



# INTERNATIONAL ALERT

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## Putting conflict prevention into practice: Priorities for the Spanish and Danish EU Presidencies 2002

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The following organisations have endorsed the paper (the organisations marked \* support its aims):

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# Putting conflict prevention into practice: Priorities for the Spanish and Danish EU Presidencies 2002

## Executive summary

Despite the advances made during the Swedish and Belgium presidencies, a great deal remains to be done in order to realise the EU's capacity to help prevent and effectively respond to violent conflicts. Many of the commitments of the EU Programme for the Prevention of Violent Conflicts (June 2001) and Commission Communication on Conflict Prevention (April 2001) still need to be fully implemented. Conflict prevention has still not been mainstreamed into EU development policy and many of the measures in the Cotonou Agreement remain to put into effect. There has been no discernible shift in EU resources available for conflict prevention. A key focus of the Spanish and Danish Presidencies must therefore be on implementation. The tragic events of 11 September 2001 and the emergence of a serious security threat to the world as a whole by international terrorist organisations, underlines the need for the EU to redouble its efforts to promote development, effective conflict prevention and resolution.

The aim of this document is to highlight practical steps that the EU could take to put the commitments on conflict prevention into practice during the forthcoming Spanish and Danish Presidencies. It has a particular focus on relations with Africa, Caribbean, Pacific and Mediterranean countries and outlines key issues in six areas that are vital for conflict prevention:

- Targeting development co-operation to prevent and address violent conflict (through the implementation of the Cotonou Agreement and the enhancement of the Euro-Mediterranean relationship).
- Strengthening the EU's role in civilian crisis management.
- Controlling small arms and light weapons.
- Combating international terrorism and organised crime.
- Working with the private sector to prevent violent conflict.
- Reforming EU institutions to enhance their capacity for conflict prevention.

### 1 Targeting development aid to reduce or prevent violent conflict

There has been a growing recognition of the relationship between under-development and conflict by the EU and the important role that development co-operation can play in conflict prevention and management. The Swedish Presidency concluded that there is a need for greater integration of preventative perspectives into development policy and this theme was taken up by the Belgian Presidency in its work to develop conclusions on improving the European development response to crisis affected countries.

#### **Co-operation with ACP countries affected by armed conflict**

Importantly, with enhanced opportunities for political dialogue and engagement of non-state actors, the Cotonou Agreement provides for a more proactive approach to countries affected by armed conflict. Widening and deepening political dialogue is essential to ensure that targeted aid helps affected countries to meet performance targets and provides incentives for peace. The EU should involve civil

society in arriving at sound political analysis of the causes of conflict and assessing the likely impact of aid.

The paper proposes action in the following areas:

- Building regional, government and local capacity in conflict prevention.
- Ensuring political dialogue is informed by conflict risks.
- Combining political dialogue with targeted assistance.

### **Co-operation with Mediterranean countries affected by armed conflict**

The Mediterranean is a highly unstable area and the recourse to violence is a too frequent occurrence. The root cause of this instability is the need for socio-political and economic development. There is a need for a detailed plan to implement the conflict prevention commitments of the EU in the Common Strategy for the Mediterranean region, that emphasises the role of development co-operation instruments. The EU has sufficient instruments to drive forward political dialogue, development co-operation and activities with the civil actors on both sides. But these need to be appropriately targeted.

The paper proposed action in the following areas:

- Increasing funds targeted at poverty reduction.
- Accelerating the process of de-concentration to EU delegations.
- Broadening the free trade regime.

### **Using development co-operation instruments**

Recent agreements and statements from the EU on development assistance emphasise coherence and flexibility in the use of co-operation instruments. There are however a number of trends with regard to the use of these instruments, such as increased use of budgetary aid and an increase in the size of interventions which have the potential to impact negatively on conflict affected countries. Increased attention also needs to be paid to developing an integrated approach to conflict prevention at the regional level.

The paper proposes action in the following areas:

- Strengthening mechanisms for co-ordination between EC member states and other donors.
- Researching and monitoring the effectiveness of budgetary aid with regard to conflict prevention.
- Facilitating the development of strategies, use of instruments, and engagement with non-state actors at a regional level.
- Implementing conflict impact assessments.

### **Enhancing the role of civil society**

Evidence suggests that there is as yet insufficient understanding in the EU as to the role civil society can play in conflict prevention and of the mechanisms and strategies for engaging civil society in conflict prone and affected countries. Identifying legitimate actors who can play a role in conflict prevention, opening space for civil society engagement with the state, and building the skills and conflict management capacity of civil society are some of the issues that need to be addressed.

The paper proposes action in the following areas:

- Incorporating sections on conflict prevention and peace-building within the forthcoming Communication on civil society.
- Developing specific tools and guidance for engaging civil society.
- Supporting capacity-building of civil society actors and local governments.

## **Resourcing conflict prevention activities**

The Spanish and Danish Presidencies should recognise that there is an evident lack of resources committed within National Indicative and Regional Programmes of the European Development Fund (EDF) and the Community budget for specific conflict prevention activities. There has been a decision not to provide a separate budget line for conflict prevention as the rationale is that it should be mainstreamed within other activities. However, it is important that the process of mainstreaming is not sidelined.

The paper proposes action in the following areas:

- Increasing member states' national budgets for development assistance.
- Ensuring more resources are devoted to improve democracy and human rights and other activities that reduce the risk of violent conflict.

## **2 Strengthening the EU's role in civilian crisis management**

In parallel with the creation of a military rapid reaction force, the EU should continue to prioritise measures for enhancing civilian capabilities for crisis intervention, and work to ensure that the EU's crisis management and conflict prevention policies and instruments are consistent and complementary.

Crisis management and conflict reduction policies must be better co-ordinated to allow for more consistent input from police, judiciary and civil protection personnel. Civilian crisis management experts, professionals and NGOs should have every opportunity to join in and inform the intended outcomes of military planning exercises. The EU Programme for the Prevention of Violent Conflicts addresses the need to make the crisis management capabilities available for conflict prevention. However, contributions to conflict prevention activities remain sketchy and are likely to remain so as long as civilian crisis management remains tied to one pillar (CFSP), but the competency and implementation drifts across the other two pillars.

This paper proposes action in the following areas:

- Working towards a solution to the pillar problem.
- Identifying qualitative requirements for civilian capabilities.
- Ensuring civilian aspects of crisis management participate in all areas undertaken by the military aspects.

## **3 Controlling small arms and light weapons**

International attention to the problems caused by the proliferation and mis-use of small arms has heightened in recent years. However, the 2001 UN Conference on the Illicit Trafficking of Small Arms and Light Weapons in All its Aspects did not lead to the comprehensive action programme that many had hoped for. The programme does however, provide a platform to build on.

The EU has a particular responsibility to address the small arms issue as many of its member states are major arms exporters and transit countries. The EU also has the potential to play a key role in working with affected countries to help reduce the demand for small arms and is a major donor of development assistance.

The paper proposes action in the following areas:

- Strengthening the EU Code of Conduct on arms transfers.
- Agreeing a Joint Action on arms brokering.
- Working with the EU associate countries to tackle illicit trafficking and support action to manage stockpiles, destroy surplus weapons and strengthen end-use controls.

## **4 Combating international terrorism and organised crime**

Since the US-led response to the 11 September attacks there is a growing recognition that long-term responses to terrorism should seek to understand and address some of the root causes, as well as taking measures to reduce vulnerability and deal with other possible security challenges in the future. The tragedy has made the need to develop effective strategies even more acute.

### **Addressing the root causes of international terrorism and dealing with security challenges**

It is vital that the EU addresses the conditions in which terrorism can thrive. Areas of protracted conflict, poverty, social exclusion and marginalisation are frequently seen as a breeding ground for terrorism. The need to combat terrorism makes it more important than ever that the EU improves the quantity and quality of its development aid. The effectiveness of development aid as a tool to prevent violent conflict is likely to increase if it is targeted appropriately to programmes that address the root causes of conflict and state failure such as poor governance and unequal access to resources.

The paper proposes action in the following areas:

- Developing a common understanding of terrorism and its causes.
- Addressing the needs of 'failed' and 'failing' states.
- Undertaking assessments of the impact of trade and other external policies on marginalised groups and communities.

It is imperative that law enforcement agencies are adequately equipped and resourced to effectively address crime and security threats, however the strengthening of law enforcement agencies must be balanced with respect for civil liberties.

The paper proposes action in the following areas:

- Improving the co-ordination and exchange of intelligence between law enforcement agencies.
- Fully integrating measures to combat terrorism within the CFSP.
- Ensuring that efforts to combat terrorism do not undermine existing human rights, regional stability or conflict prevention objectives.

