

The Reactive Conflict Management of the EU in the Western Balkans

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1. Introduction

The member states of the European Union individually and the Union itself as a collective of its members has been concerned with ethnopolitical conflicts for some time. This concern can be looked at and analysed from different perspectives. On the one hand, the EU and its predecessor organisations has always prided itself in being, among other things, a community of values in which democracy, human rights and the rule of law take on concrete meaning for the benefit of all citizens in each member state, regardless of ethnic, linguistic or religious background. This normative perspective has informed the EU's non-discrimination directives and policies, and has thus been one instrument of the management of minority-majority relations within EU member states. Yet its success in successfully addressing ethnopolitical conflicts within the Union itself, and even more so beyond its boundaries, has been limited. Conflicts in Northern Ireland, the Basque Country and Corsica persist at different levels of violence and intensity, causing loss of human life and material damage. For the states directly affected by these conflicts, and for others outside the present boundaries of the EU, there is therefore a second area of concern in relation to ethnopolitical conflicts—security. This relates both to the physical security of both individual citizens and the state, but also involves a wide range of other dimensions of security: ethnopolitical conflict also has immediate and longer-term consequences for socio-economic and environmental security, to name but two.

While conflicts within the EU as it existed before the 2004 enlargement wave were relatively well-contained, i.e., they did not pose major threats to the security and stability of the EU itself, the perception of far graver threats in post-communist Europe, large parts of which had aspired to EU membership since the early 1990s, prompted the EU to adopt a much more pro-active policy of managing ethnopolitical conflicts outside its boundaries than within them. This approach was, from the viewpoint of policy makers in Brussels, necessary because of the greater risk posed by such actual and potential conflicts in likely new member states and the EU's 'new'

neighbourhood. It was made possible as a consequence of the collapse of communism, the end of the Cold War division of Europe and the greater political and economic leverage that the EU gained over the respective countries. The fact that EU-internal threats had remained relatively contained for decades, that member states facing such conflicts generally resented and actively blocked EU involvement in their management¹ and that conflicts outside the Union were perceived as potentially far more dangerous in the short term as well as in the potential longer term of their becoming EU-internal conflicts by way of enlargement resulted in the EU beginning to create a framework of policies and institutions for the management of ethno-political conflict that was primarily aimed at non-member states and became most closely associated with the Union's Common Foreign and Security Policy (and increasingly also with the EU's Enlargement Policy (i.e. through the Stabilisation and Association Process in the Western Balkans)).

This report will therefore focus exclusively on the European Union's evolving capabilities in the fields of conflict prevention and crisis management and offer an assessment of the current state of affairs and some projections for the future. We begin with a brief overview of the Union's early attempts to develop its own mechanisms and policies in this area and then examine in more detail the acceleration of this process in the aftermath of the Kosovo conflict in 1999. Since it has reached a status of being operational, the European Union has carried out five operations in Europe in 2003 and 2004 three of which are still ongoing. Two of these fall under military crisis management operations, three under the category of civilian crisis management.² Following a brief assessment of the EU's performance in managing ethno-political crises in Europe to date, we will conclude by drawing some more general conclusions about the Union's ability to meet present and likely future challenges emanating from ethno-political conflicts in Europe.

¹ This is not to deny that the EU has had two successive programmes in support of the Northern Ireland peace process since the mid 1990s and that European integration has provided institutional structures and incentives for cross-border cooperation both in Northern Ireland and in South Tyrol that have had a generally positive, albeit hardly quantifiable impact on conflict resolution in both of these cases.

² There have been further ESDP civilian, police and military operations in the South Caucasus, South-east Asia, the Middle East and Africa, and in April 2006 the Council signed a joint action establishing an EU planning team (EUPT) for a possible future EU crisis management operation in the field of rule of law (and possible other areas) in Kosovo.

