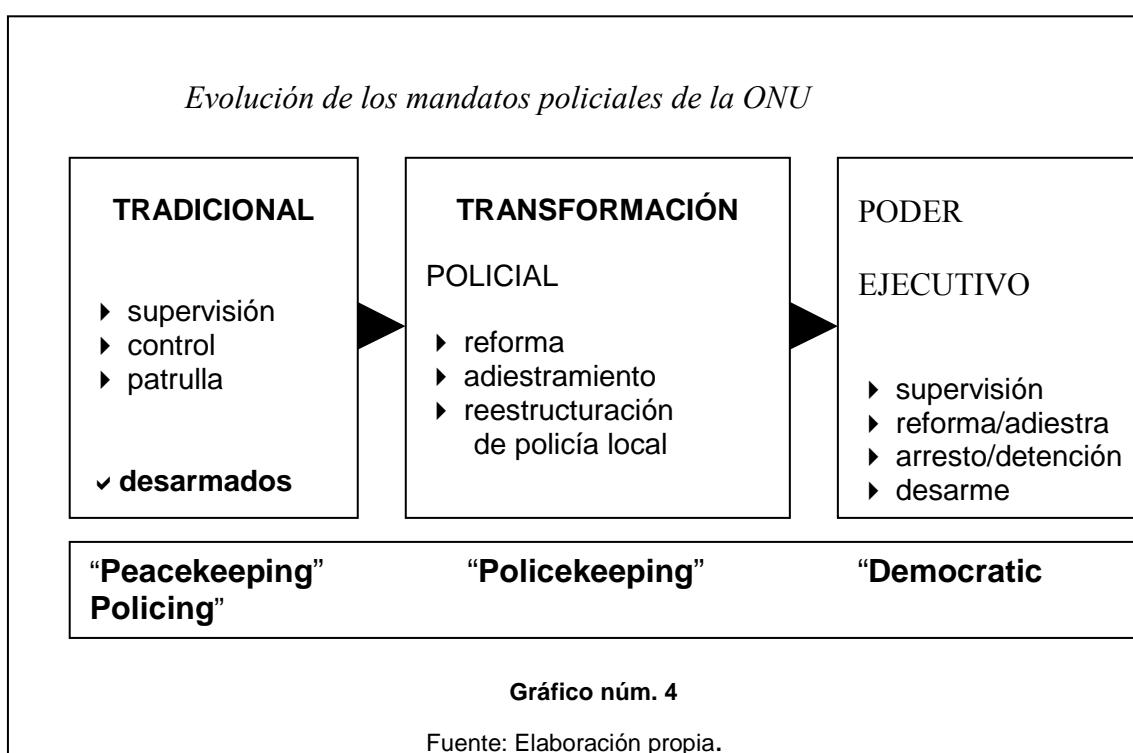
c. Misiones con poder ejecutivo:

El tercer y más complejo tipo de mandato de UNCIVPOL aprobado por el Consejo de Seguridad contienen como elemento diferenciador la concesión de poder ejecutivo a los policías internacionales que implica, entre otras cosas, dotarles de capacidad plena (legitimidad) para realizar arrestos y detenciones (*law enforce*) con el objetivo de mantener el orden, controlar el crimen y contribuir a un ambiente general de seguridad y estabilidad. Este tipo de mandato requiere, por una parte, que los oficiales desplegados vayan normalmente armados y, por otra, un mayor despliegue de efectivos en relación con la población civil que respecto a las otras categorías de mandatos. Con frecuencia, los mandatos que conceden poder ejecutivo a los efectivos de UNCIVPOL desplegados incluyen al mismo tiempo programas de reestructuración de la policía local (transformación policial), así como responsabilidades para gestionar la transferencia de autoridad en materia de seguridad –primero del Estado (o entidad en transformación) al componente militar de una OMP, después de esta a la Administración Interacional y su componente de

policía civil internacional y, más tarde, de éstas a las nuevas autoridades locales cuando se encuentren preparadas para ello.

Las Administraciones Internacionales de Kósovo y Timor Oriental son dos casos significativos de estudio ya que en ambos mandatos el Consejo de Seguridad autorizó UNCIVPOL con poder ejecutivo ante la ausencia de cuerpos civiles de seguridad locales válidos para desempeñar sus funciones.

Esta tipología es útil para entender la evolución gradual que ha experimentado UNCIVPOL desde pasivos monitores a un actor decisivo en la definición y establecimiento de modelos de RSS, pasando por la reforma doctrinal de las capacidades locales de seguridad pública a través de la implantación de códigos de conducta, adiestramiento y puesta en práctica de protocolos de actuación siempre dentro de un marco democrático y de completo respeto a los derechos humanos (consúltense el Gráfico Número 4).



### 3.- UNMIK: Mando y Estructura del Componente Policial

La Administración Provisional de las Naciones Unidas del territorio de Kósovo (UNMIK) es la primera autorizada por el Consejo de Seguridad que administra directamente, a través de sus distintos componentes e instituciones, todos y cada uno de los aspectos de la gestión pública de un territorio. Privado de su autonomía por el Gobierno de Serbia en 1989, Kósovo pasa a ser administrado en 1999 por la comunidad internacional representadas, en el aspecto de seguridad, por dos organizaciones internacionales: UNMIK de las Naciones Unidas y la Fuerza Internacional de Seguridad de Kósovo (KFOR) de la Organización del Tratado del Atlántico Norte. La actuación de ambas instituciones está legitimada y enmarcada dentro de la resolución 1244 (1999)

del Consejo de Seguridad de las Naciones Unidas La población kosovar recibe positivamente la presencia internacional aunque progresivamente ha ido cambiando su actitud con respecto las fuerzas políticas han avanzado hacia una independencia, idea rechazada por la mayoría de la comunidad serbiokosovar y fuertemente protestada por Belgrado y sus aliados, Rusia especialmente<sup>68</sup>.

A través de la resolución 1244, el Consejo de Seguridad autorizó al Secretario General de la ONU “a establecer (...) una presencia internacional civil en Kósovo a fin de que Kósovo tenga una administración provisional bajo la cual su pueblo pueda gozar de una autonomía sustancial en la República Federal de Yugoslavia y la cual se encargara de administrar la transición” hasta que se llegue a una solución, requiriéndose para que nombre a un Representante Especial (SRSG) que controle la puesta en marcha de dicha presencia civil internacional<sup>69</sup>. La adopción de esta resolución le siguen los informes de 12 de junio y 12 de julio de 1999 del Secretario General donde se establece la estructura de la misión y las funciones y competencias de sus componentes<sup>70</sup>.

Como cabeza visible de la misión está el Representante Especial, el SRSG – administrador único del territorio-, apoyado por un *staff* formado por un jefe de gabinete, asesoría política, asesoría jurídica, asesoría y enlace militar y oficina de prensa. Ya en las primeras regulaciones, se señalan que SRSG queda investido de poderes ejecutivos, legislativos y judiciales, con competencia exclusiva para el nombramiento de todo tipo de funcionarios públicos o con responsabilidades en la administración del territorio. Realiza su trabajo a través de cinco Representantes Especiales Adjuntos (DSRSG), uno de los cuales, el Representante Especial Adjunto Personal (PDRSG) –sin cartera específica- actúa como *primus inter pares* en su relación con los otros DSRSG y sustituye al SRSG en su ausencia. La misión se estructura en cuatro componentes, conocidos como Pilares, divididos por asuntos, cuyas competencias han variado con el tiempo. A la cabeza de cada pilar se sitúa un DSESG. Los pilares al comienzo de la misión son (Gráfico número 5):

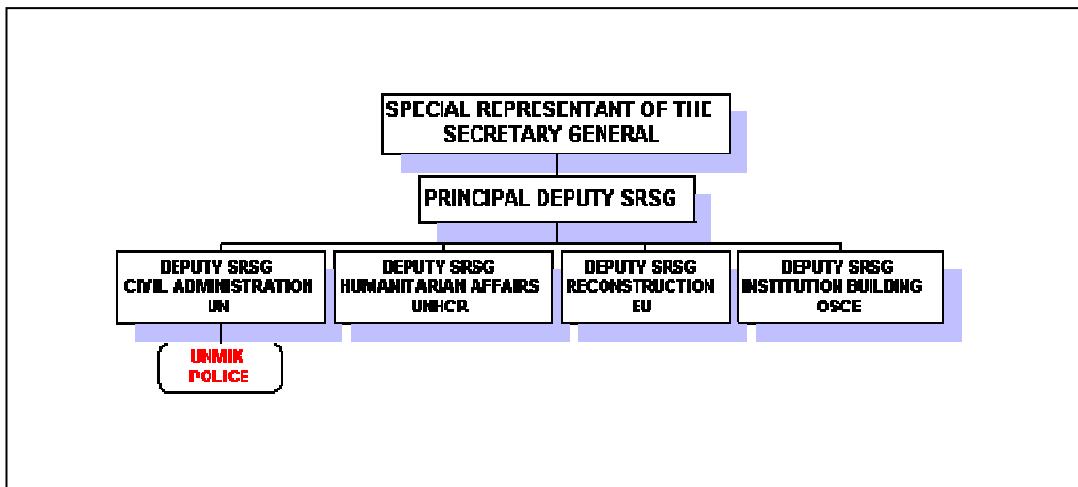
- Pilar I, de Asuntos Humanitarios: liderado por la Oficina del Alto Comisionado de Naciones Unidas para los Refugiados (UNHCR: asistencia humanitaria, medidas relativas a las minas, etc.)
- Pilar II, de Administración Civil: liderado por la propia Naciones Unidas (Administración Pública y Asuntos Civiles, Policía y Asuntos Judiciales).
- Pilar III, de Fomento Institucional: lideradazo por la Organización para la Seguridad y la Cooperación en Europa (OSCE: Democratización y fomento institucional; Elecciones; Derechos Humanos), y, finalmente,
- Pilar IV, de Reconstrucción: liderado por la Unión Europea (UE: Planificación, Supervisión y Estabilización de la Reconstrucción Económica, Social y Financiera).

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<sup>68</sup> GARCÍA ORRICO, D.: *La internacionalización de la Administración de Justicia, Misión de ONU de Administración Provisional de Kósovo*, Trabajo inédito presentado en el Curso de Gestión Internacional de Crisis, Instituto Universitario Gutiérrez Mellado, 2007. Pág.11 y ss.

<sup>69</sup> S/RES/1244 (1999), Párrafo 10.

<sup>70</sup> S/1999/672, de 12 de junio, y S/1999/779, de 12 de julio.



**Gráfico núm. 5**

Fuente: [www.civpol.org/unmik/](http://www.civpol.org/unmik/)

Con el final de la fase de emergencia, a finales de junio de 2000, desaparece el Pilar I, aunque UNHCR, en desarrollo de su mandato, permanece en Kósovo. Sólo en mayo de 2001, reaparecerá el uso del nombre del Pilar I, esta vez, ocupando un espacio diferente: Pilar I, de Policía y Judicial que, bajo el liderazgo de la propia Organización de las Naciones Unidas, reunirá bajo una misma autoridad los servicios relacionados con justicia e interior. A principios de 2008, el Secretario General de la ONU propone una reorganización de la Misión, tomando en consideración el despliegue de una operación de la Unión Europea (EULEX) con la aprobación del Consejo de Seguridad y cuyas implicaciones trataremos al final del artículo.

Redactada con amplio consenso dentro el Consejo de Seguridad y con intenso asesoramiento por parte de técnicos internacionales, lo que facilitó una precisión y clarificación poco corriente sobre el mando y cómo llevarlo a cabo, la resolución 1244 autoriza el despliegue de componentes civiles y “de seguridad” en virtud del Capítulo VII de la Carta de las Naciones Unidas (que legitima el uso de la fuerza para la consecución del mandato) con la responsabilidad, entre otras cosas, de:

- a) Mantener la ley y el orden público, incluso mediante el establecimiento de un cuerpo de policía civil, y entre tanto, mediante el despliegue de agentes de policía internacionales, y
- b) Proteger y promover los derechos humanos

La interpretación sobre el terreno de estas responsabilidades incluyó numerosos aspectos desde el mantenimiento del orden público hasta la investigación de crímenes, tanto comunes como relacionados con los derechos humanos, pasando por las funciones típicas de la Policía Judicial, el control de la inmigración y los pasos fronterizos –tanto de personas como de mercancías (aduanas), hasta el control del tráfico y la protección de personalidades y edificios.

Los informes posteriores del Secretario General que desarrollan la puesta en práctica de estas responsabilidades señalan que “teniendo en cuenta que la responsabilidad

primordial la Misión por el mantenimiento del orden público, será necesario considerar la posibilidad de armas a la policía<sup>71</sup> y contemplan el nombramiento dentro de UNMIK de un Comisionado de Policía integrado por tres elementos:

- 1) Una unidad de policía civil internacional que se encargará de la supervisión de las actividades de la policía civil y del establecimiento y la supervisión de una fuerza de policía de Kósovo,
- 2) Una unidad de policía especial encargada de las medidas antidisturbios y otras funciones de la policía especial, y
- 3) Una unidad de policía fronteriza internacional<sup>72</sup>

La misión de UNMIK fue tan comprensiva en su componente de seguridad al partir del entendimiento de que su principal problema en este terreno obedecía en gran medida a la falta de instituciones y organismos locales que hicieran cumplir la ley, al abandonar rápidamente el territorio la mayoría de la policía local serbia. Por ello, las Naciones Unidas concedieron a la misión “poder ejecutivo”, es decir capacidad legal de detener y enjuiciar a los responsables de delitos e injusticias y marcó como prioridad la rápida constitución de un nuevo cuerpo policial local<sup>73</sup>.

El mantenimiento tanto de la seguridad pública como del derecho civil y el orden público fue encomendado en un primer momento a la fuerza militar de la OTAN desplegada al efecto (KFOR) bajo asesoramiento del componente policial de UNMIK en ausencia de una fuerza policial legítima, tanto internacional como local. En una segunda fase, se transfirió toda la autoridad al componente policial internacional. Sus principales actividades incluyeron: patrullaje y mantenimiento del orden público, investigación de crímenes, prevención del crimen, recolección de evidencias y denuncias, control de fronteras e inmigración y control del tráfico.

El personal internacional de policía de la UNMIK se desplegó en las cinco regiones de Kósovo, con cuartel general en Pristina. La misión policial estaba estructurada en tres componentes principales y llegó a contar con un máximo de 4.718 efectivos: policía civil (1.800 hombres), unidades especiales (FPU) (10 unidades con 115 oficiales cada una) –una importante novedad por ser la primera vez que se constituía dentro de una administración internacional de la ONU- y policía de fronteras (205 oficiales) (Gráfico número 6). El número de efectivos fue disminuyendo progresivamente hasta que en diciembre de 2008 representaba un total de 1.499 UNCIVPOL pertenecientes a 31 países: 499 efectivos encuadrados en unidades especiales (FSU) procedentes de Pakistán, Rumania, Polonia, Ucrania; 462 policías internacionales y 999 oficiales dentro de la misión de la OSCE dedicada a la formación y supervisión del servicio de policía. El presupuesto para el año 2008 ascendió a 210,6 millones de dólares<sup>74</sup>.

Uno de los principales retos operativos del ambicioso mandato estuvo relacionado con la ausencia de una legislación aplicable o la controversia sobre la que la AI decidió aplicar. La colaboración entre la ONU y la Organización para la Seguridad y Cooperación en Europa (OSCE) en la creación del Servicio de Policía de Kósovo (KPS)

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<sup>71</sup> S/1999/672 Párrafo 9 c).

<sup>72</sup> Para un resumen de las actividades de la Policía de Fronteras (Aduanas) de UNMIK entre 2000 y 2007 puede verse: *UNMIK Customs Service – collecting success!*, UNMIK Press Release 1632 (Countdown No.9), 24 January 2007 consultado en [www.unmikonline.org](http://www.unmikonline.org) el 10/11/2008.

<sup>73</sup> S/RES 1244 (1999).

<sup>74</sup> S/2008/692.

permitió el rápido establecimiento de un centro de adiestramiento y el desarrollo de una doctrina policial fundamentales para la reestructuración del cuerpo. A mediados de 2006, UNMIK comenzó la transferencia de responsabilidad de las labores policiales a KPS con respecto consolidó su estructura y amplió su presencia geográfica.

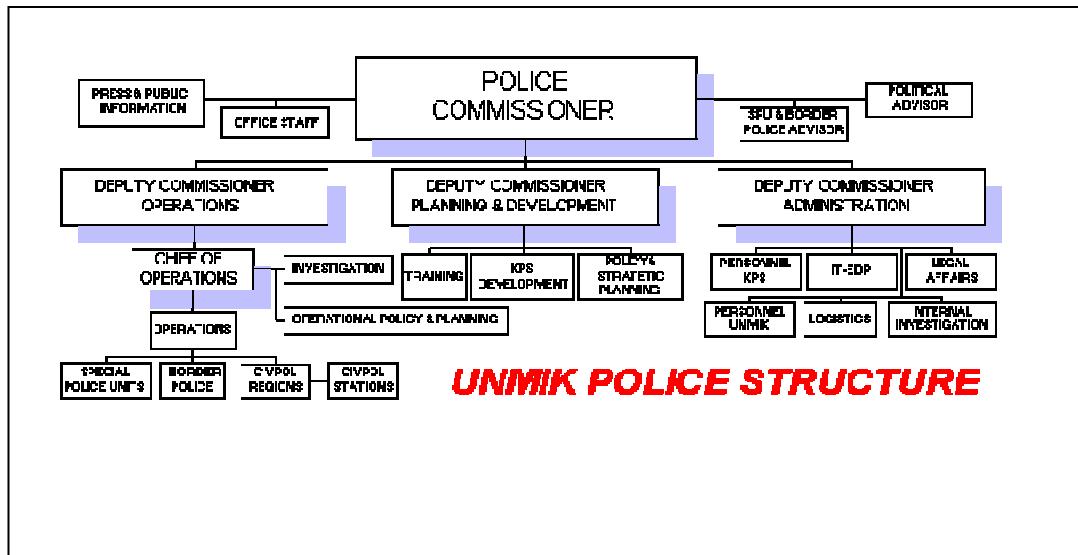


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Fuente: [www.civpol.org/unmik/](http://www.civpol.org/unmik/)

La función de UNMIK se puede dividir en cuatro grandes etapas:

- Primera etapa (Julio-Octubre 1999): la KFOR se encargó de la seguridad y el orden público hasta que la presencia civil internacional pudo asumir esa función. Durante este período, la policía civil de UNMIK prestó asesoramiento a KFOR y sirvió de enlace con las contrapartes local e internacional. Las unidades de policía especial bajo el control de UNMIK también establecieron enlaces con las otras partes y asumieron como cometido especial en esta etapa la protección de las instalaciones de las Naciones Unidas.
- Segunda etapa (Octubre 1999-Abril 2002): Una vez UNMIK recibió la responsabilidad de mantener el orden público de KFOR, la policía civil internacional llevó a cabo sus obligaciones normales de policía con facultades de “poder ejecutivo” para hacer cumplir la ley. Se inicia la creación y establecimiento de la Policía Local - Servicio Policial de Kosovo (KPS, siglas en inglés), así como se ponen en funcionamiento unidades especiales, bien destinadas a funciones antidisturbios o control de la población en situaciones de emergencia.
- Tercera etapa (Abril 2002 - Septiembre 2006): KPS asume responsabilidades policiales transferidas de la Administración Internacional. UNMIK abandona u capacidad poder ejecutivo en la mayoría de las zonas del país para concentrarse en misiones de asesoramiento, adiestramiento y supervisión del cuerpo local.
- Cuarta etapa (Septiembre 2006 – Diciembre 2008): La OSCE transfiere la gestión de la Academia de Policía a las autoridades locales. UNMIK reorganiza la misión y traspasa las responsabilidades en el área de

seguridad a la UE, a excepción de en las zonas ocupadas por comunidades no albanesas<sup>75</sup>.