### **Organised crime**

Organised criminal groups are often closely linked with, and use similar methods to, terrorist organisations. Organised crime has seized the advent of a Single European Market to expand its illegitimate activities. The conventional separation of civil law enforcement and security agencies is no longer relevant or appropriate to the overlapping threat from transnational organised crime and terrorism. The activities of organised criminal groups are reinforced by the possession of weapons, which allow groups to carry out their operations through threats and violence.

The paper proposes action in the following areas:

- Increasing co-operation, co-ordination and information exchange between member states and their law enforcement agencies
- Harmonising legislation, penal codes and judicial procedures.
- Training and restructuring law enforcement bodies.

## **5 Working with the private sector**

The forthcoming Corporate Social Responsibility White Paper offers an opportunity to make a direct link between better business practice and reducing the causes of conflict. The EU should take the opportunity to endorse initiatives of other international bodies (UN, ILO and OECD) on the private sector, social policy and conflict prevention. Parties whose interests are served by continuing conflict depend on



continuing external revenue. There is now a wide consensus that transnational corporations which plan their operations without accurate analysis of local conflict indicators may ultimately jeopardise their own investments. The EU should encourage member states to advise the corporate sector to take an inclusive approach to trade and conflict.

The paper proposes action in the following areas:

- Creating a legally binding framework for regulating European trans-national corporations operating in developing countries.
- Specifying the role of business in conflict prevention in the forthcoming White Paper on Corporate Social Responsibility.
- Encouraging diversification of production and adoption of non-exclusivity recruitment and trading practices.

## **6 Reforming EU institutions**

Despite the ongoing reforms of EC external assistance and institutional development within the framework of the emerging CFSP, the institutional, management and decision making set up of the EU is not yet optimal in order to facilitate the effective implementation of conflict prevention commitments and policies.

Further efforts need to be made to increase coherence and linkages between conflict prevention activities undertaken within the framework of pillar one, in particular development aid and short term crisis management undertaken within the framework of pillar 2 (CFSP). The impact of the reform of EC aid and the process of 'mainstreaming' conflict prevention needs to be monitored carefully.

The Spanish and Danish Presidencies should ensure that the Policy Planning and Early Warning Unit (PPEWU), established within the Secretariat of the Council reaches its potential. In particular the PPEWU lacks the capacity to undertake analysis on the basis of information received from a wide range of conflict affected regions, tending rather to focus on areas of immediate strategic interest to the EU.

The paper proposes action in the following areas:

- Increasing the number of staff working on conflict issues.
- Bridging the gap between community policies and CFSP.
- Monitoring the process of mainstreaming conflict prevention
- Strengthening the PPEWU.

# Putting conflict prevention into practice: Priorities for the Spanish and Danish EU Presidencies 2002

## Introduction

Much has been achieved under the Swedish and Belgian Presidencies in terms of developing a policy framework in the field of conflict prevention for the European Union (EU). However, the challenge now will be to ensure that these achievements are sustained and effectively translated into practical action in the context of an ever-growing European agenda. The tragic events of 11 September 2001 and the emergence of a serious security threat to the world as a whole by international terrorist organisations underlines the need for the EU to redouble its efforts to promote development, effective conflict prevention and resolution.

The aim of this document is to highlight practical steps that the EU could take to put the commitments on conflict prevention into practice during the forthcoming Spanish and Danish Presidencies. It has a particular focus on relations with Africa, Caribbean, Pacific and Mediterranean countries.

### Achievements to date

With the agreement of the EU Programme for the Prevention of Violent Conflicts at the Gothenburg Summit in June 2001 and the publication of the European Commission Communication on Conflict Prevention in April 2001, conflict prevention is at last firmly on the EU's political agenda.

The EU Programme for the Prevention of Violent Conflicts represents a timely elevation of conflict prevention to the heads of state level. It is really a statement of intent that provides a framework for future action. It contains proposals for improving early warning, setting priorities for preventative action, enhancing the EU's instruments for long and short-term prevention, building effective partnerships for prevention and a commitment for all relevant EU institutions to mainstream conflict prevention.

The Commission Communication is the most concrete statement to date of EU conflict prevention policy. It builds on the paper 'Improving the coherence and effectiveness of EU action in the field of conflict prevention' presented to the Nice European Council (December 2000) by Javier Solana, the EU High Representative and Chris Patten, the Commissioner for External Relations. The document contains a review of all recent EU initiatives to promote peace and stability and proposes a more proactive and coherent EU approach to conflict prevention.

Progress has also been made in other areas:

- The newly agreed Cotonou Agreement (the EU's trade and aid deal with 77 African, Caribbean and Pacific countries) highlights the importance of prioritising conflict prevention within development assistance and political dialogue between EU and ACP countries. Political dialogue will now be able to focus on political issues including the arms trade, excessive military spending, democracy and the rule of law. The Cotonou Agreement also provides a framework in which the EU can integrate the views of southern civil society in the development of new policies and programmes.
- The agreement of the EU Common Strategy on the Mediterranean Region at the Feira European Council (Portugal) in June 2000 confirms the need "to co-operate in possible arrangements for conflict prevention, crisis management and post-conflict rehabilitation, including the encouragement of the peaceful settlement of conflicts and disputes".

- The new common framework for EC Country Support Strategies has the potential to build more effective programmes in conflict-affected and conflict prone environments.
- The EU is developing instruments for civilian crisis management in the areas of police, rule of law, civilian administration and civil protection.
- The establishment of a 'coherence focal point' and the Inter Service Quality Group are also potentially important for mainstreaming conflict prevention and compliance on policy positions.

## **Areas for improvement**

Yet despite these advances, much still needs to be done in order to realise the EU's capacity to help prevent and effectively respond to violent conflicts. Many of the commitments in the Programme of Action and Commission Communication still need to be fully implemented. Conflict prevention has still not been mainstreamed into EU development policy and many of the measures in the Cotonou Agreement still need to be put into effect. There has been no discernible shift in EU resources available for conflict prevention. A key focus of the Spanish and Danish Presidencies must therefore be on implementation.

Furthermore, the EU has concentrated on reacting to conflict in strategic, visible locations (for example the Balkans and the Middle East) at the expense of the poorest countries where most violent conflict takes place. Since 11 September, the focus has of course shifted to Afghanistan. This is understandable, however, it is important that this does not mean that even less attention is paid to addressing latent tensions and violent conflict in other parts of the world. A key lesson has to be that crisis management is not enough and more resources and political will are needed for longer-term conflict prevention.

## **Key issues for the EU to address**

This paper outlines key issues for EU member states and the Commission to address during the Spanish and Danish Presidencies in six areas that are vital for conflict prevention:

- Targeting development co-operation to prevent and address violent conflict (through the implementation of the Cotonou Agreement and the enhancement of the Euro-Mediterranean relationship).
- Strengthening the EU's role in civilian crisis management.
- Controlling small arms and light weapons.
- Combating international terrorism and organised crime.
- Working with the private sector to prevent violent conflict.
- Reforming EU institutions to enhance their capacity for conflict prevention.

# 1. Targeting development aid to prevent and address violent conflict

*The Commission is invited to implement its recommendations on ensuring that its development policy and other co-operation programmes are more clearly focused on addressing the root causes of conflicts in an integrated way within the framework of the poverty reduction objective.*

EU Programme for the Prevention of Violent Conflicts, 2001

*EU's political dialogue will be used in a systematic and targeted way to address potential conflicts and to promote conflict prevention.*

EU Programme for the Prevention of Violent Conflicts, 2001

*Development policy and other co-operation provide the most powerful instruments at the Community's disposal for treating root causes of conflict. There is a need to take a genuinely long-term and integrated approach, which will address all aspects of structural stability in countries at risk. On a practical level, strategic documents (Country Strategy Papers) elaborated for each country receiving assistance will be key tools to mainstream such an approach into co-operation programmes. Appropriate indicators will also be used.*

Communication from the Commission on Conflict Prevention, 2001

## **a) Co-operation with ACP countries affected by armed conflict**

There has been a growing recognition of the relationship between under-development and conflict by the EU and the important role that development co-operation can play in conflict prevention and management. The new Cotonou Agreement, which sets out the parameters for the EU's trade and aid co-operation with 77 African Caribbean and Pacific Countries (ACP) now provides a solid institutional and legal framework to address conflict prevention, management and resolution in a longer-term perspective. Importantly it acknowledges the importance of involving civil society in ACP-EU co-operation and seeks to deepen and widen the present political dialogue.

These developments are very welcome. However, if this potential is to be realised, it is vital that, in an environment where performance criteria are increasingly being used as a basis of co-operation, the EU prioritises a proactive approach to countries affected by armed conflict. This requires constructive and imaginative strategies, inclusive dialogue with all actors, flexibility and responsiveness in the use of instruments, and decentralised and adapted decision-making on the ground based on a sound analysis and knowledge of the situation.<sup>1</sup> The EU Council is developing operational conclusions on the issue of co-operation with ACP countries affected by conflict in the coming months and this provides a key opportunity for the Spanish and Danish Presidencies to further this agenda.