2. The European Union and the Management of Ethnic Conflict from the Collapse of Communism to the Kosovo Conflict

2.1. Conflict Prevention and Crisis Management in the Emerging Post-Cold War European Security Architecture

With the end of the Cold War, one fundamental premise of the European security architecture changed: no longer was collective security something to be achieved, in large part at least, through deterrence and the threat of mutual annihilation should a military confrontation between NATO and the Warsaw Bloc occur. Instead, with the vanishing of the ideological divide in Europe, and the subsequent political and economic liberalisation in the former communist bloc, the risk of war between states was greatly diminished—but that of conflict within them dramatically increased. Unsurprisingly, a security architecture predicated upon the need to prevent war between the two blocs was ill-equipped to respond rapidly and adequately to the newly emerging threats of ethnic conflict within the (successor) states of the communist bloc.

NATO, OSCE, WEU, United Nations and Council of Europe—the main building blocs of Europe’s Cold War security architecture—survived easily into the 1990s, but they needed to reinvent themselves and develop new and more effective instruments and policies to address the challenges of a changed security situation. Moreover, the EU (until 1995, the EC), did not have a particularly clear role in this emerging security architecture at all as it had, after all, been conceived and developed as a primarily economic union whose past political successes had been all but stellar successes. Clearly, however, the EU was growing to become a more significant political actor in Europe and beyond, based both on its economic muscle and the attraction that it possessed for many countries in Central and Eastern Europe keen to join the organisation.

Thus, the task for the EU was easier and harder at the same time: it had to define its own role in conflict prevention and crisis management and carve out its own space in an already crowded field at a time when all the established players were about to adjust themselves to a fundamentally changed situation. At the height of this time of institutional uncertainty in the early 1990s, the EU and all the other international

organisations concerned with security in Europe were faced with the challenge of an initially largely peacefully dissolving Soviet Union and a violently disintegrating Yugoslavia. The failure to prevent the latter, and the cascade of wars and human suffering that followed in its aftermath, is, in retrospect, the most obvious illustration that then prevalent traditional paradigms of conflict prevention and crisis management were utterly inadequate to deal with the post-Cold War situation, despite initial pronouncements by European leaders to the contrary.

“If one problem can be solved by the Europeans it is the Yugoslav problem,” Council of Ministers President, Jacques Poos, declared as crisis erupted in the Western Balkans in the early 1990s, “This is the hour of Europe, not the hour of the Americans.” “We do not interfere in American affairs,” European Commission President, Jacques Delors, added, “We hope that they will have enough respect not to interfere in ours.” European leaders seemed confident that the EC could - and would - solve the Yugoslav crisis in 1991. Over the next decade more than a quarter of a million dead and three million refugees and internally displaced people demonstrated the extent of the failure of European crisis management in the former Yugoslavia.³ (Faucompret, 2001; Meier, 1999)

2.2. The EU marginalised

Based on its own experiences of ethnic conflict management, the EC’s initial response to the Yugoslav crisis was to contain the problem and seek to keep the Yugoslav state intact. European leaders expressed fears, that if they supported the dissolution of Yugoslavia, this could encourage ethnic minorities elsewhere in the region (and beyond) to push for independence, ultimately resulting in war in Bosnia. The EC therefore supported President Milosevic’s plan to reconstruct the Yugoslav federation within its existing borders and attempted to use its power as an economic heavyweight to broker a peaceful agreement by offering aid to those who cooperated and threatening to withhold it from those who did not. As war broke out in 1991 in Slovenia and later Croatia, the EC continued this containment strategy attempting to

³ Preoccupied with the end of the Cold War security structures, the re-unification of Germany, the break-up of the Soviet Union and the US intervention in Kuwait and with only one year to go before the presidential elections, the Bush administration happily left Yugoslavia for the Europeans to resolve. As James Baker (then US Secretary of State) famously remarked; “We don’t have a dog in this fight” (quoted in Holbrooke, 1999: 27)

hinder the conflict from spreading throughout the region, but by the end of the year ethnic violence had expanded to Bosnia (Silber & Little, 1996).