#### 4.- UNMIK Y KFOR, una relación modélica

Respecto a la relación entre el componente militar y el policial, podemos afirmar que el modelo seguido en Kósovo debería considerarse como referente para futuras misiones por haber funcionado satisfactoriamente al no confundir en ningún momento capacidad con autoridad<sup>1</sup>. En los primeros momentos y ante la falta de otras estructuras de seguridad, las unidades de policía civil –compuestas por gendarmes franceses, carabineros italianos o guardias civiles españoles- fueron colocadas bajo mando de la OTAN junto a otras fuerzas militares sin que se produjeran problemas significativos por estar bien definidos sus cometidos y estructuras de mando. Estos unidades podían llevar a cabo funciones de orden público –como patrullas, control de poblaciones, etc.- pero no poseían poder ejecutivo, lo que les impedía realizar investigaciones criminales o arrestos a pesar de estar equipados y entrenados para ello. Una vez se produjo el traspaso de la responsabilidad del orden público de KFOR a UNMIK, cualesquiera unidades de policía especial que hubieran estado anteriormente bajo mando de la OTAN fueron trasladadas a la autoridad de la Administración Internacional de Naciones Unidas para evitar tener dos unidades con mandatos análogos en el mismo teatro de operaciones.

La UNMIK y KFOR establecieron desde un principio una estrecha relación de trabajo y organizaron una compleja estructura de mecanismos de coordinación que incluyeron reuniones diarias del Representante Especial con el Comandante de la KFOR. La UNMIK mantuvo, asimismo, un enlace estrecho con KFOR durante la primera etapa para ayudar a la fuerza de la OTAN en el cumplimiento de su responsabilidad de garantizar la seguridad pública. Esto comprendía ocuparse tanto de delitos ordinarios como de los incidentes que obedecían a motivaciones políticas tales como los intentos de ciertos grupos de albaneses de Kósovo de apoderarse de las oficinas del gobierno local, los hospitales y las instalaciones de los medios de comunicación. La UNMIK emplazó oficiales de enlace militar en el cuartel general y en las cinco brigadas multinacionales de KFOR. En caso necesario, los representantes de la KFOR participaron en la labor de la UNMIK, mientras que esta, por su parte, participó en la Comisión Mixta de Aplicación (JIC, siglas en inglés) que mantuvo enlaces con las fuerzas armadas de la República Federal de Yugoslavia y con el Ejército de Liberación de Kósovo (ELK). UNMIK y KFOR también colaboraron estrechamente en otras áreas como la remoción y señalación de campos minados y la actividad del Tribunal Penal Internacional para la ex Yugoslavia en la investigación de denuncias contra presuntos criminales.

Un ejemplo de la buena coordinación entre ambas estructuras se produjo el 14 de marzo de 2008 con motivo de que un grupo de empleados judiciales serbokosovares tomó por

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<sup>75</sup> El representante especial del Secretario General para Kósovo, Lamberto Zannier, razonó esta decisión de la siguiente manera: “las recientes acciones de las autoridades kosovares (la declaración de independencia) hacen impracticable e imposible que UNMIK siga ejerciendo como administrador (...). Debemos concentrarnos en las áreas donde todavía podemos ser útiles en vez de seguir intentando ejercer funciones para los que no tenemos relevancia o nos necesarias”. *UN's Kosovo mission reorients field presence to non-Albanian ethic communities*, 26/11/2008. UN Press Release.

la fuerza el tribunal de la UNMIK en Mitrovica Norte, mientras que protestaban y pedían que se les devolvieran sus puestos. Unos días después, una operación de policía de UNMIK con el apoyo de KFOR recuperó el control del tribunal. Sin embargo, durante la operación, la policía internacional y los soldados de la OTAN fueron atacados por los manifestantes y se produjo un violento enfrentamiento en el que resultó muerto un agente internacional de Ucrania y resultaron heridos otros 64 agentes internacionales de UNMIK y otros 24 efectivos de KFOR. A raíz del incidente, la policía de UNMIK se retiró de Mitrovica Norte durante 36 horas en las que KFOR quedó encargada del mantenimiento del orden y la ley. El 19 de marzo, UNMIK reanudó las tareas normales, una vez restablecido un ambiente de seguridad<sup>76</sup>. Esto fue posible, en gran medida, por la coordinación establecida de antemano por las estructuras de mando de ambas instituciones que incluso habían llegado a realizar ejercicios de operativos similares. El aprendizaje logrado en esos simulacros permitió una gran coordinación entre policías y militares que evitó un empeoramiento de la situación cuando se produjeron los disturbios.

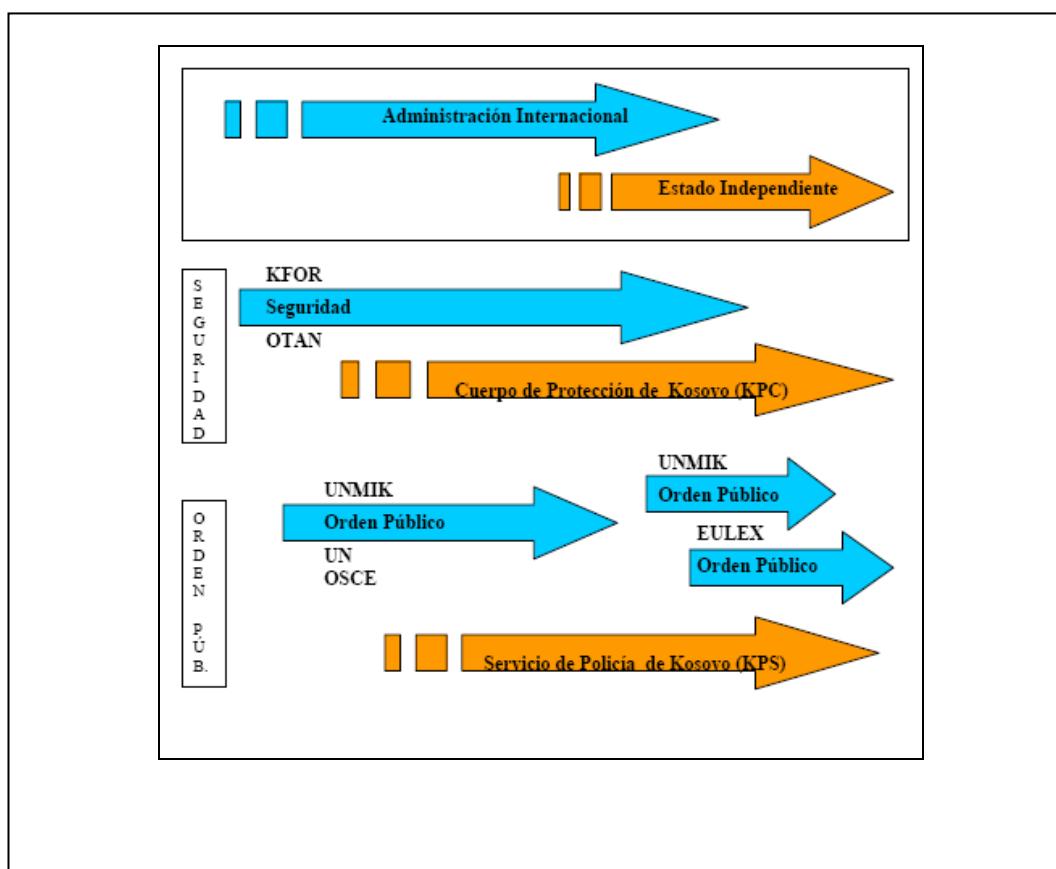


Gráfico núm. 7

Fuente: Elaboración Propia

Hay que tener en cuenta que la Alianza Atlántica también contribuyó desde el primer momento al monitoreo del Cuerpo de Protección de Kosovo que constituyó varios equipos de enlace con la OTAN a fin de ofrecer garantías a todas las comunidades y, en

<sup>76</sup> S/2008/458, Capítulo III Seguridad

caso de se produjera un empeoramiento de la situación de seguridad, aportar una influencia tranquilizadora.

En junio 2008, tras la creación del nuevo Ministerio de Kósovo para las Fuerzas de Seguridad y el nombramiento un poco después de un Ministro, KFOR, en consulta con las autoridades de Kósovo, puso en marcha un proceso de reclutamiento de personal para una futura Fuerza de Seguridad de Kósovo. En la primera etapa, la selección se efectuó entre miembros del Cuerpo de Protección de Kósovo y se basó en las necesidades de la Fuerza de Seguridad y en haber completado exitosamente el procedimiento de investigación aprobado. Los miembros del Cuerpo de Protección que no sean reclutados para la Fuerza de Seguridad serán reasignados, reintegrados o separados del servicio con dignidad, a través de un programa financiado por un Fondo Fiduciario de la OTAN y ejecutado por el Programa de Naciones Unidas para el Desarrollo (PNUD)<sup>77</sup> (Gráfico Núm. 7).

## 5.- La OSCE establece la Academia de Policía del KPS

La resolución 1244 estipulaba como prioridad la inmediata creación de una escuela de formación para el Servicio de Policía de Kósovo (SPK) que debía ser independiente y multiétnico y formado por candidatos con arreglo a normas estrictas de selección e investigando y verificando los antecedentes. Este cometido fue adjudicado a la Organización para la Seguridad y Cooperación Europea (OSCE), que ya había tenido experiencias similares en este terreno en otros países del continente.

La misión de la OSCE quedó resumida en cuatro objetivos bajo el convencimiento de que el imperio de la ley no se podía lograr sin cuerpos de seguridad del Estado que trabajasen y funcionasen de forma democrática y con la plena confianza y credibilidad de la población:

1. Diseñar un curso básico policial y las materias y conocimientos a impartir
2. Establecer un plan de adiestramiento en cooperación con UNMIK
3. Crear una Academia de Policía con la ayuda de un cuerpo de 150 policías civiles internacionales como administradores y profesores, y
4. Establecer un proceso de selección de candidatos y posterior evaluación y supervisión

Los planificadores de la OSCE establecieron que para mantener el orden y la seguridad en Kósovo se requería al menos la formación de 3.500 efectivos policiales en los primeros 16 meses con la dificultad añadida de que al menos un 10 % fueran serbiokosovares y todos los nuevos policías carecieran de historial criminal para garantizar su legitimidad y credibilidad. También se fijó la meta de formar a 700 oficiales para que sirvieran de supervisores y administradores de la Academia y profesores para los cursos de perfeccionamiento.

La Academia abrió sus puertas el seis de septiembre de 1999 en Vushtrri/Vucitn, a unos 25 kilómetros de Pristina, donde vivían los alumnos durante nueve semanas para que aprendieran las funciones básicas de la policía civil bajo los principios de respeto a la democracia y los derechos humanos, y a la vez jugarán un papel positivo hacia la reconciliación del territorio. Todos los candidatos fueron entrevistados personalmente,

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<sup>77</sup> S/2008/692, Capítulo III Seguridad.

examinados física y psicológicamente e investigado su pasado. El programa de adiestramiento policial incluía 34 horas de clase por semana durante nueve semanas sobre distintas asignaturas como código de conducta policial, legislación, investigación criminal, técnicas de interrogatorio y recogida de pruebas periciales, uso de armas de fuego, primero auxilios y control de tráfico, entre otras materias<sup>78</sup>. Además, tenían que superar también 19 semanas de prácticas sobre el terreno bajo supervisión de UNCIVPOL. Una vez licenciados, han sido evaluados trimestralmente por sus superiores y por policías civiles internacionales. La primera promoción de 350 oficiales se graduó en octubre de 1999. Ocho años después, el SPK esta compuesto por 7.242 oficiales – de los cuales 704 son serbokosovares-, 594 oficiales de seguridad y 1.189 funcionarios civiles, desplegados en 34 comisarías y 22 subestaciones en todas las zonas del país<sup>79</sup>.

Para su propia legitimidad interna, el Comisionado de Policía de UNMIK tiene plenas facultades para despedir o imponer medidas disciplinarias a los oficiales o cadetes del SPK por presuntas violaciones a los derechos humanos o cualquier otro tipo de conducta cuestionable. El proceso de selección fue muy riguroso –se presentaron cerca de 19.000 candidatos para 7.500 plazas- y no estuvo exento de polémica, especialmente por la falta de documentación, ser de dudosa procedencia (principalmente aquellos procedentes de la policía serbia), o la creencia de algunos políticos de que debía facilitarse la integración de todos los miembros del Ejército de Liberación de Kósovo (ELK) que no pudieran formar parte del Cuerpo de Protección de Kósovo.

En conjunto, se puede afirmar que el proyecto ha cumplido sus objetivos a pesar de las dificultades. En enero de 2007, la gestión y dirección de la Academia de Policía fue transferida al KPS que la rebautizó como Centro Educativo para la Seguridad Pública y el Desarrollo (KCPSED), comúnmente conocido como “el Centro”. Desde su creación, ha evolucionado sustancialmente al pasar de impartir cursos de entrenamiento policial básico hasta módulos especializado en investigación y control de poblaciones en situaciones de emergencia, con una mayoría de profesorado ya local y los estándares de calidad comparables con los de Europa<sup>80</sup>.

## 6.- UNMIK: Evaluación y futuro

El análisis final de UNMIK está todavía por escribirse pero nueve años es un tiempo suficiente para sacar algunas conclusiones. No es arriesgado, por tanto, afirmar que se trata de una de las misiones policiales desplegadas por Naciones Unidas más exitosas de su historia, con todos los claroscuros que se puedan apuntar. UNMIK ha cumplido

<sup>78</sup> Además, todos los reclutas debían residir en Kósovo; tener más de 25 años; haber completado secundaria; estar en excelente condición física y mental; tener una vista 20/25; capacidad de leer; escribir y hablar albanés y serbio; demostrar que eran capaces de entender y defender el imperio de la ley y proteger los derechos humanos de todas las personas independientemente de su étnica; intolerancia a cualquier tipo de violencia étnica; carecer de historial relevante de crímenes de guerra o conducta delictiva (excluyendo faltas leves de tráfico; ofensas juveniles o crímenes políticos); poder conducir vehículos de motor y tener altos valores morales. Asimismo, debían demostrar tolerancia y voluntad de trabajar con personas de distintas culturas. *Kosovo Police Service School* consultado en <http://www.osce.org/Kosovo/13216.html> el 11/12/2008.

<sup>79</sup> *KPS –Working for a better Kosovo*, UNMIK Press Release 1629 (Countdown No.8), 17 January 2007, consultado en [www.unmikonline.org](http://www.unmikonline.org) el 11/12/2008.

<sup>80</sup> *Kosovo Police Service School- the success story continues!*, UNMIK Press Release 1673 (Countdown No. 21), 2 May 2007, consultado en [www.unmikonline.org](http://www.unmikonline.org) el 11/12/2008.

satisfactoriamente sus principales objetivos –mantener el orden público y crear un servicio de policía local efectivo y respetuoso con la democracia y los derechos humanos-, a pesar de reconocer que aún existe un difícil ambiente de inseguridad e importantes tensiones étnicas que demuestran que aún está bastante lejos una reconciliación duradera y perdurable.

Con todo ello, se puede decir que la comunidad internacional ha demostrado su capacidad de desplegar operaciones policiales complejas de transformación y poder ejecutivo, y la eficacia de fórmulas novedosas son las FSU, unidades policiales especializadas en el control y gestión de situaciones violentas o de fuerte confrontación, sin tener que recurrir al componente militar. También es destacable la positiva distribución de responsabilidades entre el componente militar (KFOR) y de seguridad (UNMIK) de la misión, y entre las distintas organizaciones internacionales –ONU, OTAN, UE y OSCE- con un reparto de papeles coherente y una significativa capacidad de coordinación entre todas ellas, algo novedoso hasta ahora en este tipo de operaciones multidisciplinares con tantos actores actuando simultáneamente en un mismo teatro de operaciones. La clave de ello, es necesario resaltar, había que buscarla quizás en la personalidad del primer Representante Especial del Secretario General, Sergio Vieira de Mello, quien entendió perfectamente su papel como máxima autoridad internacional en Kósovo y, por tanto, de todos sus actores e instituciones involucradas.

Entre las áreas aún por mejorar puede mencionarse la relativa tardanza en el despliegue de los efectivos UNCIVPOL aprobados por el Consejo de Seguridad –un mal casi endémico de todas las misiones de Naciones Unidas- y la dificultad de los responsables de la administración internacional por determinar la legislación aplicable en el territorio, un elemento que causó gran confusión y dificultó en gran medida la actuación de UNMIK durante los primeros tiempos.

Desde el punto de vista de efectividad policial, hasta enero de 2008, UNMIK y el SPK habían llevado a cabo 182.893 investigaciones y creado y desplegado un servicio local policial en todo el territorio –incluida la compleja zona norte de mayoría serbokosovar-, así como 13 puestos fronterizos. La Academia de Policía de la OSCE ha formado adecuadamente a más de 8.000 oficiales de los que 7.242 permanecen actualmente en el cuerpo, y transfirió con éxito su gestión y administración a nivel local, encuadrándola dentro del Ministerio del Interior de Kósovo.

En el capítulo de éxitos concretos, se pueden mencionar por ejemplo que en 2006, el SPK desarticuló una importante operación de falsificación de tarjetas de crédito con el arresto de nueve personas y el desmantelar de toda la red, así como han sido reconocidos sus operativos contra redes internacionales de “trata de blancas” y su capacidad de mantenimiento del orden en momentos difíciles (hay que recordar los disturbios de marzo de 2004) y la supervisión de fronteras, tanto en relación con personas como de mercancías.

Las evaluaciones realizadas por instituciones independientes demuestran que en términos generales la población de Kósovo se siente más segura ahora que hace ocho años. Entre diciembre de 2006 y junio de 2007, por ejemplo, un 17 por ciento afirmó que los niveles de seguridad había mejorado y más del 77 por ciento consideraba que

permanecían igual. Sólo un 13,6 por ciento de la población estimaba que había empeorado<sup>81</sup>.