## **b) Promoting an effective strategy of proactive engagement and enhancing political dialogue in ACP countries**

The Cotonou Agreement is a particularly appropriate vehicle through which to promote a policy of proactive engagement towards conflict-affected countries as it has an explicit focus on conflict prevention, political dialogue and the engagement of non-state actors. The principal challenge however will be whether the EU has the political will to engage in environments that entail taking risks.

Within the Cotonou Agreement there is scope for increasing and widening political dialogue. The challenge for the EU is to utilise this scope and the opportunities it creates, notably the involvement of

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<sup>1</sup> ECDPM – Improving European Response to Crisis and Conflict-affected Countries Programme.

non-state actors. In undertaking the promotion of political dialogue, the EU should seek to engage those groups and interests that have been marginalised, or in the past have not had the capacity or knowledge to feed into existing fora and avenues for political dialogue. Existing and emerging fora for dialogue under the Cotonou Agreement can also be used to seek a wide variety of opinions and perspectives on enhancing conflict prevention and resolution. Within countries there are a number of fora that bring together relevant stakeholders. While these fora may not have an explicit conflict prevention or political dialogue focus, supporting existing structures for dialogue and interaction between stakeholders (such as governments, civil society, trade unions and the private sector) is an effective way to incorporate this.

If EU activities are to have sustainable impact, the actual capacity of partners for conflict prevention, resolution and peace-building needs to be enhanced and supported in ACP states. While there are a number of statements and commitments to building capacity for conflict prevention in the Communication on Conflict Prevention and the Council Common Position on Africa, 2001, the challenge of effectively identifying and implementing specific measures remains to be met.

### **Recommendations**

The EU should:

- Support a strategy of proactive engagement and the adoption of Council conclusions which prioritises this approach to ACP countries affected by conflict.
- Ensure that political dialogue is informed by a sound understanding of the political situation and the conflict risks. It should be inclusive and multi-level, and conducted as transparently as possible.
- Build regional, government and local government capacity in conflict prevention activities and processes by providing resources for awareness raising, training and the development of local and national conflict management skills and systems.
- Combine political dialogue with targeted assistance in the areas covered by the dialogue (eg support for human rights).

### **c) Co-operation with Mediterranean countries affected by armed conflict**

The Mediterranean is a highly unstable area and the recourse to violence is a too frequent occurrence. The root cause of this instability is the need for socio-political and economic development. There is a need for a detailed plan to implement the conflict prevention commitments of the EU in the Common Strategy for the Mediterranean region that emphasises the role of development co-operation instruments. The EU has sufficient instruments to drive forward political dialogue, development co-operation and activities with the civil actors on both sides. But these need to be appropriately targeted.

The Euro-Mediterranean Partnership (EMP) is currently blocked by the evident difficulty of action given the pressure of the Palestinian/Israeli crisis. The challenge for the EU is to demonstrate the political will to put into practice their declared commitments to contribute to peace and prosperity in the region. There is a big challenge to overcome the warring climate in the Middle East and the EU should promote measures for creating confidence (“partnership building measures”) in the sphere of development co-operation. These measures should accompany a drive for political security, within the strict framework of co-operation.

### **Recommendations**

The EU should:

- Increase the proportion of MEDA funds targeted at poverty reduction. This should not lead to a reduction in loans from the European Investment Bank.

- Accelerate the process of de-concentration to EU delegations in the countries in the Mediterranean zone and improve the disbursement of commitments to the MEDA region. Between 1995 and 1999 only 26% of the anticipated MEDA funds were paid out. Special attention needs to be dedicated to the implementation of the pilot decentralisation programmes agreed for 2002.
- Broaden the free trade regime for agricultural products and bring forward the end of the Multi-fibre (AMI) agreement, for textile products (initially expected on 1 January 2005).
- Find a long-term solution to the debt problem as the EU represents 65% of the total debt owed by Mediterranean countries. The EU should develop global strategies to promote investment and development, not just partial solutions.

#### **d) Promoting constructive engagement with Mediterranean countries**

It is important that the EU does not cut off contact with those regimes that are not adhering to the framework of values promoted by the Euro-Mediterranean Partnership (EMP), to which all the countries in the zone have committed. The Euro-Mediterranean summit in Valencia in April 2002 offers a unique opportunity to commence critical dialogue, retain open channels of contact, and promote the practical application of the principles included in the Barcelona Declaration.

##### ***Recommendations***

The EU should:

- Pursue the effective incorporation of all the countries in the zone to the EMP. Libya is currently an observer and should be the central focus of these efforts.
- Ensure the success of the Euro-Mediterranean summit by lifting the blockade of the EMP on the political sphere and advancing the agreement of a Peace and Stability Charter as an essential tool to prevent future conflicts in the region.
- Continue to push for the agreement of the paper on peace and stability in the Mediterranean.

#### **e) Using development co-operation instruments effectively for conflict prevention**

The Cotonou Agreement, the Common Position on Africa, the Commission Communication and the MEDA Agreement emphasise coherence and flexibility in the use of instruments available to the EU. Reforms of EU external assistance and the introduction of development strategy papers will help to address these issues and the need to mainstream conflict prevention (see Chapter 6 on EU institutional development and reform). There are however, a number of trends with regards to the use of co-operation instruments that have the potential to impact negatively on conflict-affected countries and that need to be carefully considered when programming assistance.

More attention needs to be paid to developing an integrated regional approach in the development of strategies and use of instruments. An integrated approach to conflict prevention at the regional level is vital if regional conflict dynamics and risks and issues such as cross-border arms trafficking are to be addressed. Whilst there have been some good examples of activities at the regional level by the European Commission, such as support to the Inter-Governmental Authority on Development (IGAD) in the Horn of Africa and an attempt to build capacity through the existence of a regional political advisor, the instruments and mechanisms for deploying them in a coherent and co-ordinated manner are still not yet optimal.

There is a move towards increased concentration on fewer sectors where the Commission is seen as having a comparative advantage, an increase in the size of interventions and an increase in the use of

budgetary aid. A reduction in the number of sectors of focus risks interventions failing to address the full range of conflict risks within a country or region, particularly where the European Commission is one of only a few donors. Increasing the scale of interventions mitigates against the implementation of small-scale activities which can positively influence local initiatives and dynamics in support of peace-building and conflict prevention. The use of budgetary aid in fragile political situations risks the diversion of funds for belligerent purposes or in favour of particular regions and may not be sufficiently targeted at addressing the root causes of conflict.

### **Recommendations**

The EU should:

- Ensure that solid and transparent accountability systems are in place to prevent the diversion of funds where budgetary support is provided.
- Encourage the EC to monitor and research the effectiveness of budgetary aid, with a particular reference to conflict prevention.
- Strengthen and monitor mechanisms for complementarity and co-operation between the European Commission, member states and other donors through, for example, in-country taskforces to ensure that even where EC co-operation focuses on a limited number of sectors, the full range of conflict risks within a country and region (eg poor governance, unequal access to resources) are addressed.
- Ensure that small-scale interventions are not overlooked and that a proportion of European Development Fund and budget line support is allocated towards such interventions.
- Develop and strengthen structures and mechanisms (such as an increased number of regional meetings) which facilitate the development of strategies, programming, implementation and engagement with non-state actors at a regional level and which ensure complementarity and coherence with national strategies and programmes.
- Implement conflict impact assessment frameworks to facilitate the mainstreaming of conflict prevention activities across all sectors of support. This should include training of desk officers and officials in delegations on their use.

### **f) Enhancing the role of civil society in conflict prevention**

Civil society organisations such as NGOs, grassroots organisations, women's associations, youth organisations, indigenous people's representatives, trade unions, religious organisations and the media can have a key role to play in conflict prevention. Many of them can be powerful forces for promoting good governance and human rights and represent an important capacity for conflict prevention and resolution, crisis management and peace-building.

The new Cotonou Agreement recognises the need to provide support for an active and organised civil society in conflict situations and allows for their involvement at all stages of the programming process. It is vital however that pressure is created and maintained from both within the Commission and the Council to ensure that commitments to engaging civil society are translated into effective action on the ground. Unfortunately, evidence suggests that there is as yet an insufficient understanding across the European Commission as to the role civil society can play in conflict prevention and of the mechanisms and strategies for engaging non-state actors in conflict-prone and affected countries. For example, the current Commission programming guidelines and Communication on Conflict Prevention provide little concrete guidance in this respect.

In the Mediterranean region, the EU should increase the funding to the already established Med-Urbs, Med-Campus, Med-Media and MEDA-Democracy programmes, whilst also opening up participation to actors, until recently marginalised by internal political issues in the countries within the zone. It is

essential to increase support to the recently approved youth programme, and to establish other programmes specifically directed by NGOs.