The EC responded by freezing all financial aid to the region and sending in its troika of Foreign Ministers (later replaced by a single EC negotiator) on a number of peace missions. Following the repeated rejection of these efforts and the increasing humanitarian crisis in Bosnia, the EC eventually abandoned its containment strategy and in December 1991 declared it self ready to recognise Slovenian and Croatian independence provided certain conditions of minority protection, peaceful settlement of border disputes and guaranteed government control of their territories were met. Germany, however, ignored the joint EC position and proceeded to recognise the two republics independently, despite the fact that Croatia did not meet the EC conditions. EC recognition of both countries followed shortly after, ignoring not only Croatia's non-compliance but also (and perhaps more importantly in this respect) its own foreign policy demands. This undermined the EC's competence and credibility as an international actor not only to its own members and allies but also to the warring parties on the ground. The Serbian side especially questioned the EC's credibility as a neutral mediator⁴ and when trade embargos against Croatia, Slovenia and Macedonia were lifted, while the embargo against the Serbs was kept intact, the Serbian delegation finally withdrew from the negotiations and the EC peace efforts collapsed (Kintis, 1997; Silber & Little, 1995).

By 1992 full-scale military conflict had broken out in Bosnia. The EC had recognised the country's independence, but rejected to send in peacekeeping troops as requested by Bosnian President Izetbegovic. Instead, the EC and UN co-hosted another round of peace negotiations (Vance-Owen), which were again rejected by the Serb delegation. Further sanctions were imposed on Serbia and Montenegro and both trade and weapons embargos remained in force. Under EC pressure, the UN sent protection forces to Croatia, Bosnia and Macedonia, intending the presence of international troops to calm down nationalist aggression and the humanitarian purpose of the troops

⁴ From the beginning of the crisis the EC had attempted to take a neutral stance and was reluctant to recognise any one side as the aggressor. Instead, it insisted that the UN impose a general arms embargo on all the Yugoslav republics. An approach which meant; that the EC did not only fail to send in peacekeeping troops to stop the violence, but by not recognising that the Yugoslav National Army was now effectively the armed forces of Serb nationalists, the arms embargo removed the Croat and (to a larger extent) Muslim ability to legally defend themselves against the aggressors (Morris, 2004; Kintis, 1997; Silber & Little, 1996).

to foster respect for the UN missions. The mandate, however, entitled the troops to use force in 'self-defence' only. Leaving the soldiers unable to provide the protection their name indicated, or to "create the conditions for peace and security required for the negotiation of an overall settlement of the Yugoslav crisis", the very purpose of the mission according to Security Council resolution 743 of February 1992, the mission was bound to fail and incapable to prevent large-scale disasters such as the 1995 atrocities in the 'UN protectorate' of Srebrenica, demonstrating the complete failure of the European-led conflict management efforts⁵. The US finally sidelined the EC by sending in the Contact Group of Five to reach an agreement, but it was not until NATO's military intervention, that Milosevic, Tudjman and Izetbegovic agreed to the US brokered Dayton Peace Agreement, ending the war in Bosnia and Herzegovina (Kintis, 1997; Morris, 2004; Pentland, 2003).

The Dayton Agreement did not, however, put an end to ethnic violence in the former Yugoslavia, which culminated in violent clashes between ethnic Albanians and Serbs in the Kosovo province in 1998-99. The EU, still unable to put weight behind its warnings to President Milosevic, was once again sidelined by a US-led NATO intervention. The Kosovo crisis underscored the two main shortcomings of EC (and later EU) conflict management in the Western Balkans in the 1990s. First, the EU struggled with its own inexperience in providing soft as well as hard power and security. It lacked the military strategy and strength to back up its threats and the infant Common Foreign and Security Policy was not yet ready to deal with a problem as complex as Yugoslavia. Second, the EU proved unable to reconcile the conflicting views of its member states, who disagreed not only on what to do and how to do it, but also on the very nature of the problem.⁶ The disagreements among its member

⁵ It is estimated that between 7000 and 8000 Muslim men and boys were killed by Serb nationalists in Srebrenica in 1995 (Silber & Little, 1995).