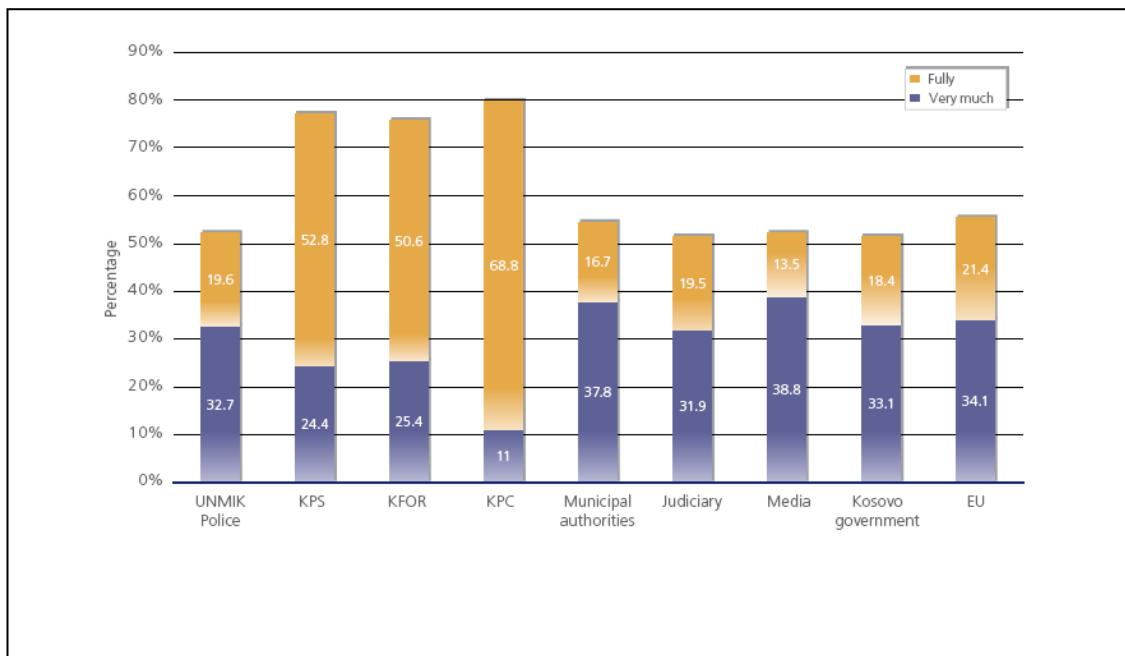


Gráfico núm. 8

Fuente: Elaboración Propia

Por otra parte, el Servicio de Policía de Kósovo es la segunda institución con mayor credibilidad y mejor imagen pública por detrás sólo del Cuerpo de Protección de Kósovo. El 77,2 por ciento de los entrevistados respondieron que confiaban “mucho” o “completamente” en el SPK, un porcentaje mucho mayor que en relación con UNMIK (52,3 %) o la Unión Europea (55,5 %) (Gráfico Núm. 8). Varias variables afectan a la hora de determinar cuanto confía la población en el SPK, incluido étnica, localización y niveles de educación. En este sentido, el 91,5 % de los albanokosovares respondieron que confian “completamente” o “mucho” en el SPK frente al 5,1 % de los serbokosovares y el 85,4 % de los que no son de ninguna de estas comunidades. Lo que es evidente es la correlación entre seguridad y confianza en el SPK. El 90,2 por ciento de los que responden sentirse seguros en su zona o vecindario, confían en el Servicio de Policía de Kósovo “completamente” o “mucho”. También destaca la percepción de honradez que tiene el cuerpo. Escasamente el 5 % afirma haber recibido peticiones de soborno o percibir algún tipo de corrupción por parte de los policías, el doble que en caso de UNMIK, pero mucho menor que cuando se habla de la judicatura local (23,1 %) o de las autoridades municipales (38,5%).

Por último, cuando se pregunta a la población local que puede hacer el SPK para mejorar, las respuestas se parecen mucho a las que se podríamos obtener en cualquier país occidental: que patrullen más (60,7 %), que responda más rápidamente a los incidentes (47,3 %), que sean menos corruptos (28,7 %) y que traten con más respecto a las personas (27,3 %).

<sup>81</sup> *Policing in Kosovo*, The Forum or Civic Initiatives and Safeworld, February 2008. Pág. 8 y ss.

Quizá el tema más preocupante a medio plazo es la capacidad que tenga el Servicio de Policía de Kósovo de continuar siendo un cuerpo multiétnico para poder responder a las demandas de integración y convivencia de las dos comunidades que conforman el territorio. En noviembre de 2008, la representación de las minorías dentro del SPK permanecía en un 15,5 % (un 10 % serbokosovares), justo el objetivo marcado a UNMIK por el Consejo de Seguridad<sup>82</sup>. Sin embargo, estos números pueden llevar a engaño. Tras la declaración de independencia de Kósovo, el 17 de febrero de 2008, los serbios de Kósovo, con el apoyo de las autoridades serbias, ampliaron el boicoteo de las instituciones de Kósovo y lo hicieron extensivo al Servicio de Policía de Kósovo, al Servicio de Aduanas de UNMIK, y al sistema judicial, la administración municipal y los ferrocarriles. En el caso del cuerpo policial local, en las zonas de mayoría serbokosovar al sur del río Ibar, 308 oficiales de policía serbokosovares se negaron a continuar colaborando con el Servicio y fueron suspendidos del servicio. Argumentaron que no trabajarían bajo línea de mando reconocida del Servicio, en virtud de la cual los cuarteles generales responden ante el cuartel general principal en Priscina<sup>83</sup>. Estos problemas no se produjeron, sin embargo, en otras zonas, como la septentrional, donde las funciones policiales operativas no fueron transferidas de UNMIK al Ministerio del Interior de Kósovo<sup>84</sup>.

Las perceptivas de futuro de UNMIK no están claras. En especial desde la declaración unilateral de independencia de las autoridades de Kósovo. No por anticipada, la decisión provocó un cisma en la comunidad internacional ya que muchos países –desde Rusia a España, por ejemplo- se han negado a reconocerla frente a otros –Estados Unidos a la cabeza- que la han respaldado con entusiasmo. En esta tesitura, las Naciones Unidas se vieron obligadas a declararse neutrales respecto al estatus político del territorio lo que, en términos prácticos, representó la paralización sobre el terreno de sus efectivos por el boicot iniciado por los albanokosovares en sus zonas de influencia. En este escenario, la Unión Europea decidió asumir un papel de primer plano. El Consejo Europeo del 14 de diciembre de 2007 aprobó avanzar en la puesta en funcionamiento de una misión civil para ese territorio –la más grande en efectivos de su historia- de acuerdo con lo estipulado en la resolución 1244 y escudándose en las directrices de la ONU que propugnan una mayor protagonismo de las organizaciones regionales<sup>85</sup>. La misión debía asumir lenta y gradualmente a lo largo de 2008 responsabilidades operacionales en materia de policía, justicia y aduanas en todo el territorio de Kósovo, aunque desde un principio se reconoció que, al menos durante un tiempo, UNMIK deberá mantener su presencia en la zona de mayoría serbia donde el personal del Servicio de Policía de Kósovo no podrá actuar si no es bajo la supervisión de UNCIVPOL y no de la representantes de la UE.<sup>86</sup>

<sup>82</sup> El Cuerpo de Protección de Kósovo, en comparación, cuenta con un 6,1 % de sus 2.865 efectivos (diciembre 2008) de distintas minorías (0,98 serbokosovares, 28 en números absolutos). La representación femenina es de 3 % (86) en el CPK frente al 13,5 por ciento en el SPK. S/2008/692.

<sup>83</sup> El Gobierno kosovar decidió seguir pagando a los agentes de policía serbokosovares suspendidos en un intento de alejarnos a volver a sus puestos. La respuesta fue escasa, sólo 17 de los 300 habían regresado a sus puestos en noviembre de 2008. En esas fechas, también estaba prohibida la presencia de agentes albanokosovares del SPK en Mitrovica Norte por motivos de seguridad tras los incidentes ocurridos a raíz de la declaración de independencia. Solamente, los agentes de UNMIK y serbokosovares del SPK responde a las llamadas de investigación. S/2008/458, Capítulo Estado de Derecho. Núm 20 y 21.

<sup>84</sup> S/2008/211, Capítulo III Seguridad.

<sup>85</sup> S/RES/1631/2005).

<sup>86</sup> La posición de la ONU quedó estipulada en una carta enviada por el Secretario General, Ban Ki-moon, al Sr. Boris Tadic que contenía seis puntos, bajo el criterio de que la organización internacional se mantenía neutral respecto al estatuto político final del territorio. Anexo I al S/2008/354.

La Acción Común de la Unión Europea del 4 de febrero de 2008 estableció oficialmente el marco de actuación de lo que denominó Misión de Mantenimiento de la Ley en Kósovo (EULEX) cuyo objetivo es asistir a las instituciones, autoridades judiciales y cuerpos de seguridad de Kósovo a continuar sus funciones y consolidar un sistema democrático basado en el respeto a la ley. En el caso policial, EULEX velará por la consolidación de un cuerpo multiétnico, independiente, sin interferencia política y semejante en sus estándares de actuación a las mejores prácticas europeas. La misión contará con cerca de 3.000 efectivos, incluido un importante componente de policía civil (unos 1.000 oficiales) que llevarán a cabo sobre el terreno misiones muy parecidas a las que hasta ahora realizaba UNMIK<sup>87</sup>. EULEX incluye, asimismo, jueces, fiscales y administradores civiles, más 1.100 contratados locales, bajo la dirección de Yves de Kermabon. En los últimos meses, la UE y la ONU han llegado a acuerdos técnicos para la venta de equipo y vehículos excedentes de la UNMIK, así como la puesta a disposición de la misión europea de oficinas y bases logísticas regionales no necesarias para los UNCIVPOL<sup>88</sup>.

El inicio de la fase operativa de EULEX el 9 de diciembre de 2008 coincidió con una reconfiguración de UNMIK y la reducción de su componente policial. Sin embargo, aún no está claro hasta qué punto la Unión Europea podrá lograr desplegarse en todo el territorio y sustituir completamente las funciones hasta ahora encomendadas a los policiales internacionales encuadrados en UNMIK. Por el momento, las dos misiones policiales –UNMIK y EULEX- compartirán responsabilidad en el pequeño Kósovo. El tiempo dirá si esta convivencia de organizaciones y funciones es también tan exitosa como la etapa anterior.

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<sup>87</sup> EULEX fue establecida por un período de 16 meses y un presupuesto de 250 millones de euros al que contribuyen todos los países de la UE más Noruega, Suiza, Turquía, Estados Unidos y Croacia. Council Joint Action 2008/124/CFSP of 4 February 2008, Official Journal of the EU, L 42/92.

<sup>88</sup> S/2008/354.

# EULEX Kosovo – initiating a new generation of civilian ESDP missions? Working Paper

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## **Abstract**

This paper inquires whether EULEX, the European Union's (EU) as yet not fully operational ESDP mission in Kosovo, constitutes a shift in the conceptual thinking of EU civilian crisis management that is independent from the in-itself-noteworthy executive powers and the unprecedented size of the mission. The fact that the rule-of-law mission includes a justice component sets it apart from other Council-lead peace-building operations that thus far have had a clear focus on strengthening the operability of national police forces. Therefore, by moving further into areas related to capacity-building in the law enforcement sector, civil-civil cooperation within the European Union comes to the fore, although without rendering civil-military cooperation less important. Both of these considerations remain an issue for the sustainability of the reform efforts of civilian missions, in particular in its inter-pillar coordination aspects. Those aspects relevant to civilian crisis management will therefore be dealt with from a more institutional-planning angle first, and secondly at the implementation level in the context of the missions in the Western Balkans. The paper will then in the third part briefly consider the law enforcement circumstances (in particular the judiciary) in Kosovo since 1999 in order to demonstrate the difficult legacy EULEX Kosovo is facing, before examining the mandate and prospects for the mission itself in the fourth and final part.

## **Introduction**

The European Union, alongside the United Nations, is one of the few international organizations that enjoys full capacity to operate complex peace operations and to address all issues at stake in post-conflict security environments. Undoubtedly, it has a very ‘broad range of civilian and military instruments’<sup>90</sup> for post-conflict peace-building.<sup>91</sup> An important feature of this cross-cutting policy field, situated at the

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<sup>90</sup> European Union, *Council Conclusions on a Policy Framework for Security Sector Reform, Meeting of the General Affairs Council*, Luxembourg, 2006.

<sup>91</sup> Peace-building mandates combine political, security, humanitarian, development and human rights dimensions in a post-conflict environment, and address both the immediate consequences and root causes of a conflict. In this respect, peace-building has been defined as the structural efforts that foster or support those social, political and institutional structures and processes which strengthen the prospects for peaceful co-existence and decrease the likelihood of the outbreak, reoccurrence or continuation of violence. Cf. J Goodhand, ‘Aiding Violence or Building Peace? The role of International Aid in Afghanistan’ (2002) 23 *Third World Quarterly* 5, at 839. For a detailed overview over the different concepts and definitions across UN, EU and individual states’ agencies, see M Barnett, H Kim, M O’Donnell and L Sitea, ‘Peacebuilding: What Is in a Name?’ (2007) 13 *Global Governance*, at 35. As a

intersection between the security and development agendas, is the reform of the security system, in international discourse referred to as Security Sector or Security System Reform.<sup>92</sup> Indeed, nearly all civilian European Security and Defense (ESDP) missions, somewhat ‘misleadingly’<sup>93</sup> referred to as ‘civilian crisis management missions’, are operating in this very large policy field that covers transition and reform of not only the ‘core security actors and justice and law enforcement institutions, but also the ‘security management and oversight bodies and even non-statutory security forces.’<sup>94</sup> The transformation of these security institutions so that they can play an effective, legitimate and democratically accountable role in providing external and internal security’ is – according to a growing international consensus – an essential prerequisite for the long-term stability and prosperity of a country.<sup>95</sup>

Whatever comparative advantage one however ascribes to the European Union, it also has to be regarded situation and country specific. In this regard, one may consider the Western Balkans. At least since the Thessaloniki Summit in 2003 where their ‘European perspective’ was prominently endorsed, the countries of the region are undoubtedly – and with a growing emphasis – embedded in an accession context for the European Union. Two factors then distinguish the EU from other important international organisations involved in peace-building there. In other words, the EU has, for instance, a comparative advantage over NATO which uses conditionality and the leverage of

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consequence of the UN Secretary General’s *Agenda for Peace*, where the term ‘post-conflict peace-building’ was coined, the UN developed the ‘Integrated Missions’ model, essentially aimed at enhancing coherence in a given theatre of operations between the UN country team, which is humanitarian and developmental in focus, and the UN peacekeeping operation, which is peace and security focused. As of December 2005, the ‘Integrated Mission’ has now officially been accepted as the mission structure of choice. B Boutros-Ghali, *An Agenda for Peace* (UN A/47/277, 17 June 1992).

<sup>92</sup> SSR has evolved in the development assistance context as a tool of good governance, and has then – via post-authoritarian countries – entered the realm of post-conflict reconstruction. In all contexts, there is a stronger pressure today for coordination within a multilateral framework, using transparent and universally accessible standards. For an overview over the evolution of the concept, see for instance A. Bailes, ‘Introduction: The EU and Security Sector Reform’, in D Spence and P Fluri, *The European Union and Security Sector Reform* (London, 2008). On SSR as a ‘good governance’ tool, see also European Commission, *Governance and Development*, COM (2003) 615 final.

<sup>93</sup> This can of course be explained by the wording of Art. 17 (2) of the Treaty on European Union (TEU), which provides for a legal basis for the so-called ‘Petersberg Tasks’, i.e. humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking’. Interestingly, the Treaty of Lisbon acknowledged that the thrust of EU ‘crisis management’ is related to post-conflict peace-building by adding to the functions of the Common Security and Defense Policy (CSDP), the ESDP’s successor, the ‘tasks of combat forces in crises management, including peace-making and post-conflict stabilisation’ in Article 43 TEU (Lisbon).

<sup>94</sup> The European Union draws on the definition of the Development Assistance Committee of the OECD for its conceptualization of SSR. Consistent with the cross-pillar competence allocation, there are two European SSR policy papers, based however on the same definition. See European Commission, *A Concept for European Community Support for Security System Reform*, COM (2006) 253 final, and Council of the European Union, *EU Concept for ESDP Support to Security Sector Reform (SSR)*, Brussels, 13.10.2005. These security institutions are then to be defined as having ‘authority to use, or to order the use of force, or threat of force, to protect the state and its citizens, as well as those civil structures that are responsible for their management or oversight’. D Bleasdale, ‘NATO and the EU within the Western Balkans: Partners or Rivals in Security Sector Reform?’ Paper presented at UACES conference 2007 and on file with the author. Original reference listed as M Chalmers, ‘Security Sector Reform in Developing Countries: An EU Perspective’ (2006) *Safer World Report*, at 6.

<sup>95</sup> Clingendael Institute, ‘Towards a Better Practice Framework in SSR: Broadening the Debate’ (International Alert, 2002) Occasional Paper.

membership perspective<sup>96</sup> but lacks the civilian range of instruments, and over the UN whose array of instruments is as wide as the EU's but whose conditionality is far from enjoying the same leverage.

Indeed, EU membership conditionality<sup>97</sup> is the tool used by both the European Union and its aspiring members for EU membership as a driving force for reforms in all sectors. While corresponding to a policy choice in EU external relations generally, the concept of conditionality stands out as the indispensable *rationale* of the European Union's pre-accession strategy. The setting of stringent membership conditions is designed to attain an objective that is essentially two-fold: on the one hand, the continuous, 'objective' evaluation of candidate countries' progress ensure an inclusive, holistic nature of the accession process while at the same time allowing for a differentiation between the candidates based on 'individual merits'; on the other hand, and this is an aspect that is rarely considered in depth, accession conditionality importantly seeks stabilisation of present, and the protection of future, EU integration objectives. In this later aspect it directly relates to the EU's capacity to 'absorb new Member States'. The lynchpin, the fundamental basis, and the essential point of reference of EU membership conditionality, has been and continues to be the so-called Copenhagen criteria, named after the European Council in December 1993 at which they were agreed. These criteria encompass political and economic parameters, and conditions relating to the adoption and implementation of the '*acquis communautaire*' in order to demonstrate the ability to meet the obligations of membership. For present purposes, the most important criterion is the first – the political – Copenhagen criterion. It requires the candidate countries to establish institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

## **Part 1. Civ-mil and civ-civ coordination in ESDP operation planning**

As mentioned above, the European Union differs from other international actors engaged in peace-building and security sector reform due to the wide range of instruments at its disposal, both military and civilian. However, due to its complex constitutional architecture, the EU is not a unitary actor in this respect but a 'multi-layered, and in fact tripartite'<sup>98</sup> organization. Indeed, the cross-cutting policy field of SSR is paralleled by a cross-pillar competence allocation between Community policies, essentially development, under the first pillar, and CFSP and ESDP – under both its civilian and military aspects - under the second pillar. This also has to be addressed as a matter of policy coherence between the two pillars, and therefore between Council-led operations and Commission-financed programmes, in particular if the extension of size

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<sup>96</sup> In July 2004 and again in December 2005, NATO rejected Bosnia's bid for membership in the Partnership for Peace Programme, in large measure for its failure to make progress in arresting Karadzic and Mladic. See M Doyle, 'Too Little, Too Late? Justice and Security Reform in Bosnia and Herzegovina' in Call (ed.) *Constructing Justice and Security after War* (US Institute of Peace Press 2007), at 255

<sup>97</sup> Conditionality entails the linking, by a state or international organisation, of benefits desired by another state to the fulfilment of certain conditions', K Smith, 'The Evolution and Application of EU Membership Conditionality' in M Cremona, *The Enlargement of the European Union* (OUP, Oxford 2003) 105, at 108.

<sup>98</sup> M Cremona and C Hillion, 'L'Union fait la force? Potential and Limitations of the European Neighbourhood Policy as an Integrated EU Foreign and Security Policy' (2006) EUI Working Papers, Law, No. 39, at 1. External policies evolve from an interaction between the CFSP-Union, the European Community and the Member States.

and mandate of civilian ESDP missions picks up pace. Coordination and cooperation between the different EU institutions, with none of them having a strategic oversight over all EU instruments, is therefore crucial for the EU's aspirations as a regional and global security actor.

Consequently, when one looks upon the coordination between the civilian and military actors involved in maintaining and building-up a secure and stable post-conflict environment in the context of the European Union, an important EU-internal coordination dimension (intra-organisational or inter-institutional) needs to be addressed<sup>99</sup> in addition to inter-organisational or inter-agency cooperation between the different international organisations. While the confines of this paper do not allow for covering all aspects of civil-military and civil-civil cooperation, the most interesting aspects for its purposes shall be addressed, without considering all aspects in a systematic manner.