A key role for the Spanish and Danish Presidencies will be to ensure that the proposed Commission Communication on involvement of non-state actors is written and adequately addresses their role in conflict prevention and conflict management. Identifying legitimate actors who can play a key role in conflict prevention, opening space for civil society engagement with the state and ensuring an inclusive dialogue process with civil society are all key issues which need to be addressed. Furthermore, if civil society organisations are to play a central role in conflict prevention and peace-building, particularly those promoting good governance, free and open media and human rights, it is vital that they receive the capacity-building and support as provided for within the agreement. ACP states, particularly where they are weak and under-resourced, should also receive support to enhance their capacity to develop successful partnerships with civil society.

There are a number of participative processes from which the EU can draw lessons and with which it can seek to integrate its own engagement with civil society, such as the ongoing World Bank-led Poverty Reduction Strategy (PRS) process. However, in drawing lessons and engaging within this framework it is important that the EU is aware that a weakness of the PRS process has been insufficient attention to conflict issues. The EU is also in a position to influence emerging processes where a civil society engagement is important, for example the New Africa Initiative, New Africa Partnership for Development (NEPAD).

### **Recommendations**

The EU should:

- Support the incorporation of a specific section on conflict prevention and peace-building within the forthcoming Communication on the participation of civil society in development co-operation and ensure that the process of developing the communication on civil society participation involves consultation and gathering of experience from EC delegations as well as civil society groups (via the ACP-EU Civil Society Forum).
- Support the development and integration of specific tools and guidance for engaging civil society (including political and stakeholder analyses) in conflict-affected countries within programming guidelines and other guidance for staff in delegations.
- Provide delegations with specialist staff who have adequate local knowledge and are able to ensure that civil society groups engaged in ACP-EU co-operation are legitimate, representative, drawn from a broad range of organisations from across the political spectrum and able to make a positive contribution to conflict prevention and peace-building.
- Support capacity-building of civil society actors to undertake policy research, advocacy and conflict mediation in order that they can effectively engage with the EU and national governments on a range of conflict prevention and peace-building issues and, where necessary, input into track one conflict resolution and reconciliation processes.
- Provide support to ACP governments to enhance their capacity to develop successful partnerships with civil society, and where necessary undertake an assessment of and support to the development of legal frameworks for state/civil society relations.
- Support the development of regional platforms of civil society organisations that work on regional conflict issues and provide a vehicle for mutual support and exchange of experience and information.
- Seek to influence emerging frameworks such as NEPAD to ensure that they also consult and involve civil society in the implementation process.
- Encourage EC Delegations and member state diplomatic missions to actively seek civil society perspectives on conflict risks and conflict early warning as part of the process of feeding back such



information to Brussels to inform early warning and other relevant debates within the Council framework.

## **g) Resourcing conflict prevention activities**

Whilst recognising that there is a commitment to mainstream conflict prevention within development activities and within the framework of the Common Foreign and Security Policy, there is an evident lack of resources committed both within the National and Regional Indicative Programmes (NIPs) of the EDF and the Community Budget to specific conflict prevention activities (eg small arms control, security sector reform, human rights activities). Many NIPs only allocate a tiny percentage of resources to actions in the field of governance, support for human rights and other conflict prevention activities. The Commission's draft budget for 2002 shows only 0.7% for CFSP activities and 2.0% for democracy and human rights. And within the European Initiative for Democracy and Human Rights (EIDHR) only 4 million Euros are available for conflict prevention globally in 2002. There has been a decision not to provide a separate budget line for conflict prevention as the rationale is that it should be mainstreamed within other activities. However, it is important that mainstreaming does not become sidelining.

An important related issue is the total value of development aid. Of EU member states, only Denmark, Luxembourg, the Netherlands and Sweden meet the UN target of allocating 0.7% of their GNP to development assistance. This is very concerning, however, there are signs that there is a growing political momentum for change. The European Council at Laeken in December 2001 noted "with satisfaction the Council's undertaking to examine the means and the timeframe for each member state's achievement of the UN official development aid target of 0.7% of GDP and its commitment to continuing its efforts to improve development co-operation instruments, particularly in the countries affected by crisis or conflict." In addition, UK Finance Minister Gordon Brown has called for countries to increase their aid budgets and the upcoming Financing for Development conference in Mexico provides an important opportunity for an EU initiative.

### ***Recommendations***

EU member states and the Commission should:

- Increase national budgets for development assistance rapidly to the UN target of 0.7% of GNP and announce an initiative towards this at the Financing for Development conference in Mexico.
- Increase the allocation within the Community Budget (such as within the EIDHR) for the promotion of democracy and human rights and resources available within the framework of CFSP which have the potential to reduce the risk of violent conflict.
- Ensure that adequate resources are provided for activities that reduce the risk of violent conflict within National Indicative Programmes within the framework of Cotonou.

## 2. Strengthening the EU's role in civilian crisis management

*Structures and capabilities for civil and military crisis management, developed within the framework of the ESDP, will also contribute to the capabilities of the EU to prevent conflicts.*

*It must use these instruments in a more targeted and effective manner in order to address root-causes of conflict such as poverty, lack of good governance and respect for human rights, and competition for scarce natural resources.*

EU Programme for the Prevention of Violent Conflicts, 2001

*The Council, assisted by the SG/HR, and the Commission will, within their areas of competence, examine how to use the crisis management capabilities more effectively for preventive purposes.*

EU Programme for the Prevention of Violent Conflicts, 2001

The case for developing an EU civilian crisis management capability is strong. From the needs perspective there is a growing realisation that the conflicts faced in today's security environment cannot be resolved through military means alone. Recent experience has shown that the existing civilian capabilities for crisis intervention are inadequate for the task. From the institutional perspective, the EU is well placed to develop this capacity as it is an organisation that can draw on a wealth of civilian mechanisms and instruments, both from its own pool, and from the 15 member states. However, discussions have largely focused on the establishment of a common military rapid reaction force.

In early 1999 the European Parliament (EP) requested that the Council conduct a feasibility study into the establishment of an unarmed capability or 'corps' of civilian experts. This EP recommendation to the Council on establishing a Civil Peace Corps proposed that such a unit undertake projects in co-operation with local NGOs in the fields of arbitration, confidence-building, reintegration, rehabilitation and human rights monitoring. The proposal was recently restated and re-enforced by the EP. In the context of recent developments in EU policy in this area, there is a great opportunity for the Commission to incorporate some aspects of this proposal into future arrangements for enhancing the EU's civilian crisis management capacities.

Following the Helsinki European Council in 1999, it was agreed that the EU would develop a crisis management capability to take on the full range of Petersberg Tasks. This decision incorporated both military and civilian aspects. Recent developments have however, remained focused on the development of the military aspects. Some progress has taken place in developing the civilian aspects, yet this has been hampered by the greying of competency for the civilian aspects of crisis management between the three pillars. Crisis management essentially falls within the remit of the second pillar, Common Foreign and Security Policy (CFSP), however many of the civilian aspects of crisis management are the competency of the first pillar (the European Community) with some even spanning the third pillar (Justice and Home Affairs). This has particularly impeded progress on issues related to financing, developing decision-making and implementation procedures, developing and maintaining rosters and issues related to training. The danger is that this approach is turning civilian crisis management into "what can be done given the current structure" instead of "what should be done to tackle the problem". Enhancing the EU's capabilities to react and meet the requests of other lead organisations in the civilian aspects of crisis management is essential if the EU is to address complex political crises, prevent the eruption or escalation of conflicts, consolidate peace and stability in transitional periods or post-conflict situations, and ensure complementarity between military and civilian aspects.

The Feira European Council in June 2000, identified four priority areas for developing civilian crisis management: police, the rule of law, civilian administration and civil protection. Concrete targets for the police were identified in Feira, while the Swedish Presidency's report to the Gothenburg Summit identified concrete targets for the rule of law and for civil protection:

- **Police** – the member states have agreed to provide up to 5,000 police officers for international missions across the range of conflict prevention and crisis management operations. Member states have also undertaken to be able to identify and deploy up to 1,000 police officers within 30 days.
- **Rule of law** – this involved, inter alia, 200 judges, public prosecutors and prison staff by 2003 at the latest.
- **Civil protection** – it was proposed that 2,000 civil protection personnel be identified by January 2002.

Targets for civilian administration have been defined broadly as establishing a pool of experts able to take on assignments within civilian administration in the context of crisis management and capable of deployment within a short timeframe. These broad areas comprise: general administrative functions, social service functions and infrastructure functions.

