

IFP-EW CLUSTER: IMPROVING INSTITUTIONAL
CAPACITY FOR EARLY WARNING

THE EARLY WARNING AND CONFLICT PREVENTION CAPABILITY OF THE COUNCIL OF THE EUROPEAN UNION

A Mapping of the Pre-Lisbon Period

Clingendael Conflict Research Unit

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ACRONYMS

COREPER	Committee of Permanent Representatives
CIVCOM	Committee for Civilian Aspects of Crisis Management
CFSP	Common Foreign and Security Policy
CRU	Conflict Research Unit
ESDP	European Security and Defence Policy
EUMC	EU Military Committee
EUMS	EU Military Staff
EUSR	EU Special Representative
GAERC	General Affairs and External Relations Council
IfP-EW	Initiative for Peacebuilding - Early Warning
PSC	Political and Security Committee
PU	Policy Planning and Early Warning Unit
SG/HR	Secretary-General High Representative
SIAC	Single Intelligence Analysis Capacity
SitCen	Joint Situation Centre

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1. BACKGROUND

In the mid-1990s, the Rwandan genocide and the atrocities in former Yugoslavia enhanced international attention for the concept of early warning and underscored the importance of adequate systems to predict, prevent and respond to the eruption of violent conflict. Around that same time, the European Union (EU) gained an increasingly prominent role on the international stage and started to build up its capacity to forecast crisis situations and, where possible and appropriate, take action accordingly. In line with its 'fundamental values', the EU gives the highest political priority to 'improving the effectiveness and coherence of its external action in the field of conflict prevention'.¹

This working paper provides an overview of existing early warning and conflict prevention bodies and instruments within the Council of the EU (the Council), depicting the state of affairs before the enactment of the Lisbon Treaty. It also identifies a number of possible gaps in and limitations of the Council's early warning and conflict prevention architecture so as to inform further research. A complementary overview of the early warning and conflict prevention capacity of the European Commission was carried out by Saferworld.² Jointly, the two documents constitute the first phase of a larger research project under the Initiative for Peacebuilding - Early Warning (IfP-EW).³

Ultimately, the IfP-EW project aims to identify ways for the EU to overcome existing institutional impediments and utilise its early warning and response capability to its full potential. To this end, case studies are carried out in Armenia, Bolivia, Colombia, the Democratic Republic of Congo, Kenya, Kyrgyzstan, Sri Lanka, Sudan and Venezuela. A concise synthesis report, which is due in late 2011, will outline the project's most important findings and provide the EU with a number of tailor-made policy recommendations.

For the purpose of this mapping exercise, Conflict Research Unit (CRU) researchers conducted around 15 interviews between December 2009 and February 2010 with representatives of the Council's different early warning and conflict prevention institutions, as well as with a number of independent experts and practitioners. In addition, relevant literature sources and EU and other policy documents were reviewed and analysed. The resulting paper primarily serves as input for subsequent research phases of the IfP-EW project. Please note that the findings presented here reflect the state of affairs at the time of the enactment of the Lisbon Treaty and do not take into account any changes or developments that have occurred since December 2009.

1 See the *EU programme for the prevention of violent conflicts*, European Council, Göteborg, June 2001.

2 S. Babaud and N. Mirmanova (2011). *The European Commission early warning architecture and crisis response capacity*. IfP-EW.

3 This IfP-EW cluster consists of the Netherlands Institute of International Relations Clingendael, La Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE), International Alert, the University of Coimbra's Peace Study group and Saferworld. For more information, please visit the IfP-EW website <http://www.ifp-ew.eu/>

2. ON EARLY WARNING AND CONFLICT PREVENTION

Over the years, “early warning” has taken on different meanings to different people. For the purpose of this research project, early warning is understood as a ‘process that alerts decision-makers of the potential outbreak, escalation, and resurgence of violent conflict; and promotes an understanding among decision-makers of the nature and impacts of violent conflict’.⁴ Clearly, to be of practical use, a warning on an emerging or escalating conflict will have to be matched with a transparent agenda-shaping process and the capability to plan and implement a response. Hence, early warning and conflict prevention are considered to be closely intertwined and part of one and the same policy approach. In this mapping exercise, the focus will lie exclusively on the information-gathering and decision-making stages of this approach.

4 D. Nyheim (2008). *Can violence, war and state collapse be prevented? The future of operational conflict early warning and response systems*. Paris: OECD. 18th May.

3. EARLY WARNING STRUCTURES AND INSTRUMENTS

Since the mid-1990s the Council has made significant steps in building its early warning capacity. Several structures and instruments have emerged to facilitate the collection and analysis of developments in conflict-prone countries so as to improve the Council's ability to forecast crisis situations.