Two preliminary remarks with respect to EU inter-institutional cooperation seem to be appropriate at this point. First, while often forgotten, it is not an exclusively institutional or structural challenge but equally an issue-based one. For instance, cooperation between the military operation EUFOR and the civilian mission EUPM in Bosnia required coordination within one and the same institution – namely the Council – where all relevant 'elements' in planning and reporting of both missions are situated. Second, and that is in relation to the first point, there is of course the possibility to launch a truly-mixed civil-military operation which would represent the most institutionalized form of such cooperation in all phases of a mission. This has not happened so far, although Amis II comes close to such a truly integrated operation.

Deployed *expressis verbis* as a civilian-military mission,<sup>100</sup> the 'Amis EU Supporting Action' framed a wide range of support initiatives, divided into a military and a civilian – primarily police – component, including provision of planning and technical assistance, of additional military observers, of strategic and tactical transportation, and training of the African Union's military and police contingents and observers. It acted in express assistance<sup>101</sup> of the African Union (AU)'s Monitoring Mission (Amis I). Upon closer examination, however, there are merely civilian and military elements combined under a single mandate. Despite the common legal basis (the Council Joint Action), the military component is kept fairly separate from the civilian part, both in terms of planning, financing,<sup>102</sup> chains of command and reporting lines and execution in general. Another interesting case in this respect – due to its extremely close relationship with the military – is the civilian ESDP mission EUSEC DR CONGO, an advisory and assistance mission for security sector reform in the country. While mandated to support and mentor the Disarmament, Demobilisation and Reintegration (DDR) process, it also

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<sup>99</sup> For the purpose of this paper, the EU Member States dimension will be disregarded.

<sup>100</sup> Council Joint Action 2005/557/CFSP on the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan of 18 July 2005, OJ L188, 20.7.2005, at 46.

<sup>101</sup> Cf. also Council Common Position 2005/304/CFSP of 12 April 2005 concerning conflict prevention, management and resolution in Africa, *OJL* 97, 15.4.2005, at 57.

<sup>102</sup> With respect to the financing arrangements, a differentiation was made between the former, being distributed according to the ATHENA mechanism, whereas the latter was charged to the EU budget.

provides technical advice, guidance and supervision in the reform of the chain of payment of the army itself.<sup>103</sup>

Turning to various facets of cooperation then, one may ask – and rightly so – where the underlying challenge and *rationale* for inter-institutional cooperation, or often the absence thereof, lies. In fact, and whereas also sovereign states that appear as unitary actors in the international scene may encounter similar inter-ministerial synergy challenges, the internal EU challenges involves an important constitutional dimension: it suffices here to mention the legal guarantees, the powers of the European Parliament, and the possibility of judicial review by the European Court of Justice that exist under the first, the Community pillar, but not the second pillar. The European Commission, in its role as guardian of the treaties but also as protectionist of its own powers and influence, vehemently defends the Community's competences in post-conflict peace-building against 'encroachment' by European Union competences under the second pillar. Competence allocation in the field of external relations has recently gained an important momentum in the *SALW* or *ECOWAS* judgment of the European Court of Justice.<sup>104</sup> In this case, the Court had to rule on the translation of the security-development nexus which is at the heart of EU post-conflict peace-building into the EU's policies under the two pillars.

What then are the features of a civilian crisis management mission, such as EULEX Kosovo, with which the Council puts the Community competences at risk and may encroach upon the powers of the European Commission who is implementing the Community policies? For this to be answered, a brief but concise look upon Community policies and instruments for peace-building and security sector reform will be provided, for reasons of space constraints, however, it will be limited to those available for the Western Balkans.<sup>105</sup>

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<sup>103</sup> M Martinelli, 'Helping Transition: The EU Police Mission in the Democratic Republic of Congo (EUPOL Kinshasa) in the Framework of EU Policies in the Great Lakes' (2006) 11 *European Foreign Affairs Review* 379, at 392.

<sup>104</sup> Case C-91/05, *Commission v. Council (SALW or ECOWAS Case)* [2007] ECR nyr., where the Court has further clarified the scope of development cooperation in Article 177 EC Treaty. Henceforth, a measure, in order to fall under this provision, must, at least indirectly, be linked to economic and social development objectives.

<sup>105</sup> In particular, the Development Cooperation Instrument (DCECI) has to be mentioned here, together with the European Neighbourhood and Partnership Instrument (ENPI). Regulation (EC) 1638/2006 of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, *OJ L 310*, 9.11.2006, at 1; Regulation (EC) 1905/2006 of 18 December 2006 establishing a financing instrument for development cooperation, *OJ L 378*, 27.12.2006, at 41. The European Instrument for Democracy and Human Rights (EIDHR) furthermore supports the development of democracy, the rule of law and human rights, in particular in countries where these issues are not considered priorities. Regulation (EC) 1889/2006 of 20 December 2006, *OJ L 386/1*, 29 December 2006. In addition, the ACP countries continue to be financed through the EDF on the basis of the 2000 Cotonou Agreement, revised in 2005. The 10th EDF is managed by the Commission on the basis of a specific financial regulation adopted by the Council. Regulation (EC) 617/2007 of 14 May 2007 on the implementation of the 10th EDF, *OJ L 152/1*, 13.06. 2007. For an overview of SSR within EC assistance programming and implementation, see P Doelle and A Gouzée de Harven, 'SSR: a challenging concept at the nexus between security and development', in D Spence and P Fluri, *The European Union and Security Sector Reform* (John Harper Publishing, 2008).

The Instrument for Stability (SI)<sup>106</sup> provides an obvious starting point. Newly adopted alongside the overhaul of the Community external assistance instruments, the SI provides for a short-term remedy ‘in a situation of crisis or emerging crisis’, in order to ‘preserve, establish or re-establish the conditions essential to the proper implementation of the Community’s development and cooperation policies’. Complementary therefore to all other instruments, it provides a legal basis for technical and financial assistance to, *inter alia*, the establishment and the functioning of interim administrations, as well as support for the development of democratic, pluralistic state institutions, for international criminal tribunals and the various mechanisms of transitional justice. It explicitly foresees ‘support for good governance and law and order, including non-military technical cooperation to strengthen the capacity of law enforcement and judicial authorities’. On the basis of this instrument the Community is partly subsidizing the International Civilian Office in Pristina as well as the members of the Steering Group.<sup>107</sup>

More important for financing post-conflict peace-building is the Instrument for Pre-Accession (IPA).<sup>108</sup> It contains five components, but with three of them being reserved for candidate countries in preparation for the Structural and Cohesion Funds, the emphasis in the IPA is on institution-building with the purpose of strengthening compliance with the Copenhagen criteria – and thus importantly also capacity-building in the three sectors covered by the EULEX mission: police, justice and customs. Through the Stabilisation and Association Process (SAP), a ‘graduated’,<sup>109</sup> and comprehensive framework conceptualized for the post-conflict countries of the Western Balkans, and now fully instrumentalised for the enlargement *rationale*, the IPA – as indicated already by its name – follows a strict accession logic and is thus integrated into a comprehensive network of instruments and approaches that are held together by EU membership conditionality. In essence, every reform step achieved that is in line with European policies, and every piece of legislation adopted and implemented that is approximated with the *acquis communautaire*, is rewarded with a step closer in European structures.

Since 2001 Community financial assistance has been decentralized and is thus managed the respective European Commission Delegation’s staff in Sarajevo or Skopje, or in the case of Kosovo, by the European Community Liaison Office (ECLO) – an appellation which seeks to avoid any allegations of state recognition by the European Community. Despite this careful appellation, the Commission is vigorously implementing the European Council’s mandate of working towards the region’s European perspective, and therefore applies the full range of the SAP toolbox – even if at times under a slightly different name, or by using a slightly different mechanism.

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<sup>106</sup> Regulation (EC) 1717/2006 establishing an Instrument for Stability, OJ L 327, 24.11.2006, at 1.

<sup>107</sup> Interview with official from the European Commission, DG Enlargement, October 2008.

<sup>108</sup> Regulation (EC) 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA), OJ L 210, 31.07.2006. The five components are transition assistance and institution building, cross-border cooperation, regional development, human resources development, and rural development.

<sup>109</sup> European Union, *Conclusions on the Principle of Conditionality Governing the Development of the European Union’s Relations with Certain Countries of South-East Europe*, Bulletin EU 4-1997, establishing a ‘graduated approach’.

A good example in this respect is provided by the so-called STM, the Stabilisation Tracking Mechanism for Kosovo.<sup>110</sup> The STM is a mechanism that foresees the progressive and systematic screening of all Kosovo legislation on its compatibility with the *acquis communautaire*, or the European Standards in the terminology of the annual Country Progress Reports. The regular meetings that take place according to the individual sectors of EU legislation and standards normally are based on and placed within the structures and institutions set up by an association agreement with the respective country, i.e. for the SAP countries, the Stabilisation and Association agreements. The STM is thus a way to undertake the same screening exercise but avoid any status presumptions linked to an international agreement.<sup>111</sup>

By the same token, and in order to demonstrate the enlargement-as-usual-approach with a certain adaption to the countries of the SAP<sup>112</sup>, the Council has adopted – prior to the conclusion of formal contractual ties – European Partnerships for the potential candidate countries with ever more precise short-term and medium- term priorities<sup>113</sup>, joined by Multi-annual Indicative Planning Documents (MIPDs)<sup>114</sup> that since the entry into force of the IPA set the programme priorities for the period of 2007 to 2009. The European Commission receives and evaluates national implementation plans – so-called European Partnership Action Plans – that are drawn up by the national governments, it monitors their implementation and measures progress through benchmarks that are then formulated and published in annual Progress Reports. The only deviation for Kosovo lies in the fact that ‘its’ European Partnership, adopted in February 2008, is contained in a separate Annex of the Council decision for ‘Serbia including Kosovo as defined by UNSCRs. 1244/1999’.<sup>115</sup> Kosovo has also been eligible since 2006 for TAIEEX (Technical Assistance and Information Exchange)<sup>116</sup> and Twinning Programmes where

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<sup>110</sup> See for instance the Progress Report 2007 emphasising the new structure of the sectoral meetings in the areas of good governance, economy, internal market, innovation and infrastructure and should allow for a more detailed analysis of the conformity of legislation, practices and policies. See European Commission, Kosovo under UNSCR 1244 Progress Report 2007, SEC (2007)1433. The Progress Reports for the countries of the Western Balkans are Commission Staff Working Papers, annexed to European Commission Communications regularly published in November of each year, in this case to European Commission, *Enlargement Strategy and Main Challenges 2007 – 2008*, COM (2007) 649.

<sup>111</sup> Both the Commission and the Council doubt that there will be any Stabilisation and Association Agreement with Kosovo any time soon.

<sup>112</sup> In terms of substance, the obligation of cooperation with ICTY and regional cooperation have been added to the political Copenhagen criterion. In procedural terms, *inter alia*, ever more precise benchmarks allow for assessing progress, and elements of the political Copenhagen criterion which used to be a precondition for the opening of accession negotiations can now be revisited in the newly introduced negotiation chapter ‘*Judiciary and Fundamental Freedoms*’.

<sup>113</sup> The priorities are specified to concern both legislation and its implementation. Short-term priorities are expected to be accomplished within one or two years, medium-term within three to four years.

<sup>114</sup> MIPDs are Commission decisions adopted in accordance with the IPA Committee set up by the IPA Regulation for the individual countries. See for instance European Commission, C(2007) 2255 of 01/06/2007 for Bosnia and Herzegovina.

<sup>115</sup> The Commission Proposal for the European Partnership however dates back to November 2007, and thus to before the Kosovo declaration of independence. See European Commission, Proposal for a European Partnership, COM (2007) 660 final, 6.11.2007, and Council Decision 2008/213/EC on the principles, priorities and conditions contained in the European Partnership with Serbia including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999 and repealing Decision 2006/56/EC, OJ L 80, 19.3.2008.

<sup>116</sup> TAIEEX is an instrument of the Commission, DG Enlargement, and provides short term technical assistance and advice on the transposition of EU legislation into the national legislation of beneficiary

the judiciary and the law enforcement authorities as well as public administration civil servants are among the main target groups.

For the purposes of this paper, the prominent place of law enforcement institutions generally, and the judiciary and its reform in particular, in these various documents and instruments has already become apparent and can be further underlined. In the Progress Reports which follow to a large extent the same structure for all countries, the judicial system is mentioned under the Political Copenhagen Criterion of ‘Democracy and Rule of Law’ and mentions the 5-year Strategic Plan for the period 2007 – 2012. It is also dealt with under ‘Human Rights’. In the section ‘European standards’, which is divided into internal market, sectoral policies and then justice, freedom and security, the respective countries’ administrative capacity is examined with separate chapters on ‘police’ and on the ‘fight against organized crime’. The European Partnerships give another vital account of the importance of full administrative and judicial capacity and effective law enforcement institutions. For Kosovo the priority-list is extremely substantive and refers to all fundamental principles of an effective justice system, such as independence, impartiality, legal certainty and legal assistance.<sup>117</sup>

It is as if the treaties have foreseen these potential overlaps between the various policies and instruments adopted under the different pillars that come *inter alia* to the fore as power struggles between the institutions. They thus include provisions on cross-pillar coherence and the duty of cooperation. Both these provisions apply vertically and horizontally and are thus binding on the EU institutions.<sup>118</sup>

There is also an obligation for the Council when acting under the second pillar in the implementation of CFSP and ESDP to ‘fully associate’ the European Commission.<sup>119</sup> Allowing for a wide margin of interpretation, this provision has been construed fairly narrowly for the ESDP missions launched in the Western Balkans thus far, the association of the Commission for EULEX, however, has been significantly more substantial.<sup>120</sup>

On a more abstract level, what are the institutional and structural modalities that have been created in order to facilitate coordination and cooperation between the institutions ‘representing’ the different pillars at all stages of the ‘live-cycle’ of a civilian ESDP mission – from the planning and decision-making to the implementation phase? Mostly situated in the Council and Council Secretariat structures, some have been in place for considerable time now, although with mixed results, whereas others have been adopted recently to respond to the growing challenge of inter-institutional cooperation. There is

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countries and on the subsequent administration, implementation and enforcement of such legislation. <http://taiex.ec.europa.eu>.

<sup>117</sup> *Ibid*, Annex 3 – Priorities for Kosovo, at 62.

<sup>118</sup> Whereas this is *expressis verbis* laid down for the consistency/coherence obligation in Art. 3 TEU, the duty of cooperation has evolved in this sense ‘from a duty of cooperation on the part of the Member States to a multi-sided duty of loyalty and good faith in the vertical relationship between the Union and its Member States and also among the Member States themselves and among the Union institutions themselves’. R Wessel, ‘The multilevel constitutions of European Foreign Relations’ in N Tsagourias, *Transnational Constitutionalism: International and European Models* (CUP, 2006), at 17.

<sup>119</sup> Art. 27 TEU reads: ‘The Commission shall be fully associated with the work carried out in the common foreign and security field’.

<sup>120</sup> Interview with Council Official, October 2008.

a distinction to be made between the Council groups, the units of the General Secretariat of the Council of the European Union (the Council Secretariat) *per se* dealing with EU external relations and those reporting directly to the Secretary-General/High Representative (SG/HR) most importantly the Policy Planning and Early Warning Unit (the Policy Unit).<sup>121</sup>

As to the Council groups, the Committee for Civilian Aspects of Crisis Management (CIVCOM) and the Working Party of Foreign Relations Counsellors (RELEX) deserve specific mention.<sup>122</sup> Established by the Treaty of Nice, CIVCOM is composed of diplomats on a flexible basis. In principle existing on the same level as the European Union Military Committee (EUMC), and by analogy to it, it formulates recommendations and gives advice to the Political and Security Committee (PSC) on civilian aspects of crisis management, while formally reporting to COREPER.<sup>123</sup> Both the Council Secretariat and the European Commission are represented. RELEX is a preparatory body for the PSC and is composed of external relations advisors from each Member State's permanent representation and the European Commission. Its mission is to examine inter-pillar questions – from an institutional, legal and budgetary perspective – within CFSP.

Within the Council Secretariat, civilian crisis management is dealt with in Directorate-General for External and Politico-Military Affairs, DG E, whose organization was altered in 2007 and is in fact subject to further changes. Most importantly, the operational dimension has been separated from the more conceptual and long-term strategic planning and reestablished as the Civilian Planning and Conduct Capability (CPCC) in June 2007, where the operational planning – initial and ongoing – of civilian crisis management missions is conducted, and thus signified a further strengthening of the EU's civilian crisis management capabilities.<sup>124</sup> It is divided into an Operations Unit and a Mission Support Unit, with the Civ/Mil Cell (see below) providing a joint civilian – military planning capability, combining the CPCC and military planners under the functional authority of the Civilian Commander.<sup>125</sup> The CPCC Director is at the same time the Civilian Operation Commander for each civilian operation. This position,

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<sup>121</sup> In practice, it proved impossible to neatly divide these two dimensions. It was decided to merge expertise regarding a number of geographical areas, such as the Western Balkans. S Vanhoonacker, 'ESDP and Coherence Challenges in the Council', in S Blockmans (ed.) *The European Union and Crisis Management, Policy and Legal Aspects* (T.M.C. Asser Press, 2008), at 152. Apart from these, there is also the 'Coordinating Mechanism for Civilian Aspects of Crisis Management' which was set up by the Helsinki European Council 1999 and in the event of a crisis can set up an ad hoc centre to coordinate MS contributions. European Council, *Conclusions of the Presidency, Annex 2 to Annex IV*, 10 – 11 December 1999.

<sup>122</sup> A more detailed account of the Council working groups would go beyond the confines of this paper. However, the strategic importance in all CFSP and ESDP matters of the Political and Security Committee (PSC), the 'linchpin of EU crisis management efforts', needs to be pointed out. It exercises political control and strategic direction to ESDP operations, and is assisted by the Nicolaïdis Group and the Politico-Military Working Group (PMG) which carries out preparatory work with regard to the more technical work. See T Ruys, Background Paper on EU crisis management operations (2007) 108 *Working Paper Leiden Institute for International Law*.

<sup>123</sup> S Duke, 'Peculiarities in the institutionalization of CFSP and ESDP' in S Blockmans (ed.) *The European Union and Crisis Management, Policy and Legal Aspects* (T.M.C. Asser Press, 2008), at 89.

<sup>124</sup> Presidency Report on ESDP, Council of the EU to the European Council, *Council doc. 10910/07*, Brussels, 18.6.2007.

<sup>125</sup> 4 *ESDP Newsletter* (2007), at 6.

currently held by Kees Klompenhouwer, has been created in order to ensure better and shorter command and control linkages between the strategic, operational and tactical levels. He therefore exercises command and control at the strategic level, still under the political and strategic control of the PSC,<sup>126</sup> while the Head of Mission assumes responsibility at theatre level.<sup>127</sup> The introduction of the CPCC had also had an organizational impact on DG E. It used to be divided along thematic lines into three sub-directorates-generals, i.e. External economic relations, CFSP geographical and thematic affairs and ESDP operations which again was split into a Directorate on Defence Aspects (DG VIII) and a Directorate on Civilian Crisis Management (DG IX). The latter included a unit ‘Police: Policy, Planning and Conduct’ (the Police Unit),<sup>128</sup> which served as the CPCC’s conceptual basis<sup>129</sup> and which was responsible for integrated planning and coordination, situation assessment and the preparation of exercises in order to facilitate and run police missions.<sup>130</sup> Since the establishment of the CPCC where all operational aspects of the missions are concentrated,<sup>131</sup> DG IX is focusing mainly on strategic planning and lessons learned,<sup>132</sup> and together with DG VIII is to be situated somewhat as ‘bridging elements’ between the units reporting to the SG/HR directly and those of the Council Secretariat’s DG E.