Commitments have already been received from the member states to meet the full contingency of the police target and commitments to the concrete targets for the rule of law and for civil protection are being pursued. The focus to date has been on filling the quantitative targets but there is some scepticism over whether qualitative issues have been addressed. Issues such as inter-operability feature prominently in the development of the military capabilities but these have barely been touched on in the civilian realm. For example, more attention needs to be given to how police from different member states will work together in the field. Different member states have different policing styles and doctrines and it is important that an effective common model is developed and promoted. The qualitative requirements of the civilian positions have to be further developed and defined across the range of the civilian tasks. The EU is committed to developing capabilities for operations which substitute for local police and these may have a paramilitary function. It is also intending to develop capacities to co-operate with and support local police functions. It is important that this co-operative police work is not sidelined, that it focuses more on working with communities, and that it complements other Community security sector reform activities.

The civil protection priority area for crisis management is drawing heavily on the EU's domestic arrangements for civil protection, which have well-established databases of experts and equipment, and have established procedures for response within the EU under the third pillar. There needs to be a specific focus on adapting this facility to meet the specific requirements of external crisis management, ie through adapting current procedures for rapid response and training for operations that will be outside of the Union.

Progress has also been made on establishing new structures and processes within the Council to manage and implement crisis management. The Committee for the Civilian Aspects of Crisis Management (CIVCOM), comprised of the 15 member states and the Commission, meet fortnightly to develop the capacities to meet the political decisions. Sub-committees have been set up to focus on the police and the rule of law within CIVCOM. A Police Unit has also been established within the Council to deal with planning, training and standards.

The Council has been working to define procedures for crisis management that provide clear, transparent guidelines for implementing the crisis management capabilities effectively and coherently within the terms of the current treaties. These procedures are an important development, however, they still require a lot of work. This is particularly the case for procedural areas which conflict with the current agreements and treaties.

The EU Programme for the Prevention of Violent Conflicts addresses the need to make the crisis management capabilities available to conflict prevention. Contributions to conflict prevention remain sketchy, and will likely remain so as long as civilian crisis management remains tied to one pillar (CFSP), but the competency and implementation drifts across the other two pillars.

The graying of competency across the pillars is also contributing to the deficiency in coherence and co-ordination between crisis management and conflict prevention. Too little attention has been paid to the link and continuity between short-term crisis management and longer-term conflict prevention and actions to consolidate peace (eg use of development assistance). Effectively linking policies and action

in these areas is vital if the EU is to maximize its potential to build lasting stability in countries and regions.

This is a key priority for the Spanish and Danish Presidencies and the coming months provide an important opportunity for progress.

### ***Recommendations***

The EU should:

- Work towards a long-term solution to the pillar problem. This should be placed on the agenda of the 2004 Inter-Governmental Conference at an early stage in order to explore all the possibilities. This solution should also take into account the democratic deficit and explore ways of increasing accountability and parliamentary control over crisis management.
- Move beyond the setting of quantitative targets and begin to identify qualitative requirements for the civilian capabilities that will be required. For example work within the police unit should focus more on inter-operability between the extremely divergent European national police forces and the development of concepts and capacities to support and help reform local police forces and ensure that they work with local communities.
- The targets for the rule of law need to develop more specific profiles for both judges and prosecutors to ensure that personnel are well suited to the crisis management tasks. The issue of the provision and training of defence lawyers needs to be addressed. While the recruitment of defence lawyers not in the service of member states is more complicated, the EU needs to ensure that mechanisms to provide this function are established. For instance, Community instruments such as the Rapid Reaction Mechanism could provide support for the provision and training of defence lawyers according to agreed guidelines.
- Develop and work beyond the current four priority areas based on needs. A comprehensive needs assessment should be conducted to identify other areas in which the EU should develop its civilian crisis management capabilities and how the capacity of non-state actors can be utilised and developed. This process must be needs driven as opposed to creating capabilities based on what the EU believe it has to offer at the time. It should also take into consideration the capabilities of other international organisations (the UN, OSCE and Council of Europe) to ensure that international responses are complementary.
- More attention needs to be paid to the co-ordination and coherence of the EU's Crisis Management and longer-term conflict prevention policies. In particular, the possibility of using civilian crisis management capacities for conflict prevention needs to be elaborated.
- Ensure that civilian aspects of crisis management participate fully in all exercises undertaken by the military aspects of crisis management. This is necessary to test the civil-military relations and to fully test the civilian structures and capabilities for crisis management.

### 3. Controlling small arms and light weapons

*The Commission will give higher priority to its support aimed at controlling the spread of small arms. It will work for an ambitious Union position in view of the forthcoming UN conference on illegal trade in light weapons and small arms. When managing programmes on small arms, the Commission will closely examine the situation of the customs sector.*

Communication from the Commission on Conflict Prevention, 2001

*The Council will examine how instruments for disarmament, arms control and non-proliferation, including confidence- and security building measures, can be used more systematically for preventive purposes, including as means for early warning and post-conflict stabilisation and as element in the political dialogue, whilst avoiding duplication of the activities of regional and international organisations.*

EU Programme for the Prevention of Violent Conflicts, 2001

*The EU will support the ratification and implementation of agreements to tackle the problem posed by unregulated spread of small arms and light weapons in all its aspects, including the proposed UN Programme of Action.*

EU Programme for the Prevention of Violent Conflicts, 2001

The proliferation and illicit trafficking of small arms and light weapons are exacerbating conflict, fuelling crime, undermining development and creating instability in many regions of the world. Tackling the small arms issue requires comprehensive action in a number of areas: strengthening legal controls on possession and transfer, combating illicit trafficking, reducing the number of weapons in circulation, and addressing the wider justice and development issues which drive the demand for arms.

International attention to the problems caused by the proliferation and misuse of small arms has heightened in recent years. However, the 2001 UN Conference on the Illicit Trafficking of Small Arms and Light Weapons in All its Aspects did not lead to the comprehensive action programme that many, including EU governments, had hoped for. The programme does however provide a platform to build on.

The EU has a particular responsibility to address the small arms issue as many of its member states are major arms exporters and transit countries. The EU also has the potential to play a key role in working with affected countries to help reduce the demand for small arms as it is a major donor of development assistance. And the EU has a powerful voice in international negotiations. It is important that progress is made during the Spanish and Danish Presidencies on all these fronts.

#### **Recommendations**

EU member states should:

- Strengthen the EU Code of Conduct on arms transfers by making it mandatory for each member state to publish a detailed annual report of their arms transfers, introducing an obligatory 'no undercutting' rule so that if one member state refuses an export licence no other country can take it up, and introducing prior parliamentary scrutiny of arms exports.
- Agree a joint action on arms brokering that builds on the guidelines agreed in November 2001 in the Third Annual Report of the EU Code of Conduct. This should require all member states to introduce a system to register all arms brokering and shipping agents and ensure that they apply for a licence for each individual transaction, wherever they are located.

- Work with the EU Associate countries to help them a) implement the Code of Conduct by exchanging information on destinations of concern and notifications of all arms export licences which have been denied; and b) tackle illicit trafficking by supporting action to manage stockpiles, destroy surplus weapons and strengthen end-use controls.
- Implement the Joint Action on the EU's contribution to combating the destabilising accumulation and spread of small arms and light weapons. Financial and technical assistance should be prioritised to Western, Eastern and Southern Africa to help implement the ECOWAS moratorium, the SADC Protocol on Firearm Control and the Nairobi Declaration, and to the Balkans to help implement the Stability Pact Regional Implementation Plan.
- Begin discussions with other countries to start negotiations on legally binding international agreements on arms export controls, arms brokering and marking and tracing small arms. The aim should be to begin these processes by the first biennial meeting of states to discuss the UN Programme of Action in 2003.

## 4. Combating international terrorism and organised crime

*The Commission will ensure that its development policy and other co-operation programmes are more clearly focused on addressing root causes of conflict in an integrated way.*

Communication from the Commission on Conflict Prevention, 2001

*The Commission is invited to implement its recommendations on ensuring that its development policy and other co-operation programmes are more clearly focused on addressing root-causes of conflicts in an integrated way within the framework of the poverty reduction objective.*

EU Programme for the Prevention of Violent Conflicts, 2001

The tragic events of 11 September present an unprecedented challenge to international security. The tragedy has made the need to develop effective strategies for conflict prevention and peace-building even more acute. A sustained, comprehensive approach, involving the active participation and collaboration of member states, is essential to combat international terrorism. It is vital that action taken enhances rather than undermines existing conflict prevention policies and processes (for example, disregarding concerns about human rights or regional stability, undermining peace negotiations and multi-track conflict resolution processes).

Organised criminal groups are often closely linked with and use similar methods to terrorist organisations. Contemporary organised criminal groups represent a considerable economic and security threat, for example sub-contracting to local criminal groups is now established as an effective strategy for trans-national groups to access different markets. The activities of these groups have increased in recent years and become more violent with the wider use of small arms and light weapons.