POLICY PLANNING AND EARLY WARNING UNIT

The Policy Planning and Early Warning Unit (PU) was created under the 1997 Amsterdam Treaty to support the work of the Secretary-General High Representative (SG/HR) in all areas relevant to the Common Foreign and Security Policy (CFSP). Today, it consists of 27 Member State representatives and supporting staff, who are organised along a number of geographical taskforces and a separate taskforce for horizontal security issues. The latter coordinates, among other things, the writing of the yearly report on conflict prevention, which monitors the progress made in implementing the Göteborg programme for the prevention of violent conflicts, which was adopted in 2001.⁵

After opening its doors in 1999, the PU initially functioned as SG/HR Javier Solana's personal "think tank". It monitored and analysed international developments, and assisted him in setting priorities and formulating policy options. At that time, the PU also presided over a Situation Room, which handled intelligence data provided by Member States. This changed shortly after the turn of the millennium. In the context of growing terrorism concerns and the maturing of the European Security and Defence Policy (ESDP), the EU enhanced its capacity to prepare its own intelligence assessments, by extension increasing its ability to identify signs of crisis. While other bodies with early warning potential were set up within the Council Secretariat, a new division of labour materialised in which the PU lost its erstwhile central role in informing and advising the SG/HR on potential and actual conflict areas.

EU MILITARY STAFF

The EU Military Staff (EUMS) was founded in 2001 and works under the military authority of the EU Military Committee (EUMC). As the EU's only permanent military structure, EUMS provides the Council with in-house military knowledge on the planning and conduct of military operations. It currently has more than 200 staff, the core of which is formed by seconded national defence experts. Early warning is one of its three core operational functions.⁶ To this end, EUMS has an intelligence directorate of around 40 people that collect, compile and carry out additional analyses on military intelligence shared by Member States.

⁵ *EU programme for the prevention of violent conflicts, 2001.*

⁶ Council Decision 2001/80/CFSP on the establishment of the Military Staff of the European Union, 22nd January.

JOINT SITUATION CENTRE

Whereas EUMS is concerned with handling military intelligence, the civilian intelligence provided by EU Member States is channelled through the Joint Situation Centre (SitCen), which took over this task from the PU after it became operational in 2003. SitCen has more than 100 staff members, around half of which are specialised intelligence analysts. It acts as the EU's "worldwide watch" and is supposed to be among the first to pick up signals from unstable, conflict-prone areas. SitCen merges civil intelligence obtained from Member States with information its analysts receive from other EU bodies and ESDP missions, and derive from various open sources. It also has some capacity to deploy small fact-finding missions, made up of a maximum of two persons, in a country of particular concern, typically as a precursor to an ESDP mission.⁷ The scope of SitCen's work roughly corresponds with the countries that comprise the Watchlist (see below).

Recognising that the distinction between military and civilian intelligence is blurred and increasingly irrelevant, EUMS and SitCen cooperate and share data on an ad hoc basis and sometimes produce joint early warning reports on priority issues within the non-permanent framework of what has been labelled the Single Intelligence Analysis Capacity (SIAC). Both agencies primarily work with qualitative data and use qualitative methods for analysing information.

THE WATCHLIST

EUMS and particularly SitCen are among the main driving forces behind the biannual update of a confidential Watchlist, consisting of states the EU ought to monitor closely. The establishment of a Watchlist was originally one of the core tasks of the PU, but, over time, the reviewing process has developed into a collaborative exercise, involving SitCen, EUMS and the PU, as well as Commission agencies. The resulting document lists approximately 40 countries along with concise analytical supplements, a draft version of which is sent to the Political and Security Committee (PSC) for endorsement before it is finalised.⁸

To prevent pushing and pulling by Member States, the countries on the list are not ranked, although there is a general categorisation into four groups, indicating the level of urgency. For internal purposes, EUMS and SitCen prioritise and concentrate on those countries where they believe the likelihood of a crisis unfolding is strong and the potential impact on the EU high. The Watchlist aims to serve a wide intra-EU audience, including the SG/HR, the PSC, individual Member States, Commission agencies and relevant working groups.

OTHER INFORMATION RESOURCES

The Council has a number of other sources of information that can feed into the delivery of a warning. EU Special Representatives (EUSRs) represent the EU in troubled regions, inform its policy- and decision-making, and promote coordination between different EU bodies in the country concerned.⁹ They report directly to the SG/HR and the PSC. Though not explicitly mandated to provide a warning on the emergence or escalation of a crisis, due to their frequent and in some cases permanent presence on the ground, EUSRs have the potential to provide the early warning apparatus of the Council with first-hand information on the crisis areas in which they operate. ESDP missions tend to have some capacity to monitor and analyse areas in which they are deployed, and are required to report back to Brussels on a weekly, monthly and six-monthly basis on the in-country situation.¹⁰ Another example of an alternative source of information is the Paris-based EU Institute for Security Studies, a think tank working under the CFSP, which offers analyses and forecast studies and acts as a platform for sharing knowledge and experience in the field of EU security policy.