Of particular interest to the operational planning aspects of civilian missions and their cooperation with the military missions, is the Civilian-Military Cell (Civ/Mil Cell), which is in fact situated within the EU Military Staff (EUMS),<sup>133</sup> who is an equivalent for military missions to the CPCC (with the corresponding DG VIII for DG IX). Operational since 2005, the Civ/Mil Cell was designed to achieve greater coherence between the instruments in EU crisis management, in particular with respect to civil-military coordination, and has a number of tasks including enhancing the early-warning role of the EUMS, conflict prevention and post-conflict stabilization. The Commission has agreed to appoint two liaison officers to the Cell. Some have argued that the Civ/Mil Cell has significant potential as an inter-pillar coordination tool.<sup>134</sup> The Cell itself comprises a Strategic Planning Branch which assists in strategic planning from a civil-military coordination perspective, and an Operations Centre Permanent Staff.

Another fairly recent procedural innovation has been the creation of a Crisis Response Coordination Team (CRCT) as an ad hoc body without decision-making powers that

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<sup>126</sup> See for instance Art. 7 of the JA establishing EULEX. Council Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, OJ L 42/92, 16.2.2008.

<sup>127</sup> *Ibid.*, Art. 8.

<sup>128</sup> Created by the Nice European Council. Presidency Conclusions, Nice European Council, 7-9 December 2000, Annex II to Annex VI, Strengthening of EU Capabilities for Civilian Aspects of Crisis Management.

<sup>129</sup> Thanks to P Bartholomé, European Peacebuilding Liaison Office (EPLO), for this comment.

<sup>130</sup> Ruys, *op.cit.*, note 34 above, at 19.

<sup>131</sup> It is difficult to precisely situate the CPCC, since due to its functions it provides essential support to the SG/HR. See Duke, *op.cit.*, note 35 above, at 79.

<sup>132</sup> The Directorate-General IX now has two ‘legs’, one being called ‘Horizontal Issues’, dealing with conflict prevention, dialogues, support to CIVCOM, UN, AU, OSCE and concepts such as SSR and DDR, and the other one covering longer-term planning, namely training exercises and capabilities and indeed lessons learned.

<sup>133</sup> Council Decision 2005/395/CFSP of 10 May 2005 amending Council Decision 2001/80/CFSP on the establishment of the Military Staff of the European Union (2005) OJ L 132/17. The Annex contains further information on the EUMS’ role and organization.

<sup>134</sup> Ruys, *op.cit.*, note 34 above, at 31.

brings together senior members from the European Commission and various structures within the Council-Secretariat. It should assist in fact-finding with initial presence on the ground, and thus act during the preparation of the Crisis Management Concept. At staff level, the CRCT should ensure full coherence between military strategic options, police strategic options and other civilian strategic options. Whereas they also have an envisaged function during the implementation phase of ESDP operations, their role has been mainly confined to formal coordination between the Council and the Commission at a senior level.<sup>135</sup> The impact of the CRCTs has been very limited so far, and only took off with the observation mission in Georgia.<sup>136</sup> The same restricted influence has to be ascribed to the Civ/Mil Cell which has not lived up to its expectations.

In the implementation phase, and this will lead on to the next section, civil-military and civil-civil coordination formally is reserved for the European Union Special Representative (EUSR) who –according to the mission statement of civilian ESDP operations is providing ‘(local political) guidance and coordination.’ The composition of the meetings organized by the EUSR largely depends on the situation on the ground. In Bosnia, the EUSR chaired meetings that included the EU heads of mission, i.e. the police commissioner, the EUFOR commander, the term presidency of the EU and the heads of the EC delegation and the European Union Monitoring Mission (EUMM). Sometimes, coordination in reality fairly regularly comes down to people-to-people contacts.<sup>137</sup> This conclusion is not notably altered when the EUSR is double-hatted with the High Representative of the UN/ the International Community, as in Bosnia and Herzegovina since 2002 and in Kosovo.<sup>138</sup>

## **Part 2. Police missions, cooperation in the field and beyond**

Among the areas defined by European Councils in 2000 and 2004<sup>139</sup> for civilian crisis management, i.e. police, the rule of law, civilian administration, civilian protection, monitoring and support to the Special Representatives, and law enforcement aspects therein, the priority so far has – with a few exceptions – been on the police aspect. The training and mentoring of police officers has constituted the main focus, both in terms of length and strength, and politico-strategic calculations of civilian ESDP missions. In the following part of the paper, the main features of the police missions in Bosnia and Herzegovina (BiH) and Macedonia shall be briefly introduced before considering them

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<sup>135</sup> R Khol, ‘Civil-Military’ coordination in EU crisis management‘ in A Nowak (ed.), *Civilian Crisis Management: the EU way* (2006) EU-ISS Chaillot Paper No. 90, at 130.

<sup>136</sup> Interview with Council official, Brussels, October 2008.

<sup>137</sup> Interviews Kabul, July 2008.

<sup>138</sup> It has been argued that the ‘Ashdown factor’, i.e. the personal ambitions linked to his HR mandate and his particular governing style, have been all but conducive to finding a compromise for police structure reform. While increasingly playing the ‘European card’ as leverage in this difficult task and having been appointed EUSR in 2002, he refused until late 2004 to accept any EUSR staff for himself. Finally he embedded two persons into his OHR Political Department and ‘double hatted’ a few of his OHR staff. T Mühlmann, ‘Police Restructuring in Bosnia-Herzegovina: Problems of Internationally-led Sector Reform’ (2008) 2 *Journal of Intervention and Statebuilding* 1, at 22. In Kosovo, the staff members of the double-hatted International Civilian Representative (ICR)-EUSR that relate to the EUSR-role are limited to four or five whereas ICR is planned to have 250.

<sup>139</sup> European Council, *Conclusions of the Presidency* (June 2000) Santa Maria da Feira. For the additional areas of monitoring and support to the Special Representatives, see [http://ec.europa.eu/world/peace/geographical\\_themes/conflict/index\\_en.htm](http://ec.europa.eu/world/peace/geographical_themes/conflict/index_en.htm).

in a broader law enforcement context and the reoccurring challenge of cooperation with other actors in the field.

The first ESDP mission ever to be launched, and still operational, EUPM Bosnia, had from the beginning considerable strength.<sup>140</sup> With the original Council Joint Action merely stating that its purpose was to ‘ensure the follow-on to the UN International Police Task Force (IPTF)’,<sup>141</sup> EUPM works towards the raising of Bosnian policing standards in four priority areas: namely institution-and capacity-building at management level, combating organized crime and corruption, developing financial viability and sustainability and promoting accountability. The European Community provided funding for training and equipment.<sup>142</sup> EUPM has, unlike its predecessor, a non-operational, i.e. non-executive mandate, limited to ‘monitoring, mentoring, and inspecting’ managerial and operational capacities of local police, in order for it to reform into a professional, and politically and ethnically neutral institution for judicial enforcement. It remained non-executive also with the launch of a second EUPM in January 2006.<sup>143</sup> Its mandate is in rather detailed terms laid out in an Annex to the Joint Action, according to which the mission ‘should, as part of a broader rule of law approach, aim, in line with the general objectives of Annex 11 of the Dayton Agreement, to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards.’<sup>144</sup> The reference here to the ‘broader rule of law’ seems to have been mere rhetoric since the mission had to respond to the criticisms that pointed to the lack of an integrated approach, i.e. neglecting the importance of other rule of law components.<sup>145</sup> The mission statement in the operational part of the amending Council Joint Action, launching EUPM II, states that EUPM ‘under the guidance and coordination of the EUSR and as part of the broader rule of law approach in BiH and in the region, will aim, through mentoring, monitoring and inspecting, to establish in BiH as sustainable, professional and multiethnic police service operating in accordance with

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<sup>140</sup> 512 Police Officers plus some 60 international civilians. While police officers were all seconded by EU member states as well as third countries, most civilians were directly contracted. T Mühlmann, ‘The Police Mission EUPM in Bosnia, 2003-05’ in M Merlingen and R Ostrauskaité, *European Security and Defence Policy – An Implementation Perspective* (Routledge, 2008), at 47.

<sup>141</sup> Council Joint Action 2002/210/CFSP of 11 March 2002 on the European Union Police Mission, *OJ L 70/1*, 13.3.2002. EUPM operated between 1.1.2003 and 12.12.2005. The UN SC Resolution 1396 of 5 March 2002 had specifically welcomed the Union’s decision in that respect. The transition has been argued to have been smooth for two reasons in particular. Firstly, nine months before the actual handover, an EU planning mission was sent. Secondly, Sven-Christian Frederiksen acted simultaneously as head of IPTF and as head of the EUPM Planning Team. Ruys, *op.cit.*, note 34 above, at 39. At the same time, precisely this arrangement has been criticized, as he was too occupied with the running of IPTF that the planning of EUPM was insufficient.

<sup>142</sup> See Mühlmann, *op.cit.*, note 52 above , at 48.

<sup>143</sup> Council Joint Action 2005/824/CFSP on the European Union Police Mission in Bosnia and Herzegovina of 24 November 2005, *OJ L 307*, 25.11.2005, at 55. The mission was further extended by Council Joint Action 2007/749/CFSP on the European Union Police Mission in Bosnia and Herzegovina of 19 November 2007, *OJ L 303/40* of 21.11.2007 for an indefinite time.

<sup>144</sup> For details of the EUPM mandate, cf. Annex to Council Joint Action 2002/210/CFSP concerning the European Union Police Mission to Bosnia and Herzegovina, *OJ L 70*, 13.3. 2002, at 1. Furthermore, on the basis of Article 24 TEU, a Status of Forces Agreement was signed and adopted by Council Decision 2002/845/CFSP concerning the conclusion of an agreement between the Union and Bosnia Herzegovina regarding the activities of the European Union Police Mission in BiH of 30 September 2002, **OJ L 293, 29.10.2002, at 1**.

<sup>145</sup> Juncos, ‘Bosnia and Herzegovina: A testing Ground for the ESDP?’ (2006) 4 *CFSP Forum 5*, at 6

best European and international standards.<sup>146</sup> The mission now includes some rule of law experts, prosecutors and judges. As organised crime had been identified as one of the principal obstacles to the establishment of the rule of law,<sup>147</sup> EUPM particularly supports the BiH police in planning and conducting major and organized crime investigations, and in ensuring that the latter provided a secure environment for returnees, particularly minority returnees.<sup>148</sup>

EUPOL Proxima,<sup>149</sup> operational between December 2003 and December 2005, had a non-executive mandate of supporting police reform, developing a civilian border police and consolidating law and order, in particular in the fight against organised crime by ‘monitoring, mentoring and advising’ the local police forces. Similar to EUPM, the mandate included a reference to the broader rule of law by emphasizing its operation ‘in line with the objectives of the Ohrid Agreement, in strong partnership with the relevant authorities, and within a broader rule of law perspective, in full coordination and complementarity with Community institution- building as well as OSCE and bilateral programmes’. An EU police advisory team (EUPAT)<sup>150</sup> followed on from Proxima between January and June 2006. EUPAT was to ‘further support the development of an efficient and professional police service based on European standards of policing [...] on priority issues in the field of Border Police, Public Peace and Order and Accountability, the fight against corruption and Organised Crime’. The mission was intended to ‘bridge the end of EUPOL Proxima and a planned project funded by CARDS aiming at providing technical assistance in the field.’<sup>151</sup> This is reflected in the Joint Action’s operational part where ‘close cooperation with the Commission, notably in view of the implementation of relevant Community institution-building programmes’ is explicitly requested in the mandate.

Both of these missions raise interesting issues of coordination in the field with other military and civilian operations, initiatives and programmes that will be considered in turn. The references in the mandates to the ‘broader rule of law’ which have already been introduced are of particular interest in this respect, for civil-civil cooperation in particular.

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<sup>146</sup> Art. 2 of Council JA 2005/824/CFSP, *op.cit.*, note 55 above.

<sup>147</sup> This corresponds to a threat assessment shared by the international community. However, while it is certainly true that organized crime represents a key enforcement issue and a threat to stabilization and democratisation in both BiH and Macedonia, it is not perceived as a central task by the local population. M Merlingen and R Ostrauskaite, ‘ESDP Police Missions: Meaning, Context and Operational Challenges’ (2005) 10 *European Foreign Affairs Review* 215, at 229.

<sup>148</sup> C Mace, ‘ESDP Goes Live: the EU Police Mission in Bosnia and Herzegovina’ (2003) 16 *European Security Review*, at 4.

<sup>149</sup> Council Joint Action 2003/681/CFSP on the European Union Police Mission in the Former Yugoslav Republic of Macedonia of 29 September 2003, *OJ L* 249, 1.10.2003, at 66, extended by Council Joint Action 2004/789/CFSP on the extension of the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL Proxima), *OJ L* 348, 24.11.2004, at 40. The latter refocused the training on the middle and senior levels of management.

<sup>150</sup> Council Joint Action 2005/826/CFSP on the establishment of an EU Police Advisory Team (EUPAT) in the Former Yugoslav Republic of Macedonia (fYROM) of 24 November 2005, *OJ L* 307, 25.11.2005, at 61.

<sup>151</sup> *Ibid*, Recital 8.

Civil-military cooperation in the implementation phase has evolved gradually and out of security necessities phase in order to ensure a secure environment supportive for peace-building. In Bosnia, to begin with, IFOR (Peace Implementation Force) and then SFOR (Stabilisation Force) – while initially having been deployed as traditional peacekeeping forces, over time began to take on a series of law enforcement tasks.<sup>152</sup> The NATO forces thus provided security to returnees, detained persons and temporarily closed radio and television stations when the international authorities regarded them as broadcasting inflammatory speech.<sup>153</sup> They gradually also took on a growing number of activities in cooperation with the international police such as, *inter alia*, arresting middle-ranking officials and soldiers indicted by the International Criminal Tribunal (ICTY), ensuring the security of returnees, repossessing occupied property, and securing massacre sites for forensic investigation.<sup>154</sup> Similarly in Kosovo, KFOR was forced to get involved in (civilian) law enforcement due to the slow (even if faster than ever) deployment of the UN civilian police CIVPOL that was linked to the lack of deployment capabilities. Before CIVPOL began patrols in August 1999, KFOR was involved when judges issued summons, requested that evidence be gathered, or directed witnesses to be questioned, but had difficulties performing these tasks.<sup>155</sup> During the ‘emergency phase’ of ‘flying judges’<sup>156</sup> – June to October 1999 – when teams of judges and prosecutors travelled around Kosovo for the administration of justice, KFOR provided the transport, logistical support and conducted the initial arrests, investigations, and detention proceedings according to each of the 5 sector’s military procedures. Concerned about ethnic bias towards Kosovo Albanians indicted of war crimes, it also instituted so-called ‘COMKFOR holds’, a procedure whereby the commander of KFOR could approve continued detention, despite a release order from the local judiciary, if he believed the judiciary had acted improperly.<sup>157</sup> Eventually, KFOR and CIVPOL also conducted ‘joint security operations’, i.e. joint patrols in areas where KFOR still had tactical policing authority, with the civilian officers acting as advisors.

Most of these tasks require special skills that regular soldiers are usually not trained to carry out. While this was both an argument for NATO’s reluctance at first to take on these law enforcement tasks and a source – precisely for that reason – for criticism, the military organization responded to these civil security challenges by introducing ‘multinational specialized units’ (MNUs) in both theatres of operations. MNUs are composed of military/special police from countries that have such forces, mainly Italy but also Hungary, Slovenia and Romania. In Bosnia, the MNUs were established in August 1998 within SFOR as an ‘armed Police Unit with executive policing powers, which could be called upon to provide back-up or support to local police authorities in

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<sup>152</sup> M Merlingen and R Ostrauskaité, *European Union Peacebuilding and Policing* (Routledge, 2006), at 56. This was in line with its mandate according to which it had the authority to assist in the civilian implementation of the Dayton Peace Agreement (DPA) but was not obliged to.

<sup>153</sup> EM Cousens and CK Cater, *Towards Peace in Bosnia: Implementing the Dayton Accords* (Lynne Rienner, 2001), at 58-59.

<sup>154</sup> JG Cockell, ‘Civil-Military Responses to Security Challenges in Peace Operations: Ten Lessons from Kosovo’, (2002) 8 *Global Governance*, 483.

<sup>155</sup> C Rausch, ‘From Elation to Disappointment – Justice and Security Reform in Kosovo’ in CT Call (ed.), *Constructing Justice and Security after War* (United States Institute of Peace Press, 2007), at 276.

<sup>156</sup> Interview with former UNMIK legal officer, Madrid, October 2008.

<sup>157</sup> *Ibid*, at 283. This was heavily criticised by the OSCE who argued that CIVPOL had primacy throughout Kosovo.

mainstream law enforcement tasks such as crowd and riot control.<sup>158</sup> In Kosovo the KFOR MSU was composed almost entirely of a 300-strong Carabinieri regiment from Italy. They were engaged in the seizure of illegal drugs from transhipment locations, and of weapons, as well as raids on brothels, for instance. Their mandate includes law enforcement and counterterrorism, mainly in order to fight against organized crime.

When the European Union launched its ESDP operations in Bosnia and Herzegovina and took over from the United Nations and NATO respectively, this *modus vivendi* was continued, in particular once the shortcomings of the strictly non-executive mandate of EUPM following the UN International Police Task Force (IPTF) could no longer be disregarded.<sup>159</sup> Thus, the EU military mission in Bosnia and Herzegovina, launched in December 2004 under the codename *Althea*,<sup>160</sup> included a police element with executive powers.

The EULEX police component then provides for two distinctive and interlinked features with respect to EU police cooperation with the military in Bosnia. It has executive powers and it itself foresees the deployment of a specialized police unit ostensibly dealing with riots and civil uprising.<sup>161</sup> Nonetheless, cooperation with KFOR<sup>162</sup> is said to remain significant. Indeed, there are four ‘technical arrangements’ currently being negotiated between EULEX and KFOR on Border Management, Response to civil disturbance situations, Military support to police operations (including protection of patrimonial sites) and Exchange of information (including in the field of intelligence).<sup>163</sup>

Both of these police missions also provide for interesting aspects of cooperation with other civilian actors, in particular the Office of the High Representative (OHR) in Bosnia.

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<sup>158</sup> Merlingen and Ostrauskaité, *op.cit.*, note 64 above, at 56.

<sup>159</sup> Interestingly, IPTF initially only had an advising and training role and thus non-executive role and only later received a limited executive mandate. Its mandate was set out in Annex 11 of the General Framework Agreement for Peace (Dayton Peace Agreement): ‘The UN is requested to establish an International Police Task Force (IPTF) to carry out various tasks, including training and advising local law-enforcement personnel and monitoring and inspecting law-enforcement activities and facilities.’ Its tasks therefore included: registration and vetting of police officers with a view to eliminating those insufficiently qualified, guilty of war crimes or otherwise tarnished; increasing the number of officers from minority groups; and later on also institution building and the strengthening of state-level policing. For a full report on the work of IPTF, cf. Report of the Secretary General on the United Nations Mission in Bosnia and Herzegovina, S/2002/1314, 2 December 2002. See also Mühlmann, *op.cit.*, note 52 above, at 46; K Osland, ‘The EU Police Mission in Bosnia and Herzegovina’ (2004) 11 *International Peacekeeping* 544, at 548–549.