Recent events have also revealed the need for stronger international mechanisms to combat terrorism, crime and impunity. There is now a real opportunity to rethink defence and foreign policies to enhance global security and reduce injustice. It is important that the EU addresses the root causes of terrorism, crime and violence as well as specific security measures. For example, many of the West's trading policies directly impact on the issues of economic and social exclusion that both terrorist groups and trans-national crime syndicates feed off. Therefore, when dealing with the particular challenges of terrorism and organised crime, it is essential that the EU takes fully into account the combined effect of policies that may exacerbate the conditions in which terrorism and organised crime can evolve.

### **a) International terrorism**

The European Councils in Brussels and Ghent reaffirmed the EU's total solidarity with the United States to build a global coalition against terrorism and fight its root causes. The EU was quick to respond to the terrorist attacks on 11 September 2001 with the adoption of a plan of action to combat terrorism by the Extraordinary European Council held in Brussels after the attacks. The plan of action stipulated measures for enhanced police and judicial co-operation, including replacing the current system of extradition between member states with a European arrest warrant; the development of a UN general convention against international terrorism; the freezing of funding of terrorism; the strengthening of air security; and the co-ordination of the EU's global action. These measures are important but it is vital that they are balanced with comprehensive attention to addressing root causes of terrorism.

It is imperative that law enforcement agencies are adequately equipped and resourced to effectively address crime and security threats, however, it is vital that if powers are widened the potential impact on civil liberties is given full consideration. The strengthening of law enforcement powers must be balanced with respect for civil liberties, and the ultimate objective of securing the well-being and freedoms of a

state's citizens kept in clear view. This is vital in the current climate, as governments rush to introduce new anti-terrorist legislation

The Spanish and Danish Presidencies of the EU offer a vital opportunity to implement measures to enhance global security and reduce injustice. The opportunity must be seized to introduce new controls to prevent money laundering, establish a comprehensive UN Convention on terrorism, implement last year's Convention on Trans-national Organised Crime, further integrate the fight against terrorism into the Common Foreign and Security Policy and establish an effective International Criminal Court (ICC) where terrorists can be brought to justice.

### **Addressing the root causes of international terrorism**

It is vital that the EU address the conditions in which terrorism can thrive. Poverty, social exclusion and marginalisation are frequently seen as a breeding ground for terrorism. There needs to be a major effort made to address some of the avoidable sources of grievance: the unresolved conflicts and policy issues that help create the environment in which terrorism can grow and flourish. All too often, the places that generate terrorism are failed states and shattered societies where grievance, greed, repression, poverty and prejudice have fed violence, despair and extremism. As long as the divide in wealth between North and South increases, as well as between the elite and the poor majority in developing countries, then conflict and instability will be an ever-present threat.

The need to combat terrorism makes it more important than ever that the EU improves the quantity and quality of its development aid. The effectiveness of development aid as a tool to prevent violent conflict is likely to increase if it is targeted appropriately to programmes dedicated to addressing the root causes of conflict and state failure such as poor governance and unequal access to resources (see Chapter 1 on development assistance).

The impact of the EU's and individual member states' trading policies can contribute directly to economic and social exclusion that terrorist groups identify with. Furthermore the EU's and member states' political involvement with international and regional tensions should be addressed. The disaffection of many in the Arab world is fuelled by the perceived injustices of the West's handling of the Middle East process. Political and economic, as well as criminal, justice is crucial.

### **Recommendations**

EU member states should:

- Work towards a common understanding of terrorism, its causes and the need for an inclusive approach to responses that stresses human rights and democratic self-expression.
- Develop a comprehensive sustained initiative to address the special needs of 'failed' and 'failing' states.
- Target development assistance on the basis of need that addresses the contributory factors that cause conflict and instability in the least developed countries.
- Undertake an assessment of the impact of all trade and other external policies on marginalised groups and communities.
- Work with the US to develop a new initiative on the Middle East peace process. A higher level of political engagement and more effective use of trade, aid and diplomatic instruments are vital.



## **Dealing with security challenges**

The EU has shown its willingness to build up policing and intelligence networks to deal with terrorist threats and continue to build European military capabilities. The EU has recognised that in order for it to be more effective in the fight against terrorism and on the world stage generally, it must make its European Security and Defence Policy (ESDP) fully operational. Important steps have been taken towards achieving this goal. The General Affairs Council on 19 November 2001 included joint sessions with defence and interior ministers who further discussed the creation of a EU Rapid Reaction Force, both in the military and the police fields. This is already taking shape at the planning stage, with open questions regarding the precise scenarios that it should be equipped to address. EU counter-terrorism capabilities may be promoted in the priority listings, with more urgency and resources devoted to relevant intelligence facilities and specialised counter-terrorist units.

To strengthen international defences, the EU needs to build the capacity and, above all, the will not only within member states but also within the countries of origin of terrorists to act, both internally and in close co-operation with the wider international community. Intelligence has to be supplied, financial supply lines broken, logistic support offered and common strategies systematically pursued over time. As mentioned above, however, it is vital that civil liberties are safeguarded in these and other measures to counter terrorism.

Terrorism, particularly bioterrorism, is an international issue which needs an international response. The EU needs to formulate a joint response to potential threats of bioterrorism, to upgrade emergency preparedness in all countries concerned and to effectively improve common response and alert mechanisms.

### ***Recommendations***

The EU should:

- Ensure that combating terrorism is fully integrated into the CFSP.
- Improve the accountability, response and effective functioning of the EU agencies (Europol and Eurojust), including the exchange of information and practical co-operation between member countries' national law enforcement agencies.
- Ensure that the strengthening of law enforcement powers is balanced with respect for civil liberties, and the ultimate objective of securing the well-being and freedoms of a state's citizens kept in clear view.
- Combat the funding of terrorism by formal adoption of the Directive on Money Laundering and ratify the UN Convention for the Suppression of the Financing of Terrorism.
- Ensure that the three member states (Ireland, Portugal and Greece) which have not ratified the statute of the ICC do so in a timely fashion as an international judiciary is vital in the fight against international terrorism.
- Pressure the US to sign up to the ICC and advocate a wider remit for the court statute to ensure that it is able to deal with terrorist offences.
- Use its collective pressure to ensure that the US and all other countries ratify, adhere to, and agree a new verification mechanism for the Biological and Toxin Weapons Convention (BTWC).
- Ensure that efforts to combat terrorism do not undermine existing conflict prevention policies and processes (for example, disregarding concerns about human rights or regional stability, undermining peace negotiations and multi-track conflict resolution processes).

## **b) Organised crime**

The creation of a Single European Market within the European Union (EU) reduced trade barriers in an attempt to encourage legitimate trade across borders. However, the accompanying reforms have also allowed the expansion of illegitimate activity across the EU and the Schengen areas. With more relaxed border controls within the EU and beyond as the Cold War ended, organised criminal groups have developed complex networks concentrating on illegitimate economic interests.

The main objectives of the fight against organised crime were laid down immediately after entry into force of the Amsterdam Treaty at the Tampere Council, October 1999, that called for “an efficient and comprehensive approach in the fight against all forms of (trans-national) organised crime”, leading to a “balanced development of Union-wide measures against crime...while protecting the freedom of legal rights and individuals and economic operators.”

It is welcome that that Commission is currently preparing proposals on a number of issues relating to organised crime including measures to control the trafficking of human beings, common definitions regarding organised crime, reinforcing the legal framework for the protection of the Community's financial interests and proposals for the setting up of a crime prevention policy, including organised crime. Three programmes financed from the EU budget lead in the fight against organised crime and its prevention. They are: STOP II – a programme of incentives, training and exchanges for persons responsible in the fight against trafficking in human beings and sexual exploitation of children; FALCONE – a programme of incentives, training and exchanges for the prevention of, and the fight against, organised crime; and GROTIUS II CRIMINAL – a programme of incentives and exchanges for legal practitioners. The EU has taken a number of important recent steps towards controlling organised crime. During the Swedish Presidency in May 2001, the Commission launched an EU Forum on preventing organised crime. The Spanish and Danish Presidencies are opportune times to build on this progress.

Since the early 1990s, member states have intensified co-operation between their law enforcement and judicial services in the fight against organised crime. Member states set up the Police Co-operation Agency, Europol, which became operational in June 1999. There have been a number of regional and sub-regional organisations and initiatives set up in Europe with a remit to address the problem of organised crime, corruption and illicit arms trafficking. These include the Schengen Convention, the EU Programme for Combating and Preventing Illicit Arms Trafficking, the EU pre-accession pact on organised crime, the EU joint Action on Small Arms, the South Eastern Europe Co-operation Initiative (SECI) for combating trans-border crime and other regional programmes. However, co-ordination between these areas is still needed at a domestic and pan-European level.