⁶ For instance, France, a historic ally of Serbia and a centralised, Jacobean state itself, favoured keeping the Yugoslav state intact; Italy supported this approach, largely due to its strong links with the Yugoslav government; whilst Germany, itself unified only a few months earlier and influenced by a strong public opinion supporting the moves for independence in Slovenia and Croatia and with traditionally strong ties to Croatia, through the many ethnic Croats living in Germany, stressed what it called 'its moral duty to help other nations coming out of an era of Communism'. Furthermore, the Netherlands, Belgium, Italy and France favoured an early UN intervention in Yugoslavia assuming that the conflicting parties would then agree to a cease-fire. France urged the Western European Union (WEU) to take action, but was without support from any other member state. The UK especially was opposed to sending in troops, in the light of its recent experience in Ulster, which had proved how difficult it is to withdraw troops once they were sent in; and Germany was still forbidden from sending troops to any area out of NATO. These are only a few examples of how EU member states perceived the nature of the problem as well as its solution very differently (Faucompret, 2001).

states made the EU as an organisation indecisive as well as inconsistent, leaving it ridiculed as an international actor.

The EU's inability to stop the violence, after loudly proclaiming that this was a European problem, which should be solved by Europeans, caused an international consensus voiced by President Clinton's dismissal of the Union as "incompetent" to handle the situation. It is, however, important to this analysis to stress that what the EU was lacking more than anything was the political will of its member states to act – and to act in unison. The EU's failures in the former Yugoslavia were arguably not only because Europe was unable but also unwilling to take the joint measures required to stop the fighting.⁷

2.3. Rebuilding the security architecture and the credibility of the EU

Only gradually were the lessons of European failure learned. Even more slowly is a new security architecture emerging in which different international organisations play their part and contribute to a cooperative, rather than merely collective security order. Characterised by task- and burden-sharing, this new cooperative security architecture that has begun to emerge at the beginning of the 21st century, involves the same security institutions but with mandates, instruments and policies that (in principle) enable them to face existing and emerging security challenges. Within this new European security architecture the EU occupies a central role: enlarged to 25 member states in 2004, strengthened in its political weight through the enlargement, accession and association process, and diplomatically and militarily more capable as a result of the development of its security and defence identity and policy.

2.4. Towards a European Security and Defence Identity: From the Petersberg Tasks to the 1999 Cologne Summit

⁷ After the Dayton agreement the EU gradually began a more coherent and effective response to political stabilisation and economic recovery in the region. The EU assumed a modest role in the first three years of the international protectorate in Bosnia-Herzegovina and contributed significantly in terms of humanitarian aid and assistance in the post-conflict reconstruction in the wider region, but it was not until after the Kosovo campaign, the EU re-emerged with a comprehensive vision for the Western Balkans and a renewed claim to the leadership it had so boldly – however, prematurely, proclaimed in 1991. Today the EU, heavily engaged in conflict prevention and crisis management, is widely recognised as the most important international actor in the region (Cameron, 2006; Faucompret, 2001; Silber & Little, 1995).

The 1992 Maastricht Treaty on European Union (TEU),⁸ which introduced the current three-pillar structure of the European Union,⁹ brought the notion of CFSP from EPC (which is outside the Community framework) into the formal institutional structures of the European Union.