<sup>160</sup> Council Joint Action 2004/570/CFSP on the European Union military operation in Bosnia and Herzegovina of 12 July 2004, *OJ L* 252, 28.7.2004, at 10

<sup>161</sup> According to Council official responsible for the police component. Interview in Brussels, October 2008. Its only reference in the Council Joint Action can be found in Art. 6 dealing with the structure of EULEX where in contrast to the co-located regular officers of the police component, it is mentioned that this unit ‘may be hosted in camps designed to cater for their operational needs’.

<sup>162</sup> NATO derives its continuous presence in Kosovo from the UNSC Res. 1244. According to the Athisaari Plan, KFOR, after the 120 days transition phase, was to be renamed International Military Presence (IMP) and help the International Civilian Representative (ICR) and the Kosovo institutions implement the plan.

<sup>163</sup> Interview with involved official, October 2008.

The Accession Partnership for Macedonia 2008<sup>164</sup> contains several elements linked to effective police force of European standards, which make these areas subject to Community financial assistance under the IPA. The Partnership lists ‘ensuring effective implementation of the law on police’ among its key priorities which is an indicator of the necessary continuous reform efforts in this area. By the same token, ‘pursuing implementation of the reforms of the law enforcement agencies’ and ‘ensuring proper and full execution of court rulings’ figure among the short-term priorities of the political Copenhagen criterion. In a similar vein, the EUPM’s mission is linked into the Stabilisation and Association where the Commission and its delegations figure as important players. As regards the EUPM’s support in the Bosnian police forces in their fight against organized crime and in providing for a secure environment for returnees, the link is emphasized in the mission statement to the commitments made as part of the SAP towards the EU. The EUPM also became involved in capacity-building through the delivery of technical training by strengthening state-level institutions aimed at centralizing Bosnian law enforcement, namely SBS, a border control and customs law enforcement agency, and SIPA, which was to facilitate the exchange of crime-related intelligence between the decentralized local police organisations, and for which EUPM together with the OHR drafted the new law.

A final point, and linked to that just made, requires particular attention, and is somewhat specific to the complex constitutional arrangements of the Bosnian case. In BiH, raising policing standards could not be (and still is not) limited to police training, but has had a significant police restructuring aspect. It has been argued that EUPM became the lead agency for police reform, and that its tasks formed an important part of a comprehensive rule of law reform programme involving the OHR, where co-ordination through the Rule of Law Task Force Tracking Unit was located, and other international organisations.<sup>165</sup> This argument has to be met with some caution. While it is certainly true that EUPM contributed to the work of the Police Restructuring Commission (PRC) which was set up by the HR and tasked with devising a blueprint for rendering local policing structures more coherent and effective,<sup>166</sup> and in particular under the refocused mandate of EUPM II, the primary initiative and pressure came from the HR (Ashdown), who had made police restructuring his main priority. It has even been argued that the EUPM missed the opportunity to make use of its co-location structure to explain to local police officers the advantages of police restructuring.<sup>167</sup> Indeed, the OHR, at its peak, had about 200 international rule of law experts who, equipped with an executive mandate, engaged in the local justice system, thus shaping the state of policing in manifold ways through their anti-crime and anti-corruption activities.<sup>168</sup> The HR furthermore ‘instrumentalised’ the SAP toolbox and methodology for advancing in police restructuring. In fact, police structure reform figures in the SAA Feasibility Study, where it figures among the 16 requirements for the negotiation and conclusion of

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<sup>164</sup> Council Decision 2008/212/CFSP of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the former Yugoslav Republic of Macedonia and repealing Decision 2006/57/EC, *OJ L* 80, 19.3.2008, at 32.

<sup>165</sup> Mace, *op.cit.*, note 60 above, at 5.

<sup>166</sup> Merlingen and Ostrauskaité, *op.cit.*, note 64 above, at 55. See also M Doyle, ‘Too Little, Too Late? Justice and Security Reform in Bosnia and Herzegovina’ in CT Call (ed.), *Constructing Justice and Security after War* (Washington, 2007), at 247.

<sup>167</sup> Mühlmann, *op.cit.*, note 52 above, at 52.

<sup>168</sup> Merlingen and Ostrauskaité, *op.cit.*, note 64 above, at 55.

a Stabilisation and Association Agreement.<sup>169</sup> The Commission (*sic!*) thus formulated the three key principles for this reform aspect, namely legislative and budgetary competences at state level, no political interference with operational policing and functional police areas.<sup>170</sup>

While having a number of concurring features, such as the co-location approach, according to which EU police officers are working directly among their local counterparts, EULEX Kosovo constitutes a departure from this precedent in Bosnia and Macedonia for two main reasons. Firstly, the executive powers of all three components (Police, Justice and Customs) indeed constitute an important departure from previous conceptions. Although these are downplayed in formal discourse in order to avoid as much as possible the comparison with UNMIK (as ‘EUMIK’), the executive power raise ESDP missions to a different level of accountability and legitimacy, in particular towards the local population. Second, there is the fact that EULEX Kosovo encompasses within one mandate and under one command structure several aspects of law enforcement and the strengthening of their institutions. There is in particular the growing awareness that in all aspects, adequate policing standards (efficiency and respect for HR) are meaningless if police efforts are not followed on by the judiciary. On the other hand of course, the judiciary is a specific case in Kosovo (see part III). It remains to be seen whether this constitutes a conceptual shift in EU civilian crisis management or a rather isolated reaction to the ‘*sui generis*’ Kosovo case. It is certain that also in other cases police reform is integrated into a wider rule of law context. EUPOL COPPS in Palestine for instance will soon be supplemented by a (criminal) justice component, and there is also the ‘Integrated Rule of law mission in Iraq’. Such an integrated rule of law mission had originally also been envisaged for Afghanistan<sup>171</sup> but was then abandoned for the police mission EUPOL Afghanistan. This can partly be explained by the fact that the entire peace-building community in Afghanistan has been (and still is to a certain extent) divided into police support on the one and rule of law on the other. Subsequently, a number of Rule-of-law advisors have nonetheless been added to the EUPOL police officers staff. In BiH, interestingly, when the EU chose to opt for a stand-alone police mission, it ignored the advice of the UN which in view of the fact that the ‘efficacy of the police depends on the integrity and ability of the prosecutor, investigative judge, judiciary, appellate judge, prison administration and guards’ had called for the ‘consolidation of responsibility for all the rule of law institutions in one (follow-up) mission.’<sup>172</sup> For Macedonia, the point has also been made that a reinforced SAP mechanism – similar to the one around EUPAT – should have been made for

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<sup>169</sup> European Commission, Report from the Commission to the Council on the preparedness of Bosnia and Herzegovina to negotiate a Stabilisation and Association Agreement with the European Union, COM (2003) final.

<sup>170</sup> In fact, the major obstacle is the entity authorities’ insistence on policing remaining entity competence and on functional police areas being determined by ethnic boundaries and not technical criteria. See International Crisis Group, ‘Bosnia’s Stalled Police Reform: No Progress, No EU’ (2005) Europe Report 164, at 12 –14. In December 2007 the HRSG/EURS and in April 2008 (16th) the Bosnian parliament approved the police reform. Consequently, in June 2008 the SAA with BiH was signed. See [www.diplomatie.gouv.fr](http://www.diplomatie.gouv.fr)

<sup>171</sup> Interview with EUSR Staff Member, Kabul, July 2008.

<sup>172</sup> Merlingen and Ostrauskaité, *op.cit.*, note 64 above, at 61. United Nations in Bosnia and Herzegovina, *Non-paper: Critical Assessment of Needs for a Post December 2002 Police Follow-on Mission* (Sarajevo, 2001).

judicial reform as well, as any progress in police reform is easily set back by the neglect of the judiciary.<sup>173</sup>

### **Part 3. The difficult playground for EULEX's justice component**

With all aspects of the law enforcement sector in Kosovo representing difficult tasks, the confines of this paper do not allow for a complete elaboration on the subject, but some issues of particular significance to EULEX's tasks will be introduced. The challenges to the possible success of the European rule of law missions can be divided into legal uncertainty due to the complexity of the applicable legal framework, the lack of adequate human resources of both locals and internationals, and the fact that the Kosovo government does not have effective control of the entire territory. These will be considered in turn, although not in a strictly systematic manner.

Before the Milosevic regime, and in particular since the constitutional amendments in 1974, the autonomous province of Kosovo had enjoyed some autonomy in the selection and administration of their own systems of justice and policing. From 1989 on, when Kosovo's status as an autonomous province of Serbia and a federal unit of Yugoslavia was withdrawn, and the constitution amended to place the police and the courts under Serbia's control, many Kosovo Albanians were forced from jobs in the public sector.<sup>174</sup> Then – during the NATO bombings – the remaining Serbian judges and prosecutors fled the province. Consequently, when the United Nations Interim Administration for Kosovo (UNMIK)<sup>175</sup> started in summer 1999 it faced a territory with literally no law enforcement institutions or bodies, where the judicial system was under an extreme shortage of everything from human resources to basic court room equipment, office supply and most importantly regular pay.<sup>176</sup> Between June and October 1999, the Special Representative of the Secretary General (SRSG) was obliged to issue an emergency decree<sup>177</sup> that would allow for the appointment of judges and prosecutors for 3-month-terms to three of the five regions of Kosovo and as 'flying judges'<sup>178</sup> to the remaining two.<sup>179</sup>

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<sup>173</sup> D Kostovicova, 'Old and new insecurity in the Balkans – Lessons from the EU involvement in Macedonia' in M Glasius and M Kaldor, *A Human Security Doctrine for Europe* (Routledge, 2006), at 56.

<sup>174</sup> Rausch, *op.cit.*, note 67 above, at 272.

<sup>175</sup> UN Security Council Resolution 1244 (1999), para.11 (k) (mandate).

<sup>176</sup> On the judicial vacuum, and the spike of criminal activity it produced, see D Marshall and S Inglis, 'The Disempowerment of Human Rights-Based Justice in the United Nations Mission in Kosovo' (2003) 16 *Harvard Human Rights Journal*, at 101.

<sup>177</sup> The 'Emergency Judicial System' foresaw the recommendation to the SRSG for provisional appointments of judges and public prosecutors by the newly established Joint Advisory Council on Provisional Judicial Appointment. UNMIK Emergency Decree 1999/1, 28 June 1999 and UNMIK Emergency Decree 1999/2, 28 June 1999.

<sup>178</sup> Interview with former UNMIK legal officer, Madrid, October 2008.

<sup>179</sup> UNMIK's mandate to maintain peace and security included a directive to maintain 'civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo'. This was interpreted widely as a mandate to re-establish the justice sector in general and, in particular, to seek accountability for war crimes and other atrocities. T Perriello and M Wierda, 'Lessons from the Deployment of International Judges and Prosecutors in Kosovo' (2006) *International Center for Transitional Justice –Prosecutions Case Studies Series*, at 9. See also the Report of the SG declaring that 'all legislative and executive powers, including the administration of the judiciary would be vested in UNMIK', *Report of the SG on UNMIK*, UN doc S/1999/779 (1999), at 35,

Nonetheless, it was initially decided not to make appeal to international judges. Due to increased ethnic-motivated violence and the perceived partiality of Kosovo Albanian judges, the need for ethnically neutral judges and prosecutors, in particular to war crime and other controversial cases, caused the SRSG to adopt three consecutive regulations, eventually introducing international judges and prosecutors to temporarily work alongside their local counterparts.<sup>180</sup> The third, Regulation 2000/64, granted the SRSG the authority to appoint three-judge panels with international majority, so-called ‘Reg. 64 Panel’, as well as the authority to assign IPs. Trigger mechanisms for these panels include appointment by the SRSG on his own motion, or upon request of prosecutors, the accused, or defense counsel where ‘necessary to ensure the independence and impartiality of the judiciary or the proper administration of justice’. In practice, the primary reasons for relying on international judges are either fear about perception of bias or concerns about intimidation of local judges.<sup>181</sup> However, the international judges and prosecutors programme was equally problematic for reasons of difficulty vis-à-vis recruitment, a lack of adequate training despite unfamiliarity with the applicable legislation linked also to the brevity of the appointments, a lack of practical experience with the application of international humanitarian law, and an absence of a common working language at the court and inadequate translations. Furthermore, the fact that there was no local involvement in the oversight of the internationally appointed judges and prosecutors, created an appearance of executive control over these officials.<sup>182</sup>

The particular challenges of the law enforcement sector were also illustrated by the fact that, when most government functions were transferred to the provisional Kosovo state authorities under the Constitutional Framework in November 2001, the justice and police sectors remained under the control of the international community via a reconfigured UNMIK pillar I.<sup>183</sup> Even under the Ahtisaari ‘Comprehensive Proposal’,<sup>184</sup> it was envisaged that most of UNMIK’s remaining competences would be handed over to the government of Kosovo while the double-hatted International Civilian Representative (ICR)/EUSR would nonetheless retain clearly defined and renewable executive powers in the law enforcement field. He may ‘take corrective measures to remedy [...] any actions taken by the Kosovo authorities that the ICR deems to be a breach of this settlement, or seriously undermine the rule of law [...] Such corrective measures may include, but are not limited to, annulment of laws or decisions

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39. The rebuilding of the justice sector was in fact divided between UNMIK and the OSCE (Pillar III with a considerable degree of independence) which worked with the local legal community to promote human rights and develop legal capacity, *inter alia*, through the Legal System Monitoring Section (LSMS).

<sup>180</sup> Regulations 2000/6 (Mitrovica Courts), 2000/34 (expanding appointments of international judges to the entire territory of Kosovo) and 2000/64 *On the Assignment of International Judges/Prosecutors and/or Change of Venue*, 15 December 2000. The latter was initially enacted for a 12-month period but subsequently extended by UNMIK Regulations 2001/34 and 2002/20.

<sup>181</sup> Perriello and Wierda, *op.cit.*, note 91 above, at 14.

<sup>182</sup> OSCE LSMS, *Review of the Criminal Justice System* (2002), at 26.

<sup>183</sup> The original Pillar I (humanitarian assistance), provided humanitarian aid and facilitated the return of refugees and internally displaced persons under the lead of the UNHCR was phased out in June 2000. The new Pillar I also incorporated the two departments of law enforcement and judicial affairs, which had been part of UNMIK’s Pillar II (Civil Administration), as Departments of Police and Judicial Affairs, later re-designated as Department of Justice.

<sup>184</sup> UNSC S/2007/168 Add.1

adopted by Kosovo authorities.<sup>185</sup> Still today, there is an extremely limited number of well-trained judges and prosecutors that EULEX judges and prosecutors could be co-located with.<sup>186</sup>

Another major issue concerned the applicable legal framework; while this had cost UNMIK most of its credibility in its early days, it still causes legal uncertainties today, in particular in the context of the *de facto* division of Kosovo. At first, UNMIK Regulation 1999/1 declared that the pre-1989 legislation, as well as some laws introduced between 1989 and 1999 under the Milosevic regime, continued to be applicable, unless they contained an element of ethnic discrimination or otherwise violated standards of international law. This decision alienated much of the Albanian legal community<sup>187</sup> who refused to conform to the regulation and applied the legal codes of pre-1989, such as the Kosovo Criminal code that had been repealed by Milosevic when he eliminated Kosovo's independency. Eventually, UNMIK revised its decision, and all legislation as it had existed prior to 22 March 1989 was declared applicable, insofar as it was not in conflict with international human rights standards.<sup>188</sup> In practice therefore, a criminal case was dealt with differently depending on the ethnicity of the judge as Kosovo Serb judges continued to apply the 1999 law. In April 2004, the new Provisional Criminal Code and the Provisional Criminal Procedure Code of Kosovo, promulgated by UNMIK regulations,<sup>189</sup> came into effect, effectively replacing the domestic criminal law in Kosovo. The introduction of these new codes with important common law features, thereby considerably transforming the local criminal system, which previously had been a civil law system, and incorporating criminal offenses under international law, put further constraints on international and national judges alike.

Since the declaration of independence in February 2008, the divisions between the Albanian and the Serb areas have widened, leading to a *de facto* partition of the territory which most sensitive area is north of the Ibar.<sup>190</sup> The impact on the law enforcement institutions is substantial. In the northern municipalities, Albanian police officers from the Kosovo Police Service (KPS) were withdrawn, leaving the Serb KPS officers patrolling alongside KFOR and UNMIK police. In the Gnjilane and Pristina regions, a shortfall of officers was created due to the suspension of over 300 Kosovo Serb KPS officers following their refusal to work under the recognized KPS chain of command.<sup>191</sup> Serb customs officers first stopped working and then resigned. The regional and municipal courts in north Mitrovica were forced to close, thus negatively affecting police investigations and prosecutions of criminal cases, whereas parallel municipal

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<sup>185</sup> See Article 2, Annex IX on the mandate of the ICR, (c).

<sup>186</sup> Interview with former UNMIK legal officer, Madrid, October 2008.

<sup>187</sup> Marshall and Inglis, *op.cit.*, note 88 above, at 101.

<sup>188</sup> UNMIK Resolutions 1999/24 and 1999/25. Several international human rights documents including the European Convention for the Protection of Human Rights and Fundamental Freedoms.

<sup>189</sup> Regulation 2003/26, On the Provisional Criminal Code of Kosovo, amended by Regulation 2004/9; Regulation 2003/25, On the Provisional Criminal Code and the Provisional Criminal Procedure Code for Kosovo.

<sup>190</sup> International Crisis Group, ‘Kosovo’s Fragile Transition’ (2008) 196 *IGC – Europe Report*.

<sup>191</sup> UNSC, ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo’ (2008) S/2008/458, at 20. The report highlights further problems and challenges ahead in the rule of law sector.

courts notionally apply Serbian law – as they in fact did before February 2008. While Albanian officers and inmates were transferred to other facilities, Serb prison officers still maintain a north Mitrovica prison, as part of the nominally UNMIK-run Kosovo Corrections Service. Against this background, the SRSG has suggested that international judicial staff applying UNMIK law should be introduced. While this was seen by some as a way of introducing EULEX judges and prosecutors, the European Union is concerned about the repercussions for its mission profile.<sup>192</sup>

#### **Part 4. EULEX Kosovo: mandate of the justice component and its insertion into the Kosovo justice system**

The functioning of EULEX KOSOVO, the rule of law mission in Kosovo<sup>193</sup>, is to be guided by its fundamental, three-fold principles of co-location, strengthening and not substituting, and of Monitoring, Mentoring, Advising. According to its mandate, EULEX Kosovo ‘shall assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability and in further developing and strengthening an independent multi-ethnic justice system and multi-ethnic police and customs service, ensuring that these institutions are free from political and adhering to internationally recognized standards and European best practices’. While the EULEX judges and prosecutors also have executive powers, the *rationale* of their deployment is argued to significantly differ from the UNMIK international judges and prosecutors programme. Through the co-location of European judges and prosecutors with their Kosovo counterparts, the emphasis is meant to be on training and mentoring which would eventually lead to an efficient and sustainable justice system relying only on local judicial staff.<sup>194</sup>

For this to be achieved, EULEX has been given an original mandate of two years. In view of the challenges highlighted above, this seems fairly optimistic if not impossible, especially since as of November 2008 it has not even begun to be operational,<sup>195</sup> and also given the lack of an adequate and comprehensive law education and training.<sup>196</sup> Nevertheless, it constitutes the only exit strategy for the European Union’s civilian

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<sup>192</sup> *Ibid.*, at 7.

<sup>193</sup> Council Joint Action 2008/214/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo, *OJ L* 42/92, 16.2.2008.

<sup>194</sup> Interview with EULEX Kosovo Communications Officer in Brussels, October 2008.