The tools used to tackle traditional national security threats are often inappropriate to the problems posed by the non-military security threats. The line between foreign and domestic policies has become increasingly blurred, especially since 11 September, rendering traditional institutions and policies inadequate to counter the activities of organised criminal groups. The conventional separation of civil law enforcement and security agencies is no longer relevant or appropriate to the overlapping threat from trans-national organised crime. Effective responses to the combined threats of organised crime will need to combine the different strengths and expertise in a range of government departments including the police, customs, intelligence and security agencies.

This calls for co-operation not only between the different national law enforcement bodies and security agencies within the same country, but also between teams or units working on different types of crime. However, the organisational structures of these agencies often prohibit the sharing of valuable information and collaboration. Drugs units for example, are traditionally distinct from other departments of law enforcement agencies, despite proven links between drugs trafficking and trafficking in other illicit commodities such as firearms, people, and stolen cars.

The increasingly violent methods organised crime groups use to conduct their activities threaten not only the economy but also the safety and welfare of a country and its people. The easy availability of small arms and light weapons fuels the activities of criminal groups and terrorist organisations. These weapons are often obtained from countries with weak export controls, widespread corruption, economic hardship, surplus stocks of arms and ammunition, and with problems of domestic organised crime.

It is regrettable that the trafficking of weapons is not identified as one of the focuses of organised crime. The activities of organised criminal groups are reinforced by the possession of weapons, which allows groups to carry out their operations through threats and violence. Small arms and light weapons are not a priority issue in the implementation of the Schengen agreement. Most efforts are devoted to combating drugs trafficking, human trafficking (prostitution, labour exploitation and illegal immigration), money laundering and corruption.

### ***Recommendations***

EU member states should:

- Increase co-operation between member states in the field of justice and home affairs, particularly in the fight against organised crime.
- Improve co-ordination and information exchange between agencies and states involved in efforts to combat organised crime.
- Prioritise the problem and implications of small arms flows as they relate to organised crime.
- Reform legislation in order to effectively harmonise laws, penal codes and judicial procedures of different countries.
- Accelerate the implementation of existing international, regional and national agreements and guidelines, for example, the recent UN Protocol on Firearms and the UN Convention against Trans-National Organised Crime.
- Support training and restructuring of law enforcement bodies where necessary, to ensure that agencies have both the specialisation and flexibility to combat the new challenges posed by organised crime.
- Ensure that in their efforts to combat and prevent organised crime, and particularly in relation to the control of legal activities (such as data retention and protection, telecommunications etc.) appropriate transparency and clear accountability mechanisms are incorporated and that safeguard civil rights and democracy.

## 5. Working with the private sector to prevent violent conflict

*The Commission is committed to promoting actively the OECD guidelines for Multinational Enterprises which aim at encouraging businesses to behave responsibly when operating abroad, and in particular in developing countries.*

Communication from the Commission on Conflict Prevention, 2001

*Methods for EU co-operation with the private sector in the field of conflict prevention will be developed, drawing i.a. on progress made by the UN Global Partnership, the OECD guidelines for multinational enterprises and the G8.*

EU Programme for the Prevention of Violent Conflicts, 2001

The changing nature of conflict and the rapid globalisation of the world's economy over the last decade have combined to make the private sector an important actor in many conflict countries. The terrorist attacks on the World Trade Centre in New York highlighted the increased targeting of business in the current era of globalisation, although the sabotaging of pipelines and kidnapping of employees from foreign companies deemed complicit in fuelling war or oppression is not new.

As the perceived power and influence of the private sector has grown, however, so too has its potential to contribute to sustainable development and the prevention of violent conflict. There has always been a strong moral argument for such action since company operations have often contributed to or exacerbated conflict through their operations. There is also though a compelling argument that the prevention of conflict is a business interest since companies require stability in order to conduct their operations, conflict has a damaging impact on the core operations and bad publicity can jeopardise profits by encouraging consumers to shun company products.

On the one hand legitimate business activities are increasingly being accused of complicity in human rights violations and propping up oppressive regimes when operating in areas of conflict, such as Premier Oil in Burma and Talisman Energy in Sudan. The US company Unocal faces litigation over such charges. On the other hand, in instances where profit is compatible with conflict, the illicit trade in conflict diamonds and other goods is a key factor fuelling a number of conflicts in Angola, Sierra Leone and the Democratic Republic of Congo. International certification of rough diamonds should deny these gems access to world markets, cutting a crucial source of funds to these conflicts. This will only happen however, if a genuinely effective, legally binding mechanism is agreed. As the spotlight of the media focuses on the impact of trans-national corporations (TNCs) operating in conflict zones, the role of small and medium enterprises (SMEs) and local business in conflict prevention has often been overlooked.

By influencing the policies and practices of companies investing in war-torn societies, the private sector can effectively be engaged in conflict and poverty reduction strategies through measures such as:

- Ensuring transparency about their fiscal arrangements with host governments to demonstrate that such payments do not fuel conflict.
- Encouraging the diversification of the economy, thus mitigating the conflict-prone tendency of states heavily reliant on primary commodity exports.
- Acting in compliance with international humanitarian law and human rights standards.
- Establishing tolerant recruitment practices and non-exclusionary trading or sub-contracting patterns to create a sense of interdependence amongst those from different ethnic, political and religious groups, as achieved in projects in Northern Ireland, aiming to build trust and actively combat the use

of identity politics to mobilise and radicalise people.

- Participating in and supporting multi-stakeholder dialogues between civil society, governments and international organisations to address key conflict issues and develop practical projects as in Azerbaijan.
- Conducting conflict impact assessments prior to entry and during operations (as an important addition to the rapid rise of environmental and social impact assessments) in order to understand and mitigate potential linkages to conflict.

The growing interest in the private sector's contribution to conflict prevention has spawned a host of initiatives and policy documents that are climbing the international agenda, including:

- The OECD Supplement to the DAC Guidelines on Conflict, Peace and Development Co-operation
- The UN Secretary General's report on Conflict Prevention to the Security Council
- The UN Global Compact
- The Genoa G8 Summit Communiqué on Conflict Prevention

The Commission Communication on Conflict Prevention released in April 2001 noted a forthcoming Green Paper on Corporate Social Responsibility ('Addressing Cross-Cutting Issues in a more Efficient Way', page 20). However, the subsequent Green Paper on Corporate Social Responsibility failed to mention the effective contribution the private sector can make to conflict prevention, despite the direct impact on conflict that their business policies and practices have in the conflict zones, as highlighted above. It is vital that the subsequent Corporate Social Responsibility White Paper emphasises the role of business in conflict and integrate this approach throughout the paper's analysis and recommendations.

With many of the world's leading multinational corporations headquartered in the EU, the EU has a strong interest in harnessing the potential of the private sector to contribute to sustainable development and conflict prevention. Indeed many EU companies are already active in areas of conflict and have begun to address their roles as a result of increased scrutiny. The EU can and should support these efforts, as well as use its relevant instruments to engage the private sector in conflict prevention.

### ***Recommendations***

EU member states should:

- Specify the role of business in conflict prevention in the forthcoming White Paper on Corporate Social Responsibility, and engage the private sector in conflict and poverty reduction strategies.
- Support the adoption and implementation of the international certification scheme for diamonds that is being established by the Kimberley Process and enforce it through a legally binding agreement. A standardised database on rough diamond production, exports and imports, an independent review mechanism, a co-ordinating secretariat and capacity-building support for African governments are all vital to ensure the effectiveness of this process.
- Consult and work with the private sector through Article 11 of the Cotonou Agreement, and in Country Strategy Papers, on issues which address the root causes of conflict, including: institution-building, equitable distribution of resources, anti-corruption measures, poverty eradication, human rights promotion and protection, security sector reform, and promote the use of conflict impact assessments and multi-stakeholder dialogue.
- Implement the recommendations of the European Parliament Resolution ('EU Standards for European Enterprises Operating in Developing Countries: Towards a European Code of Conduct', 1999) to create a legally binding framework for regulating European trans-national corporations (TNCs) operating in developing countries.

- Endorse and support international initiatives that engage the private sector in conflict prevention, specifically:
  - The UN's Global Compact (2000);
  - The ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (2000);
  - UK/US Security and Human Rights Voluntary Principles;
  - The OECD Guidelines for Multinational Enterprises (2000);

and include a commitment in EU policy documents to engage the private sector as a partner in furthering EU development and conflict prevention objectives and make such a commitment explicit in an EU declaration.

## 6. Reforming EU institutions to enhance their capacity for conflict prevention

*All relevant institutions of the Union will mainstream conflict prevention within their areas of competence.*  
EU Programme for the Prevention of Violent Conflicts, 2001

The ongoing reforms of EC external assistance and institutional developments within the framework of the emerging CFSP provide a significant opportunity for the EU to adapt the way it works and use the range of instruments at its disposal to effectively tackle the root causes of conflict, respond to emerging crises and mainstream conflict prevention within development strategies and programmes.