7 Note that these missions do not aim to collect new data. Rather, their presence in the field serves the purpose of "lubricating" existing information flows and optimises communications with Brussels.

8 Around 20, mostly qualitative, indicators are used in the process of making the Watchlist country assessments.

9 At the time of writing, March 2010, there were 11 EUSRs, covering Afghanistan, the Great Lakes Region, the African Union, Bosnia and Herzegovina, Central Asia, Kosovo, Macedonia, the Middle East, Moldova, the South Caucasus and Sudan.

10 S. Babaud (2009). *Survey of the European Union's arrangements for monitoring and evaluating support to security sector reform*. Saferworld Research Report. pp.2–3.

A brief assessment of the Council's early warning architecture gives rise to the following preliminary observations, which deserve further scrutiny:

- **A common EU understanding of the concept of early warning has yet to be reached.** Thus far, there has been no structured discussion on terminology, methodology and doctrine. As a consequence, the Council's approach to early warning lacks a solid conceptual foundation and therefore risks incoherence.
- **There is no formal hierarchy of early warning agencies** but rather a customary pecking order based on capacity and reputation – with SitCen having emerged as the *de facto* lead agency. This could cast uncertainties with regard to who is ultimately responsible for the delivery and quality of information on potential crisis situations.
- **Information-sharing takes place on a voluntary basis.** Both within the Council and between Council bodies and EU Member States, the sharing of information about potential and actual crisis areas is not a formalised exchange. Rather, it is of a voluntary nature and typically based on personal relations, which runs the risk that relevant information may get lost in the process or may not necessarily be shared between relevant actors. The fact that the EU's language-translation capacity is low exacerbates this risk.
- **Council bodies have limited access to first-hand information** from the conflict-sensitive areas they keep under review. Their reliance on second-hand intelligence and open sources puts a strain on the perceived authority of their assessments.
- **The conduct of early warning is informed by a security narrative.** Assessments of actual and emerging crisis situations essentially aim to identify potential threats to the security of the EU and its Member States. This could have two adverse consequences. Firstly, those countries and regions which are perceived to have less relevance in this regard might fall off the EU radar. Secondly, a bias towards security can undermine the comprehensiveness of the EU's early warning assessments, although the Commission goes some way in counteracting this risk.¹¹
- **The links with non-state early warning capacities are underdeveloped.** Non-governmental organisations and civil society groups from the conflict-prone countries under review can be important sources of information, yet they are not consulted about their risk and conflict assessments on a regular, systematic basis. This can be partly traced back to capacity constraints on the part of the Council, but is also to a certain extent due to an uneasiness of intelligence-oriented bodies such as SitCen and EUMS to work with non-state counterparts and vice versa.

11 S. Babaud and N. Mirimanova (2011). *Op. cit.*

4. RESPONDING TO THE WARNING: PROCEDURES AND TOOLS

Ultimately, the ability to forecast conflict and offer a timely warning facilitates the undertaking of effective preventive action accordingly. Parallel to the development of its early warning capacity, the Council has worked to increase its policy options for engaging in (potential) crisis situations and responding to security threats linked to terrorism, the proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime.¹² Before moving to a concise assessment of the Council's crisis-prevention toolkit, it is worth briefly recapping how decisions on whether to make use of this toolkit come about in the first place.

THE DECISION-MAKING STRUCTURE OF THE COUNCIL

A complex web of decision-making procedures and national and EU political interests underpins the ultimate decision as to which set of early-response instruments and tools will be used at which stage. Five institutional bodies comprise the decision-making apparatus within the framework of the CFSP. Jointly, these bodies provide critical guidance to formulating preventive responses to early warning signals.

The **Council Secretariat**, staffed by EU officials and seconded Member State personnel and headed by the SG/HR, forms the backbone of the CFSP policymaking. It manages the flow of information, prepares meetings of decision-making bodies and develops policy options, and as such indirectly exercises considerable influence over the procedure and its outcome.

The **General Affairs and External Relations Council** (GAERC) constitutes the political centre of gravity within the CFSP decision-making framework. It consists of the Member States' Ministers of Foreign Affairs and meets monthly. The GAERC provides political directives to the Council apparatus and has decisive power over policies proposed by the other decision-making bodies. During its six-month term the rotating Presidency presides over each GAERC meeting and is responsible for the implementation of agreed Joint Actions in the field of external relations. At the outset of each Presidency rotation the GAERC identifies priority conflict areas for monitoring and preventive action.¹³

The **PSC** acts as the central body within the Council's decision-making procedure. Created by the Nice Treaty, which entered into force in 2003, the PSC is comprised of Member States' representatives with an additional seat reserved for a Commission representative who may comment and ask questions, but does not vote. PSC members pre-negotiate all activities of the Council in the context of the CFSP. Working under the GAERC, the PSC proposes overall strategic policy responses to crisis situations and is responsible for covering the civilian and military conflict-management activities of the Council.