Crisis management is a policy area under the CSFP and the Common European Security and Defence Policy (CESDP),¹⁰ as established by the TEU and revised by the Treaty of Amsterdam (1997), but owing to the complexity of the task, also requires input from policy areas in Pillars 1 and 3 (see Figure 1). Specifically, the Treaty of Amsterdam expanded a range of tasks of the Union to ‘humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking’ (Article 17). These so-called Petersberg Tasks have their origin in the June 1992 Ministerial Council of the Western European Union (WEU) at which WEU member states agreed to make available military units for tasks conducted under WEU authority.¹¹

For the military component of crisis management, the European Council in Helsinki (1999) followed up on the decisions made at the Cologne Council meeting earlier the same year.¹² Comparing existing capabilities with the ambitious Petersberg Tasks, the Heads of State and Government agreed on the Helsinki Headline Catalogue which

⁸ The Treaty was negotiated during 1991, officially signed in February 1992 and entered into force on 1 November 1993 (European Union 1992).

⁹ The first pillar, or Community dimension, incorporates all arrangements set out in the earlier European Community Treaty, European Coal and Steel Community Treaty and the Euratom Treaty, such as matters of Union citizenship, Community policies, Economic and Monetary Union, free movement of persons and humanitarian aid, provided through the European Office for Emergency Humanitarian Aid (ECHO). Decision-making in this pillar is characterised by a supranational element which accords the European Council and the European Parliament the status of legislative bodies through joint decision-making, cooperation or consultation. The second pillar, exclusively dealing with Common Foreign and Security Policy (CSFP), was established under Title V, TEU, and is strictly intergovernmental in its decision-making procedure, i.e., decisions can only be taken by the European Council. This is partly a reflection of the shortcomings (if not failure) of the Presidency system under which foreign policy, then referred to as European Political Cooperation, fell until the TEU. The third pillar, dealing with cooperation in the areas of justice and home affairs (principally police and judicial cooperation in criminal matters), which was also established by the TEU (Title VI) also falls under the decision-making competence of Council.

¹⁰ Initially simply referred to as ESDP in the Presidency Conclusions of the Cologne European Council in June 1999, the Helsinki Council of December 1999 introduced the acronym of CESDP ‘to signify the determination, on the part of the EU member states, to develop a distinct European politico-military project, with its own institutional infrastructure and a significant military capacity’ (Howorth 2000: 377).

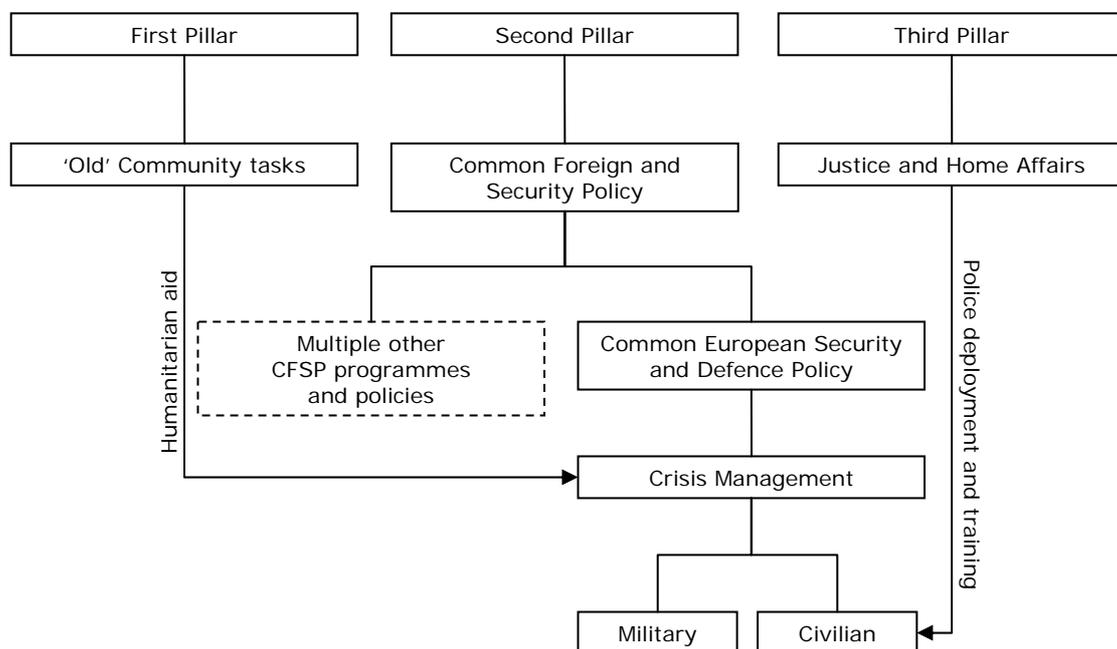
¹¹ The Petersberg Declaration was the WEU’s response to calls for greater burden-sharing within NATO through the elaboration of a coherent European Security and Defence Identity (ESDI) built around the WEU. In the context of the European Convention, important amendments and revisions to the Petersberg Declaration were proposed by the so-called Barnier Report (European Convention 2002).