<sup>195</sup> The justice component, once deployed at full strength will comprise 70 judges and prosecutors, co-located with 423 Kosovo judges and prosecutors. *Ibid.* While already the Brussels European Council of 14 December 2007 declared the EU’s ‘readiness to assist Kosovo in the path toward sustainable stability, including by means of an ESDO mission and a contribution to an international civilian office’, and the deployment of EULEX was decided in February 2008, the handover of the justice and police sectors from UNMIK to the Kosovo government and EULEX did not happen as planned by 15 June 2008 with the entry into force of the Kosovo Constitution. By then, only 300 of its staff members had arrived, that included 80 % of its judiciary component, all its police middle-management and all its customs component. Most of EULEX projected 550 riot police are in Kosovo but still deployed as two UNMIK and two KFOR units. International Crisis Group, *op.cit.*, note 102 above, at 8. On Monday 18 August 2008, SRSG for Kosovo Lamberto Zannier, EULEX Head of Mission Yves de Kermabon, and the Head of EUPT (EU Planning Team), signed a technical arrangement on the handover of UNMIK assets to EULEX which secures at least the practical side for EULEX’s full deployment.

<sup>196</sup> Interview with former UNMIK legal officer, Madrid, October 2008.

mission, in particular if Kosovo's European perspective is to be modeled after the other candidate and potential candidate countries of the region.

One point in particular has to be advanced in this respect. The nature of the task of a judge hearing and deciding a case impartially and independently, seems difficult to reconcile with the presence of a European judge who has a mentoring and monitoring role. In addition, it can be decided that this international judge is assigned the case and thus has to use its executive powers. How are the European judges then to be integrated into the Kosovo judicial system?

According to the 'Law on the jurisdiction, case selection and case allocation of EULEX judges and prosecutors in Kosovo'<sup>197</sup> the EULEX judges and prosecutors may exercise their functions in two legislative domains – criminal law and civil law, where they either have compulsory or optional jurisdiction. In the criminal domain (Art. 3), EULEX judges have to exercise jurisdiction in panels of three – whereby two of the three judges and among them the presiding judge are EULEX judges – over any case investigated or prosecuted by the Special Prosecution office of the Republic of Kosovo. These cases most importantly concern terrorism, war crimes, genocide and organized crime. On the other hand, EULEX judges may have jurisdiction upon petition by an EULEX prosecutor, or any of the parties to the proceedings. Also, upon request of the president of the competent court, the President of the Assembly of EULEX judges will have the authority to assign EULEX judges to the respective stage of a criminal proceeding when this is considered necessary to ensure the proper administration of justice, especially for other serious crimes (i.e. when the investigation or prosecution is not conducted by the SPRK), such as smuggling, piracy, ethnic hatred crimes, torture or grave cases of theft or robbery. The proper administration of justice is defined in terms of witness protection and complexity or nature of the case. In the area of civil law (Art. 5), the EULEX judges are assigned jurisdiction mainly in the area of property law. The Joint Action merely refers to use 'where appropriate' the executive powers of the European judges and prosecutors.<sup>198</sup>

### **Concluding remarks**

EULEX Kosovo is a comprehensive mission whose *rationale* in the official discourse is one of security geared towards the economic and social development of the territory.

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<sup>197</sup> Before the Kosovo Constitution entered into force on 15 June 2008, a nearly complete Athisaari plan-compliant legal framework had been put in place. It officially serves, together with the invitation by the Kosovo president and an exchange of letters between the SGHR of the EU Javier Solana and UNSG Ban Ki-Moon as the legal basis for the deployment of the mission. See Law No. 03/L-053, available at [www.eulex-kosovo.eu](http://www.eulex-kosovo.eu). See also the temporary composition of the Constitutional Court which, according to Art. 152 of the Kosovo Constitution, shall include 3 international judges, and Art. 150 of the Kosovo Constitution on the appointment process for judges and prosecutors.

<sup>198</sup> Several provisions of the Joint Action, *op.cit.*, note 105 above, are relevant in this respect, especially Art. 3 – Tasks, which provided that EULEX KOSOVO shall (d) 'ensure that cases of war crimes, terrorism, organized crime, corruption, inter-ethnic cases, financial/economic crimes and other serious crimes are properly investigated, prosecuted, adjudicated and enforced, according to the applicable law, including, *where appropriate* [emphasis added] by international investigators, prosecutors and judges *jointly* [emphasis added] with Kosovo investigators, prosecutors and judges *or independently*[emphasis added], and by measures including, as appropriate, the creation of cooperation and coordination structures between police and prosecution authorities; (e) contribute to strengthening cooperation and coordination throughout the whole judicial process, particularly in the area of organized crime; (f) contribute to the fight against corruption, fraud and financial crime.'

The impartial prosecution and adjudication of serious crimes and the handling of conflict-related property claims is alleged to be essential to establish legal certainty and equal treatment of all ethnic communities within a broader framework of the peaceful development of Kosovo's multi-ethnic society.

Indeed, EULEX Kosovo is a tangible further step towards a more comprehensive approach to Security Sector Reform, and the reform of the law enforcement institutions in particular. It departs from an 'insertion into a wider rule of law framework' rhetoric in the police missions' mandates with limited practical consequences. EULEX Kosovo comprises in a single mandate mentoring and advising tasks that cover all steps, from crime investigation over adjudication to the implementation of the sentence. At least two features then set EULEX Kosovo apart from other civilian crisis management missions in the Western Balkans. The justice component – which not only foresees strengthening the local judiciary in criminal law but also civil law matters, especially in property and privatization issues – definitely constitutes a more elaborate and holistic approach to tackling organized crime and corruption. In addition, through the objective of contributing to an impartial and unbiased law enforcement also for war crimes, the European Union for the first time explicitly gets involved in transitional justice in a post-conflict environment other than through rare and limited financial assistance, for instance in Bosnia, or on a more abstract level in the context of compliance with international obligations and cooperation with the ICTY as part of the political Copenhagen criterion.

Whether this effectively constitutes a shift in the conceptual insertion of civilian crisis management missions into a wider post-conflict peace-building strategy is a question that cannot be answered with certainty at this early stage. There is certainly sufficient reason and some evidence for this to be argued in an enlargement context. Undoubtedly, if the European Union is serious about Kosovo's European Perspective – in whatever form this eventually may be realized – an approach that is as holistic and inclusive as possible is necessary to guarantee the sustainability of the law enforcement institutions' reform so that they can – as 'adequate judicial and administrative authorities' ensure full compliance with the 'obligations of membership'.

It is also under a sustainability perspective that coordination and cooperation at all levels and in all phases of a mission's life-cycle must be considered, especially EU inter-institutional and thus cross-pillar civil-civil cooperation. However, and while some promising institutional structures have been put in place, more examples of complementarity and synergy between Council-led operations and Commission-managed programmes are required. Restructuring institutions does not necessarily restructure mindsets, and even support of the law enforcement officials in their daily work – be it through mentoring or via the use of executive powers – does not guarantee their impartiality and freedom from political interference in the long term. Human resources capacity-building then is certainly helped by a combination of continuous and reinforced Community programmes with truly peer-to-peer co-location structures as envisaged for the civilian ESDP mission in Kosovo, both embedded into a larger accession-driven policy framework. Art. 2 of EULEX's legal base is remarkably clear in this respect, and also notable as to its position in the mission statement, and holds that 'EULEX Kosovo shall, in full cooperation with the European Commission Assistance Programmes, fulfill its mandate through monitoring, mentoring and advising, while retaining certain executive responsibilities.'

While the Western Balkan countries continue to be a laboratory for EU crisis management, the rule of law difficulties omnipresent in all post-conflict societies reach a particular momentum in those parts of the Western Balkans that are under – increasingly European-led<sup>199</sup> – ‘international trusteeship.’ This is insofar as immediate security and stability concerns calling for an effective fight against organized crime and criminal networks potentially clash with ensuring sustainability and local ownership of the reform steps. In the context of UNMIK’s international judges and prosecutors programme, initially also envisaged for only a transitional period, it has been argued that by giving in to political pressure to rebuild the justice sector quickly, UNMIK has failed to develop any coherent strategy, including for war crimes cases.<sup>200</sup> For this reason, and with local actors having often been excluded not only from many aspects of the justice system, but also from the process of reforming it over the past eight years of ‘international administration’, fairly little tangible progress in supporting the creation of sustainable institutions has been made. It is therefore to be hoped that the European Union’s own security agenda, illustrated by the ever increasing emphasis on the fight against organized crime, does not jeopardize longer-term objectives of supporting the creation of sustainable law enforcement institutions, but that a modus for accommodating the two – indeed interlinked – objectives is found on the basis of the existing and envisaged future involvement.

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<sup>199</sup> See joint letter by SGHR Solana and Commissioner Rehn calling for a reinforced EU engagement in the transition from and OHR-led process, in view of possible closure of the OHR in BiH. Quoted in EU-Observer, 7.11.2008.

<sup>200</sup> Marshall and Inglis, *op.cit.*, note 88 above.

## Kosovo: del enfoque integral a la capacidad integral

**Cuartel General del Ejército  
Teniente Coronel Carlos de Antonio Alcázar**

Como Uds. bien saben, la misión de KFOR para Kosovo, era y es la siguiente:

“Se autoriza, bajo la dirección política del NAC, a SACEUR a proporcionar una presencia militar en KOSOVO bajo bandera OTAN para apoyar el establecimiento de un entorno estable y seguro para que UNMIK y otras organizaciones internacionales puedan llevar a cabo sus cometidos, contribuir al retorno seguro de todas las personas desplazadas y refugiadas y ayudar a la implementación de las condiciones que proporcionen un acuerdo final ”

Les puedo hablar de mi experiencia en Kosovo como responsable de Planes de una de las Tasks Force allí desplegadas, exactamente la MNTF – W (Multinational Task Force West), de mando italiano y con fuerzas italianas, españolas entre otras. Llegué en octubre de 2007 y volví a España a finales de abril de 2008. Por tanto, fui testigo de acontecimientos que muchos de Uds. vieron en TV y nosotros los vivimos “in situ”.

Durante ese tiempo, el planeamiento de todas las operaciones reales así como de los planes de contingencia estaban siempre dirigidos o con el fin de mantener un entorno seguro y estable y la necesaria libertad de movimientos de la población, de las organizaciones internacionales y de las unidades multinacionales de KFOR. Esa era nuestra principal misión, la cuál sigue siendo cumplida por KFOR a la perfección.

Me causa satisfacción haber contribuido con mi pequeño grano de arena a consolidar la paz allí pero, a la vez, la experiencia no solo militar sino de trabajar con organizaciones internacionales como Naciones Unidas (UNMIK), OSCE, UNHCR así como diversas ONG,s, ha sido enriquecedora.

Quiero transmitirles un mensaje optimista en cuanto a la cooperación entre civiles y militares en los diversos ámbitos de la gestión de crisis. Para ello, quisiera ir de lo práctico a lo teórico y no al revés, quisiera pasar de lo táctico- operacional a quizás lo estratégico.

Como profesor hace poco en el Dpto. de Estrategia y Relaciones Internacionales de nuestra Escuela Superior de las Fuerzas Armadas, donde daba clases a los alumnos del Curso de Estado Mayor, había trabajado con conceptos OTAN tales como “Comprehensive Approach” “Effects- Based Approach to Operations”, “Enhanced Civil – Military Cooperation” etc...

Fue, sin embargo, cuando llegué a una operación real, donde me di cuenta que son valiosos y su filosofía debe de utilizarse a todos los niveles de conducción de las operaciones. También son útiles en el nivel táctico – operacional. Pienso que ya no hay más tiempo para debate, pienso que es una necesidad de hoy en día ya, el aunar esfuerzos y sinergias reales, sobre el terreno. Las tareas de estabilización, consolidación

de la paz, construcción estatal y democratización no se pueden culminar sólo con medios militares.

Recuerdo que, recién llegado a la misión, a KFOR, comenzamos a sentir la necesidad real que teníamos de “sentarnos” a trabajar con las organizaciones internacionales, UNMIK, UNMIK- Police, Observadores, personal de OSCE, representantes del UNHCR así como alguna ONG. Debíamos reunirnos con ellos , a nuestro nivel , en nuestra zona de acción para ver sus problemas, sus necesidades y sobre todo intercambiar información abierta sobre la situación y saber entre todos cuál era el “feeling” de la población.

Este inicio de coordinación de actividades, de conocimiento mutuo, de saber las capacidades reales de cada uno, de conocer las preocupaciones “in situ” sobre el terreno contribuyó, inicialmente, a crear una red de trabajo más o menos formal y más o menos informal a la vez y sobre todo, ayudó a contribuir a desarrollar un mayor sentimiento de comunidad de objetivos en los que estábamos allí en aquella zona de Kosovo, civiles y militares.

Para una cooperación cívico-militar real y eficiente, este enlace inicial, de conocimiento mutuo es fundamental en el nivel táctico y operacional, para poder llevar a cabo el trabajo de todos con éxito. Es, en esta fase inicial de contacto, donde debemos demostrar “todos” una mente abierta, “altura de miras”, no tener miedo al cambio y demostrar capacidad intelectual para superar prejuicios, desconfianzas, barreras culturales o de pensamiento.

Por supuesto que los objetivos de las organizaciones internacionales son diferentes, como lo son sus Cartas o Actas fundacionales. Por supuesto, que los procedimientos de trabajo son diferentes, pero lo que sí está claro, por mi experiencia en el terreno, es la complementariedad y la sinergia que se puede alcanzar con buena voluntad por parte de todos los actores militares o civiles, instituciones internacionales u ONGs, para lograr objetivos comunes.

Recuerdo como una experiencia realmente gratificante, cuando realizamos nuestro primer ejercicio de planeamiento a nivel táctico con la participación no sólo de elementos del staff de nuestro Cuartel General, sino de representantes de UNMIK, UNMIK- Police, OSCE, UNHCR etc. entre otras organizaciones.

Hay que reconocer que el camino de trabajo en este intento de dar un “enfoque integral” a las operaciones ya se está dando desde hace mucho tiempo en el campo político – militar y estratégico, dentro de las más importantes organizaciones internacionales (Naciones Unidas, OTAN, UE etc...), pero ver esa cooperación a un nivel más bajo era realmente encomiable y gratificante.

Como decía el Profesor David S. Yost (Profesor en la Escuela Naval de Monterrey, California EEUU) en un artículo en la revista de la OTAN (NATO Review) “la colaboración práctica que surge en el terreno en el transcurso de las misiones a partir de los niveles inferiores de la representación de las organizaciones internacionales ha demostrado ser a menudo más productiva que las interacciones de “alta política” de los gobiernos.”

Sin entrar en esas disquisiciones ni comentarlas, si que quiero dejarles claro que aquellos ejercicios teóricos, que podíamos llamarlos de fase de pre- planeamiento o de validación de ciertos planes de nuestra Task Force, ante la posibilidad de ser ejecutados o desarrollados, nos servían a todos para:

- Inicialmente, “romper el hielo” al podernos mezclar y hablar civiles y militares distendidamente, sabiendo que nos unía el objetivo final de lograr en todo momento, por parte de unos un entorno seguro y estable y por parte de otros, lograr las condiciones de mantenimiento del orden, justicia y derechos humanos en aquella parte de Kosovo.
- No menos importante, entendernos “culturalmente”, pues las distintas organizaciones tienen distintos vocabularios, cuando hablamos de gestión de crisis.
- Finalmente, y quizás lo mas importante, ante sucesivos escenarios de crisis, con una mayor o menor escalada de tensión o violencia, se abriría un diálogo importantísimo, en el que representantes de cada organización iban exponiendo sus puntos de vista.

La consecuencia práctica de esta acción integrada o integral, era lograr por parte de todos una visión de conjunto:

- de lo que cada uno era capaz o no, de hacer. Así el resto sabíamos lo que teníamos que hacer para llevar a cabo nuestra misión de la mejor manera posible.
- de cómo el componente militar podía apoyar para dar la seguridad suficiente y un entorno estable para asegurar la libertad de movimiento necesaria en Kosovo y así asegurar el trabajo a UNMIK y OSCE en su quehacer diario de la mejor manera posible,
- de como podíamos arbitrar procedimientos de coordinación y relación con UNMIK- Police, y otras organizaciones, en el día a día.
- de como podíamos nuestra Sección de Cooperación Cívico-militar (CIMIC) de nuestro Staff ayudar o cooperar con los representantes de UNHCR.

Estos y otros ejemplos de intercambio de puntos de vista, de conocimientos, de información nos sirvieron para, a nivel táctico y operacional, es decir sobre el terreno, ser capaces todos de darnos cuenta de diversos aspectos:

- que el planeamiento no podía ser secuencial; tendríamos que intentar siempre que fuera simultáneo en coordinación con las organizaciones civiles. Por tanto, lo que parece tremadamente útil en el nivel táctico puede ser valorado para otros niveles superiores. Toda operación de consolidación de la paz debería simultanejar el planeamiento civil y militar desde que se inicia hasta que se acaba y en todos los niveles. Por supuesto, sin dejar a parte la idea de una inicial intervención militar por la falta de seguridad.

- que el planeamiento conjunto o la validación civil y militar permite realizar planes detallados con planes de contingencia apropiados completos, planes de respuesta de crisis o escaladas al conflicto o planes de apoyo a población civil.

Con toda seguridad, muchos expertos ya han aportado sugerencias para mejorar la eficacia de las operaciones y sobre todo la cooperación de la OTAN con otras organizaciones internacionales a nivel político-militar y estratégico. Se habla así de:

- realizar Seminarios donde se discutan sobre lecciones aprendidas.
- Intercambio de personal directivo para promover redes de puntos e contacto y sociales.
- Incluir como observadores a personal de otras organizaciones en ejercicios de entrenamiento para operaciones.

En las Escuelas de Estado Mayor de nuestro entorno ya se realizan seminarios y sobre todo ejercicios donde se intenta poner en práctica este “enfoque integral” – “Comprehensive Approach” - , donde no sólo los alumnos militares sino personal de otras organizaciones, diplomáticos, personal de ONGs ... observan e intervienen. Esto sirve como experiencia única de intercambio de puntos de vista y, a la vez, puede servir en el futuro, cuando muchos de los participantes, civiles militares, son desplegados en el terreno a las órdenes de sus respectivas organizaciones.

Nuestras operaciones reales están ahí y yo les puedo hablar de mi pequeña experiencia en Kosovo. Allí, no había tiempo para disquisiciones, discusiones, etc... quién estaba abierto a cooperar, cooperaba.... ; luego íbamos viendo resultados tangibles en el aspecto diario de la seguridad, del retorno de desplazados, de actividades complementarias de apoyo a la población civil por parte de nuestros medios militares y por parte de otras organizaciones civiles.

Sin embargo, que importante sería si todo lo que fuimos entrenando “ad hoc” ya en la misión, ya desplegados, convocando a las distintas organizaciones para “entrenar” con nosotros... hubiera sido a hecho por muchos de nosotros civiles y militares en nuestros países , antes de haber desplegado. Quizás en todos los niveles deben de lanzarse de una vez por todas, programas de adiestramiento y entrenamiento conjunto.

Además, si miramos al presente, estudiamos el pasado y miramos lo que nos espera en el futuro en las operaciones.... es fácil ver que a todos los niveles pero en especial, al nivel táctico- operacional, en el terreno, es donde se consigue el éxito de una operación: “lo táctico influye hoy en día en lo estratégico y político”. Y al final, nosotros, terminaremos cooperando y trabajando siempre con miembros de Naciones Unidas, de la Unión Europea, de OSCE etc... Ese enfoque integral, ese trabajo en equipo, yo he visto que es consustancial para el éxito.

Como simple detalle les diré, que debido a la estrecha coordinación, lo que podríamos llamar como nuestra “situational awareness” sobre la situación y nuestras capacidades para cortar de raíz cualquier incidente, fue decisiva para que en el área de operaciones de nuestra Task Force no hubiera ningún incidente interétnico en momentos decisivos como febrero y marzo de 2008 en Kosovo.