The PSC is supported by geographic and thematic **Working Groups** and advised by the EUMC and the Committee for Civilian Aspects of Crisis Management (CIVCOM). Both committees are staffed by representatives of Member States and respectively cover the military and the civilian components of the EU's conflict-management operations.

12 European Security Strategy (2003). *A secure Europe in a better world*. December. Available at <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

13 *EU programme for the prevention of violent conflicts, 2001*.

The policies that the PSC proposes are agreed upon by the **Committee of Permanent Representatives** (COREPER). The Permanent Representatives of ambassadorial rank deal with the broad range of EU policies and prepare the agenda for the Council. As senior national officials, they receive political directions from their capitals and tend to get considerable space for negotiations, the outcomes of which are generally endorsed by the GAERC.

CONFLICT PREVENTION TOOLKIT OF THE COUNCIL

There are a number of actions the Council can take to mitigate the risk of armed conflict. First of all, it has instruments at its disposal to engage in **preventive diplomacy**. On behalf of the Council, the Presidency can publicly declare its concern or underline an EU stance. In addition, the Council can issue a *démarche* to protest the course of events in a third country or voice its political position. More robustly, the SG/HR can encourage and take part in political dialogue to try to ease tensions between conflicting parties. Also, as an ultimate means, the SG/HR can appoint an EUSR for countries or regions at risk, who can immediately respond to developments on the ground.

The Council can flank its diplomatic responses by imposing **sanctions** with the aim of pressuring governments or non-state entities to refrain from violence and settle their disputes peacefully. In recent years the EU's sanctions policy has been dominated by restrictive measures in the form of arms embargoes, financial and trade sanctions, and restriction on admission, often within the framework of an obligatory United Nations Security Council Resolution.¹⁴ A common position on sanctions is usually prepared by the Presidency of the Council and is approved unanimously by the 27 Member States. Depending on the nature of the sanction, the European Commission and the Member States are given particular responsibilities with regard to implementation

Civil and military missions are the Council's toughest response instrument. Since 2003 the EU has built up its deployment capacity, and up until January 2010 carried out a total of 23 military operations and security sector reform, rule of law, monitoring and other types of missions worldwide, all under the banner of the ESDP. The majority of these missions had a non-military character and primarily involved the use of civilian capabilities. In theory, ESDP missions could play a role in the early, non-violent stages of an armed conflict,¹⁵ but in practice they are primarily deployed to manage existing crises or to engage in peacebuilding activities in post-conflict settings. Since January 2007 the EU has also had the option of deploying Battlegroups, which can execute ad hoc missions in crisis situations that require a rapid response.

With regard to the Council's ability to follow up on a warning and take preventive action, the following preliminary observations, offering entry points for further research, can be made:

The Council has difficulties in prioritising between different situations on the verge of crisis and deciding upon if and how to respond. This primarily results from the ongoing challenge to reach a common understanding of shared interest among Member States, a challenge which is innate to the EU. Shifts in geographical focus as a result of the rotating Presidency aggravate the risk of ad hocism, which in turn can create confusion about the strategic purpose of the Council's actions in the realm of foreign affairs.

The Council's foreign policy tools are mostly used for the implementation of reactive, rather than preventive, strategies. EU decision-makers tend to have a focus on existing crises. Consequently, the Council does not constitute a very conducive environment for those advocating the establishment of preventive mechanisms or early action.

14 Sanctions or Restrictive Measures, European Commission – External Relations, 15th September 2009, pp.1-8. Available at http://ec.europa.eu/external_relations/cfsp/sanctions/docs/index_en.pdf

15 However, some argue that, in the way they are currently structured, ESDP missions are not well suited to politically tenuous situations. See, for example, M. Derks and M. Price (2010). *The EU and rule of law reform in Kosovo*. CRU, Netherlands Institute of International Relations 'Clingendael'. Available at http://www.clingendael.nl/publications/2011/20110106_CRU_publication_mderks.pdf

5. CONCLUDING REMARKS

The Council has come a long way since it first started to build its capacity to deliver early warnings on emerging and escalating crisis situations and take preventive action in the 1990s. However, challenges remain, some of which have been identified in this paper. The enactment of the Lisbon Treaty, specifically the rapprochement of the Council and the Commission, will have major implications for how the EU organises its early warning and conflict prevention activities. Forthcoming case studies will help identify recommendations on how it can further improve its performance in foreseeing and averting situations of deadly conflict.

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