¹² The Cologne Summit, importantly, happened just at the end of NATO’s intervention in the Kosovo crisis which in turn visibly influenced the decision-making by Heads of State and Government in Cologne.

determined 144 areas in which capabilities and assets needed to be developed in order to enable the Union to fulfil the Petersberg Tasks:

- commitment by the member states to make available 50,000-60,000 military personnel deployable within 60 days and sustainable for up to 12 months;
- establishment of coordinating political and military structures within the Union's single institutional framework;
- development of a framework for cooperation with NATO and third states.

Figure 1: The Place of Crisis Management in EU Policy



Subsequent meetings of the European Council contributed to the further development of EU crisis management policy, particularly in relation to the improvement of its civilian component. The 2000 Feira European Council determined four priority areas for the improvement of the Union's civilian crisis management capabilities:

- police (commitment to the deployment of up to 5,000 officers and training of local forces);
- strengthening of the rule of law (identification of 200 experts readily available for deployment, development of common training modules for human rights monitors);
- civilian administration;
- civil protection.

The Constitutional Treaty of the European Union, which was rejected in the French and Dutch referendums and has therefore not yet been implemented, introduces two significant institutional changes to the TEU: the creation of the office of a Union Minister for Foreign Affairs and of a European External Action Service. As far as the decision-making process is concerned, the Commission would no longer be able to make proposals in the area of CFSP, but could support specific initiatives of the Union Minister for Foreign Affairs. At the same time, the principle of unanimity has been largely confirmed for CFSP, thus also preserving member states' ability to cast a veto on specific policy proposals. The new Constitutional Treaty would limit the available CFSP instruments to European decisions (on actions and positions taken by the Union and how to implement them) and international agreements. The so-called common strategies under the TEU have been preserved in the Constitutional Treaty as strategic interests and objectives.¹³

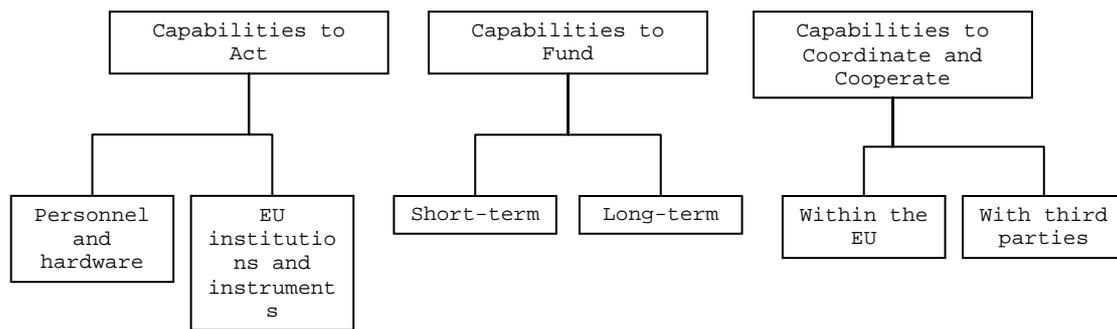
3. Developing European Crisis Management: Civilian and Military Capabilities