Para finalizar y a modo de conclusión, nosotros, los militares determinamos los recursos y medios militares para conseguir una estabilidad inicial, el inmediato retorno de servicios esenciales, una vez que la intervención inicial ha tenido éxito. Nos marcamos como objetivo un entorno seguro y estable y como en el caso de Kosovo, disponemos de medios CIMIC, ingenieros, policía militar, personal médico etc. que puede proporcionar lo más básico.

Nuestras fuerzas, por su experiencia, ya están acostumbradas a trabajar con la población civil, respetando sus costumbres y con las ONGs y otras organizaciones internacionales, respetando sus “identidades” e imparcialidad. Por ello, tanto civiles como militares, debemos estar acostumbrados desde ya a conducir y ejecutar operaciones integradas, coliderando y cooperando, con planeamientos que integren, que sean ejecutables sobre el terreno, donde el “information sharing” sea tanto vertical como horizontal ..... venciendo y superando miedos, prejuicios etc... que a la larga pueden salvar vidas.

Pero importante también por mi experiencia en operaciones, es tener claro que no se deben imponer decisiones, que debe de haber una unidad de esfuerzos, un liderazgo o mando único y que, cuánto más se trabaje en ejercicios antes de las operaciones, mayores resultados tendremos en las mismas.

Como bien explica el Coronel Miguel Ángel Ballesteros en numerosos artículos y documentos especializados, hablando de un nuevo modelo de actuación en operaciones “se precisa de un cambio intelectual, que implica una mayor capacidad de toma de decisiones, adoptadas con mayor rapidez, una coherencia entre los efectos de las operaciones con los otros instrumentos del poder nacional” .

Por tanto, parece lógico planear todo el proceso de estas operaciones para la consolidación de la paz, desde el principio hasta el final, con una actuación simultánea a todos los niveles, de modo que en la resolución de los conflictos, la estabilización, consolidación y reconstrucción de los mismo se apliquen de forma integral, coherente y eficiente, los distintos instrumentos políticos, civiles, diplomáticos, económicos y militares.

Y para que estas no sean las palabras de un sencillo Teniente Coronel, ya en Londres en octubre de 2005, el Alto Representante para la Política Exterior de Seguridad Común decía:

“Hemos aprendido que no existe una secuencia simple según la cuál los militares deberían actuar primero y los civiles después. La fase estrictamente militar de la gestión de crisis nunca es tan breve como se espera o se cree. Los esfuerzos de estabilización y reconstrucción no tienen un carácter tan exclusivamente civil como se desearía. En realidad, necesitamos tanto los instrumentos civiles como los militares desde el primer día”

Muchísimas gracias por su atención.

# CITpax

CENTRO INTERNACIONAL DE TOLEDO PARA LA PAZ

## Programa

### *Hacia un concepto ampliado de defensa:*

### *La dimensión civil de la seguridad en España y en el marco de las organizaciones internacionales*

Madrid, 23 Octubre 2008

Casa de Galicia

C/ Casado del Alisal, nº 8 (Madrid)

**CRISIS  
MANAGEMENT  
INITIATIVE**  
*Building Bridges for Sustainable Security*



MADARIAGA  
COLLEGE OF EUROPE  
FOUNDATION

Patrocina



DIRECCIÓN GENERAL DE  
RELACIONES INSTITUCIONALES

INSTITUTO ESPAÑOL DE  
ESTUDIOS ESTRATÉGICOS

Colabora



*Descripción de la actividad:*

*Como ha afirmado la actual Ministra de Defensa, Carme Chacón, ‘la seguridad y la defensa sólo pueden ser construidas entre todos y [expertos y políticos] debemos ser capaces de involucrar a toda la sociedad en la reflexión, el análisis y el debate constructivo sobre las amenazas y los riesgos de un futuro cada día más incierto’.*

*Esto significa que todos los actores de la sociedad, sean militares o civiles, gubernamentales o no gubernamentales, pueden contribuir activamente a la defensa y la seguridad nacional e internacional desde sus diversas capacidades y recursos.*

*El presente Seminario se propone como objetivo concienciar a la sociedad civil y también a las autoridades políticas nacionales de que la seguridad tiene una importantísima dimensión civil, de acuerdo con lo expresado por la propia ministra, que debe ser desarrollada en su plenitud para una acción exterior en pro de la paz y la seguridad internacional más completa y efectiva.*

*Paralelamente, el Seminario se propone apoyar la búsqueda de soluciones para potenciar la cooperación entre civiles y militares en los diversos ámbitos de la defensa y la seguridad nacional, en sus vertientes interior y exterior.*

*Además, el Seminario se constituirá como un vehículo o instrumento para potenciar la comunicación institucional y facilitar las necesarias tareas de coordinación política y estratégica entre los distintos actores de seguridad nacional e internacional.*

*Por encima de todo, el Seminario pretende servir de inspiración para la definición de un concepto integral y comprehensivo de gestión de crisis y construcción de la paz que saque el máximo partido de las capacidades españolas desde el punto de vista civil y militar en operaciones de paz en el exterior.*

*Para lograr estos objetivos, el Seminario aborda la ampliación del concepto de defensa desde tres paneles. Los dos primeros llevarán a cabo un análisis comparado de los vigentes conceptos de defensa de España y la Unión Europea respectivamente. El tercer panel relacionará lo anterior con el caso de Kosovo para extraer algunas lecciones aprendidas y recomendaciones de futuro.*

*A partir de una vocación de pluralidad, se ha invitado a participar en este Seminario a reconocidos expertos del Ministerio de Defensa y de Asuntos Exteriores y de Cooperación, a expertos de organizaciones internacionales de seguridad y defensa (UE, OTAN), a centros de pensamiento de referencia en el ámbito de la seguridad y la gestión civil de crisis (CITpax, CMI, Madariaga, IECAH, EPLO, ECFR), así como a expertos provenientes de la universidad.*

## Jueves, 23 de octubre de 2008

### 09:00 – 09:30 APERTURA

- **Shlomo Ben Ami**, Vicepresidente del CITpax
- **Almirante Jaime Rodríguez-Toubes Nuñez**, Director del Instituto Español de Estudios Estratégicos (IEEE)
- **Juan Fernando López Aguilar**, Presidente de la Comisión de Administraciones Públicas y Vocal de la de Exteriores, Congreso de Diputados

### 09:30 – 11:30 EL CONCEPTO DE DEFENSA EN ESPAÑA

Modera: **Emilio Cassinello**, Director General del CITpax

Ponentes:

- **Iñigo Pareja Rodríguez**, Unidad de Transformación – Estado Mayor de la Defensa
- **Jesús Núñez Villaverde**, Codirector del Instituto de Estudios sobre Conflicto y Acción Humanitaria (IECAH)
- **Coronel Miguel Ángel Ballesteros Martín**, Instituto Español de Estudios Estratégicos, Ministerio de Defensa

### 11:30 – 12:00

### Pausa / Café

### 12:00 – 14:00 EL CONCEPTO DE DEFENSA DE LA UNIÓN EUROPEA: ¿ES LO SUFICIENTEMENTE AMPLIO?

Modera: **Marie-Ange Schellekens-Gaiffe**. Subdirectora de la Fundación Europea Madariaga, Bruselas

Ponentes:

- **Alessandro Rossi**, Comité de Dirección de EPLO y Coordinador en Europa de Nonviolent Peaceforce
- **Alicia Cebada Romero**, Directora del programa de Gestión de Crisis y Consolidación de la Paz, CITpax.
- **José Ignacio Torreblanca**, Director de la oficina en Madrid del European Council on Foreign Relations (ECFR)
- **Catriona Gourlay**, Gestora de Proyectos e Investigadora Marie Curie, Instituto de Investigación para el Desarme de Naciones Unidas (UNIDIR)

**14:00 – 15:30 Almuerzo ligero**

**15:30 – 17:30 UN CASO PRÁCTICO: LA EXPERIENCIA DE KOSOVO**

Modera: **Kristiina Rintakoski**. Directora del Programa de Gestión de Crisis. Crisis Management Initiative, Helsinki

Intervención: **Kai Sauer**, Director de la Unidad para los Asuntos Globales y de la ONU, Departamento de Asuntos Políticos del Ministerio de Asuntos Exteriores Finlandés

Ponentes:

- **Rafael Moreno Izquierdo**, Periodista y analista de conflictos y operaciones de paz
- **Joaquín Molina Martínez-Lozano**, Sección de Política de Gestión de Crisis, OTAN
- **Martina Spernbauer**, Investigadora del Instituto Universitario Europeo de Florencia
- **Teniente Coronel Carlos de Antonio de Alcázar**, Ministerio de Defensa.

**17:30 – 18:00 CLAUSURA Y CONCLUSIONES**

- **Marie-Ange Schellekens-Gaiffe**. Subdirectora de la Fundación Europea Madariaga, Bruselas
- **Kristiina Rintakoski**. Directora del Programa de Gestión de Crisis. Crisis Management Initiative, Helsinki
- **Alicia Cebada Romero**, Directora del programa de Gestión de Crisis y Consolidación de la Paz, CITpax.

# CENTRO INTERNACIONAL DE TOLEDO PARA LA PAZ

(www.citpax.org)

El Centro Internacional de Toledo para la Paz (CITpax) es una fundación sin ánimo de lucro que tiene como objetivo contribuir a la prevención y resolución de conflictos, la gestión de crisis y la consolidación de la paz en el marco del respeto y promoción de los derechos humanos fundamentales y los valores democráticos. CITpax asume que la búsqueda de la paz duradera implica la puesta en práctica de acciones de transformación social, desarrollo y fortalecimiento institucional.

## VÍAS DE ACTUACIÓN

Para la consecución de sus objetivos el CITpax emplea las siguientes vías:

### • Nuevas formas de diplomacia y acciones de paz.

En contextos donde las vías oficiales son insuficientes o se encuentran bloqueadas, CITpax facilita la transformación de conflictos mediante el establecimiento de contactos y la creación de espacios de diálogo con el fin de crear confianza entre las partes, acercar sus posiciones, desbloquear las vías de comunicación, buscar soluciones y alternativas a conflictos concretos y hacer propuestas de fortalecimiento institucional y cambio social que contribuyan a la consolidación de la paz. Para ello, CITpax trabaja con actores no oficiales con capacidad de influencia en quienes toman las decisiones (diplomacia de segunda vía), así como con los diferentes sectores de la sociedad civil y de los colectivos afectados por los conflictos, incluyendo las comunidades locales y las organizaciones de víctimas. El objetivo final de las iniciativas de mediación en múltiples vías es transitar hacia las vías oficiales con propuestas sólidas y tener un impacto en las decisiones en ese nivel.

### • Capacitación, análisis e investigación para la paz.

Con el fin de contribuir a la mejora de las capacidades de mediación, prevención, transformación y resolución de conflictos, así como de enriquecer las posiciones y actuaciones de las partes enfrentadas y de la comunidad internacional a favor de procesos de paz, el CITpax trabaja en colaboración con gobiernos e instituciones públicas así como las organizaciones de la sociedad civil. En estos procesos, CITpax elabora estudios y análisis orientados a la acción, organiza seminarios y conferencias sobre políticas públicas en temas relacionados con la gestión de crisis y la consolidación de la paz, promueve el intercambio de experiencias y lecciones aprendidas, emprende actividades de formación especializada y fomenta la creación de redes de colaboración con organizaciones similares.

## PROGRAMAS

Las actividades y proyectos del CITpax se enmarcan en cuatro programas: tres de carácter geográfico (Oriente Medio y Mediterráneo, América Latina y Eurasia); y uno de carácter temático, gestión de crisis y consolidación de la paz.

### Programa de Oriente Medio y Mediterráneo

El programa pretende contribuir al desarrollo de marcos de cooperación en Oriente Medio para superar la fragmentada realidad y proporcionar nuevas iniciativas en la región. Trabajamos activamente en el campo de la diplomacia privada y la diplomacia de segunda vía con el fin de promover el entendimiento y restablecer la confianza entre las distintas partes en conflicto, así como para desarrollar alternativas y propuestas de acercamiento entre negociadores y con representantes políticos. Asimismo, a través de la difusión de publicaciones, informes y artículos, pretendemos influir positivamente en los procesos oficiales de toma de decisiones. CITpax cree que la sociedad civil puede y debe jugar un papel crucial en el proceso del estado y la construcción de la paz, y por ello trabaja con un amplio abanico de socios en la región con este objetivo en mente.

#### Líneas de acción:

- Cooperación y estabilidad regional en Oriente Medio
- Cuestiones esenciales en el conflicto Árabe-Israelí
- El papel de la UE en Oriente Medio
- Buen gobierno y sociedad civil

### Programa de América Latina

Con el Programa de América Latina, el CITpax promueve el diálogo para construir consensos, realiza misiones al terreno para identificar y contribuir a encontrar soluciones a asuntos problemáticos en zonas de tensión y lleva a cabo una labor de investigación política sobre riesgos que podrían afectar la estabilidad democrática en Latinoamérica. Para lograr sus objetivos, el Programa despliega sus actividades, por una parte, a través de la promoción de iniciativas para la construcción de la confianza y la comprensión en torno a los principales asuntos relacionados con los conflictos inter e intra nacionales en la región. Y por otra, mediante la elaboración de informes especiales y estudios ad hoc, que nutren un sistema de alertas tempranas con el que hace un seguimiento detallado a los asuntos que constituyen o pueden constituir fuentes de tensión y conflicto en la región. Además, el CITpax examina experiencias regionales pasadas con el objeto de identificar lecciones prácticas para promover iniciativas de diálogo político y la prevención de conflictos.

#### Líneas de acción:

- Alternativas al conflicto colombiano
- Liderazgos políticos e integración regional
- Observatorio regional de gobernabilidad
- Fronteras en conflicto y relaciones de vecindad
- Interculturalidad y Alianza de Civilizaciones

### Programa de Eurasia

El programa realiza acciones de seguimiento de procesos de negociación y de apoyo a la celebración de acuerdos de paz en Europa y Asia, así como de supervisión de la aplicación de los compromisos adquiridos. Contribuye con iniciativas prácticas a la construcción y consolidación de una paz duradera en sociedades que, al menos formalmente, han superado un conflicto violento y apoya la formulación de estrategias y medidas innovadoras para prevenir conflictos potenciales, abordando sus causas y procurando identificar intereses comunes entre actores políticos y el resto de la sociedad. Asimismo, favorece la mejora de la acción internacional en situaciones de crisis en esta región, con especial atención a la puesta en marcha de nuevos medios civiles de gestión de crisis, y a su coordinación con los militares y promueve la creación y el fortalecimiento de instituciones democráticas para consolidar la paz.

#### Líneas de acción:

- Afganistán: consolidación de la paz y buen gobierno
- Cáucaso: conflictos sobre identidad nacional y distribución territorial del poder

### Programa de gestión de crisis y consolidación de la paz

El programa temático contribuye con iniciativas prácticas al análisis y diseño

de herramientas, estrategias y medidas innovadoras para la prevención de conflictos. Asimismo, favorece la puesta en marcha de nuevos medios de gestión de crisis, de acuerdo con un enfoque integral que prioriza la coordinación entre medios civiles y militares. Se presta especial atención a la utilización de la mediación y el diálogo como herramientas para la transformación de conflictos y la restauración de la confianza entre las partes. Sobre la base de la relación existente entre democracia y paz, se promueve la creación y el fortalecimiento de instituciones democráticas como factor de consolidación de la paz. Tiende a la realización de los fines de la seguridad humana y, en particular, aquellos que preserven la vigencia de los derechos humanos básicos en cualquier situación. Se presta especial atención al seguimiento de la actuación de las organizaciones internacionales en el área de la gestión de crisis, en particular de la Unión Europea.

#### Líneas de acción:

- Acción exterior de la UE
- Desarrollo de capacidades de mediación
- Respuestas internacionales a situaciones de crisis: un enfoque integrado

# CITpax

CENTRO INTERNACIONAL DE TOLEDO PARA LA PAZ

## ESTRUCTURA Y PERSONAL

Shlomo Ben-Ami, Vicepresidente Ejecutivo  
Emilio Cassinello, Director General  
Embajador de España  
Claudia Medina, Directora de proyectos

### Programa de Oriente Medio y Mediterráneo

John Bell, Director  
Stuart Reigeluth, Coordinador de proyectos  
Gabriel Reyes, Coordinador de proyectos  
Tamara El Khoury, Asistente de proyectos

### Programa de América Latina

Pedro Medellín, Director  
Patricia Pérez-Gómez, Coordinadora de proyectos  
Alba Marcellán, Gestora del proyecto de Colombia  
Laura Kalfon, Asistente de proyectos

### Programa de Eurasia

Álvaro García Ormaechea, Coordinador de proyectos

### Programa de gestión de crisis y consolidación de la paz

Alicia Cebada, Directora  
Javier Olivares, Gestor de proyectos

### Operaciones

Taisha Azqueta, Directora de operaciones  
Nuria Ayarra, Responsable de comunicación  
María Paula Torres, Responsable de subvenciones y seguimiento de proyectos  
Cristina Blanca, Responsable de eventos y logística  
Olga Hornero, Responsable de administración  
Ana Ríos, Asistente de administración  
Nieves González, Asistente de dirección

### Representantes en el extranjero

Tel Aviv, Pini Meidán  
Bogotá, Observatorio DDR, Justicia y Paz

### Asesores externos

Luis Peral, Asesor y facilitador asociado  
Antje Herrberg, Facilitadora asociada

**Patronos:**



Excmo. Ayuntamiento de Toledo



Miguel Ángel Moratinos, Ministro de Asuntos Exteriores y de Cooperación, España  
José María Barreda, Presidente, Junta de Castilla-La Mancha, España  
Emiliano García-Page, Alcalde de Toledo, España

Shlomo Ben-Ami, ex Ministro de Asuntos Exteriores, Israel  
Antonio Garrigues Walker, Patrono vitalicio, Fundación José Ortega y Gasset, España  
Diego Hidalgo Schnur, Presidente, FRIDE, España  
Gregorio Marañón, Presidente, Real Fundación de Toledo, España  
Nabil Shaath, ex Viceprimer Ministro, Autoridad Nacional Palestina  
Carlos Westendorp, ex Ministro de Asuntos Exteriores. Embajador de España

**Consejo Asesor:**

Assia Bensalah Alaoui, Embajadora en misión especial, Marruecos  
Emma Bonino, ex Miembro del parlamento Europeo, ex Comisaria UE de Pesca, Consumo y Ayuda Humanitaria (ECHO), ex Ministra de Comercio Internacional y Asuntos Europeos y Vicepresidenta del Senado, Italia  
Baltasar Garzón, Magistrado-Juez, Audiencia Nacional, España  
Marrack Goulding, ex Secretario General Adjunto para Asuntos Políticos, ONU  
Rosario Green\*, Presidenta de la Comisión de Relaciones Exteriores del Senado, México  
Bernard Kouchner\*, Ministro de Asuntos Exteriores y Asuntos Europeos, Francia  
Juan Manuel Santos\*, Ministro de Defensa, Colombia  
Federico Mayor Zaragoza, President, Foundation Culture of Peace Director General, UNESCO  
Pierre Schori, Director, FRIDE y ex Representante del Secretario General de la ONU en Costa de Marfil  
Francesc Vendrell, ex Enviado especial de la Unión Europea a Afganistán

\* En latencia mientras desempeñan cargos públicos

**Consejo Asesor Empresarial:**

**Socios Estratégicos:**



**Socios de Proyecto:**