Within the Commission framework there have been a number of welcome developments that have the potential to improve the mainstreaming of conflict prevention policies within external assistance. These include: the revision and re-unification of the aid programming cycle via EuropeAid and new programming guidelines; the delegation of authority and personnel to delegations; the introduction of country and regional strategy papers and the strengthening of the evaluation unit and setting up of the Inter-Service Quality Support Group. Within the framework of the CFSP the capacity of the EU to monitor potential conflict situations has been strengthened by the establishment of the Policy Planning and Early Warning Unit.

However, despite these improvements, the institutional, management and decision-making set-up is not yet optimal in order to facilitate the effective implementation of conflict prevention commitments and policies. The Spanish and Danish Presidencies can play an important role in monitoring the progress and impact of the reform process and institutional developments on enhancing conflict prevention capacities in accordance with the EU Programme for the Prevention of Violent Conflicts.

### **a) Improving the effectiveness of EU external policy – bridging the gap between Community policies and the CFSP**

The instruments that the EU has at its disposal for the prevention of violent conflict are located both within the framework of the Community (pillar one), such as development co-operation, humanitarian aid and trade policies, within the framework for CFSP (pillar two) and even within the third pillar (Justice and Home Affairs). This complex institutional context creates a challenge of forging links between different institutional actors, including the Commission and member state frameworks, to ensure that these instruments are used coherently and to maximum effect for the prevention of conflicts. In particular there is a need to build a closer link between actions to mainstream long-term conflict prevention within development policies (such as through institution-building, promotion of governance) and the use of short-term instruments to prevent conflicts and respond to crises under the CFSP.

Various initiatives have been undertaken to address this gap, such as the pilot system of taskforces for the Balkans and Great Lakes which allows a regular exchange of information between the Commission, Council Policy Unit and member state desk officers. However more needs to be done.

#### **Recommendations**

The EU should:

- Make a greater use of taskforces for countries and regions at risk of conflict or suffering from protracted conflict. These taskforces would bring together all relevant staff from DG Relex, DG Development, The Council, DG trade, ECHO and relevant member states.

- Enhance communication flows within the Committee System of the Council to allow greater coherence between discussions and decisions made between committees involved with developing policy and actions related to CFSP instruments and Committees dealing with development and humanitarian policy and strategies, eg between the Africa Working Group and the EDF Committee.
- Rationalise the Committee/working group system through initiating joint meetings where there are cases of Committees/working groups with overlapping mandates, or where technical and political issues are better decided within the same meeting.
- Produce a conflict prevention report outlining EU policy towards various conflict affected countries (spanning pillars one, two and three) and giving an overview of the measures supported by the EU as well as an evaluation of their impact, which can act as a vehicle for learning.
- Support the development of a common set of EU conflict impact assessments that extend beyond strictly 'development' programmes to all types of EU activities that can impact on conflict.

## **b) Enhancing the mainstreaming of conflict prevention within development strategies and programmes**

The restructuring of DG Development, DG Relex and the setting up of EuropeAid have the potential to improve the efficiency of external assistance. The reforms in aid programming, introduction of country and regional support strategies, the Inter-Service Quality Support Group and the role of the Conflict Prevention Unit of DG Relex provide an opportunity for increased coherence in the use of instruments, complementarity with member states and facilitating the mainstreaming of conflict prevention within strategies and programmes. It is vital however that the implementation of these reforms are carefully monitored and a number of further issues addressed if a 'culture of prevention' is to be fostered within these institutions.

The shift in responsibility for policy formulation and instruments related to conflict prevention from DG Development to DG Relex, raises a number of concerns. It is possible that, despite the best efforts of the crisis management unit in DG Relex, mainstreaming conflict prevention will receive less priority in DG Development. The split of responsibilities for the development of country strategies and policy and the programming and implementation process between EuropeAid, DG Relex and DG Development also have the potential to hinder the process of mainstreaming conflict prevention 'downstream' within sectoral and geographical units and at a delegation level where programme development and implementation takes place.

The increase in the number of staff (there are now 1,000 in EuropeAid) dedicated to external assistance is welcome, however there remain issues around quality and expertise of staff, and in particular a lack of staff specialising in conflict prevention and areas such as governance. The de-concentration of staff and responsibility to delegations is also welcome, however there are concerns that it will be unnecessarily rushed and inadequately financed, thus undermining capacity further.

### ***Recommendations***

The EU should:

- Monitor the effects of management reforms on mainstreaming conflict prevention policies in development assistance programming and implementation.
- Support an enhanced role for the Inter-Service Quality Support Group in ensuring that conflict prevention is adequately mainstreamed within country support strategies.
- Ensure that the EDF Committee plays a proactive role in assessing the quality of country support strategies and that they effectively mainstream conflict prevention measures.



- Ensure the Commission is granted necessary financial resources in 2003 and 2004 budgets in order to carry out the process of de-concentrating staff to delegations effectively.
- Support the pooling of resources and sharing of expertise between the member states and the Commission in the field of conflict prevention and the adaptation of staff recruitment procedures in order to increase expertise in conflict prevention and crisis management.
- Provide training programmes for delegations in the use of conflict indicators and in political dialogue
- Support the development of a taskforce approach to mainstreaming conflict prevention within the programming and implementation process whereby staff from the conflict prevention unit within DG Relex and geographical units and sectoral units within EuropeAid meet to monitor and oversee progress in the 'downstream' mainstreaming process within projects and programmes.
- Support an increase in the overall number of staff in the Conflict Prevention Unit, particularly those working on ACP issues.

### **c) Strengthening the Policy Planning and Early Warning Unit and the potential of the early warning debate within the General Affairs Council**

The Policy Planning and Early Warning Unit (PPEWU), provided for in the Amsterdam Treaty and established within the Secretariat General of the Council, is charged with improving the EU's early warning analysis capacity by monitoring potential conflict situations and drawing the attention of member state governments to rising tensions at an early stage.

However, there are concerns that the unit is not reaching its full potential. In particular it lacks capacity to undertake analysis on the basis of information received from a wide range of conflict-affected regions, tending rather to focus on areas of immediate strategic interest to the EU. There is a real danger that it will be overloaded by the current focus on Afghanistan, Central Asia and the Middle East at the expense of attention on regions such as Africa.

Furthermore, it is important that the unit is given capacity to take full advantage of the opportunities presented by the overview of conflicts within the General Affairs Council (GAC) at the beginning of each presidency. Maximising the effectiveness of this orientation debate will require regular consultation with NGOs and civil society groups and follow-up activities. Efforts also need to be made to ensure that Heads of Delegation and EU member state diplomatic staff are providing systematic reporting to the unit on the basis of established conflict indicators and consultation with local actors.

#### ***Recommendations***

The EU should:

- Enhance the capacity of the unit through the provision of resources for additional staff tasked to concentrate on the provision of ad hoc policy papers based on information received from across a wide range of regions and by NGOs.
- Ensure that in the aftermath of 11 September, the focus on Central Asia and the Middle East is balanced with detailed analysis and proposals as to how the EU can work to prevent and resolve conflicts in Africa.
- Ensure that the unit has adequate capacity in terms of staff and that there is enough space on Committee agendas to take full advantage of the overview of conflicts in the GAC at the beginning of each presidency, including consultation with NGOs and civil society actors.
- Link the overview of conflicts within the GAC with the general orientation debate to link debate to budgetary discussion and facilitate follow-up activities.

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Intermón-Oxfam is a Spanish non-governmental organisation working together with people in less developed countries to help them exercise their right to a dignified life. It manages over 600 development and emergency aid projects in over 30 countries of Latin America, Africa and Asia aimed at promoting solidarity and Fair Trade and denouncing the causes of poverty.

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International Alert devises non-governmental bridge-building initiatives to unite people divided by internal conflict. It seeks to transform violent conflict into constructive dialogue and negotiation, working with all parties, including government and opposition groups.

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Saferworld is an independent foreign affairs think-tank working to identify, develop and publicise more effective approaches to tackling and preventing armed conflicts.

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The European Platform for Conflict Prevention and Transformation is an open network of European and international NGOs involved in the prevention and/or resolution of violent conflicts in the international arena. Its mission is to facilitate networking, to encourage co-operation and facilitate the exchange of information as well as to develop advocacy and lobbying activities among participating organisations. The European Centre for Conflict Prevention acts as the secretariat of the European Platform for Conflict Prevention and Transformation

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EPLO was set up in 2001 by a network of 17 European NGOs active in peacebuilding and conflict prevention. EPLO enhances information exchange and co-operation among its members and between them and the EU institutions dealing with conflict prevention.

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