Lord Robertson, the Secretary-General of NATO (until the end of 2003) emphasised shortly after taking office in October 1999 that the three most important elements for securing the future of the Alliance were 'capabilities, capabilities, capabilities'. What is true for NATO, the most powerful military alliance (albeit largely dependent on the US in this context) is equally valid for the EU's crisis management capabilities, be they military or civilian in nature. In the EU context, the 'capabilities, capabilities, capabilities' dogma can be broken down into three main areas: capabilities to act, to fund and to cooperate and coordinate (see Figure 2).¹⁴

Figure 2: The EU's 'Capabilities, Capabilities, Capabilities' Problem

¹³ Cf. Treaty Establishing a Constitution for Europe, Articles I-12 (4), I-16, I-28, I-40, I-41, I-44, and Articles III-294 to III-313 (European Union 2004).

¹⁴ For a somewhat different take on the capabilities problem, see Schneckener (2002: 37-39).



In terms of capabilities to act, issues of personnel and hardware were addressed by several European Council meetings following the inauguration of crisis management as a distinct policy under CESDP in Cologne in 1999. Specifically, the Helsinki European Council in 1999 agreed the so-called Helsinki Headline Goal for the development of appropriate capabilities. By the time the Heads of State and Government of EU members met again in Laeken in 2001, the Headline Goal had, in their view, been partially met, and they also found that ‘through the continuing development of the ESDP, the strengthening of its capabilities, both civil and military, and the creation of appropriate structures within it and following the military and police Capability Improvement Conferences held in Brussels on 19 November 2001, the Union is now capable of conducting some crisis management operations’ (Presidency Conclusions/Laeken 2001: paragraph 6). However, the Council also recognised that there were a large number of deficiencies in areas crucial for EU’s ability to take on more demanding operations and emphasised that the Union had to improve coordination between the resources and instruments of military and civilian crisis management, strengthen its military capabilities, finalise agreements with NATO to gain access to resources (planning, military assets, command options) and implement already existing arrangements with other non-NATO partners (Presidency Conclusions/Laeken 2001: Annex II). It should also be borne in mind in this context that strengthening EU military capabilities has been on the agenda well before the more recent development of EU crisis management policies. Since the inauguration of the EU’s CFSP, there has been agreement on both sides of the Atlantic that it was necessary to develop a European Security and Defence Identity and to do so within the context of NATO. Since the early 1990s, there has thus been support in NATO for strengthening EU military capabilities, and recent developments, such as the Berlin Plus agreement, should be seen in this context of longer-term agendas pursued jointly

by both organisations rather than as *ad-hoc* reactions to a suddenly discovered capability gap on part of the EU.

NATO-EU cooperation has subsequently made significant progress.¹⁵ The so-called Berlin Plus agreement comprises a whole host of different agreements between NATO and EU, negotiated after the 1999 NATO Washington Summit, which are held together, and were put into force, by a Framework Agreement consisting of an exchange of letters between the EU's High Representative for CFSP, Javier Solana, and NATO's Secretary-General, Lord Robertson, on 17 March 2003. Since then, the EU has, as required by the Laeken European Council, access to NATO assets and capabilities, including planning capabilities. There are also clear EU-NATO consultation arrangements in place for EU crisis management operations for which NATO makes available its assets and capabilities.¹⁶ In addition to the Berlin Plus agreement, NATO and the EU have also signed an Agreement on Security of Information in March 2003, which enables the two organisations to implement common security standards for the handling of sensitive data and to share classified information.

While dependency on NATO resources may potentially be a problem for the EU's ability to decide upon and implement its (military) crisis management operations autonomously, cooperation between the two organisations makes a lot of sense for various reasons: nineteen of the EU's current member states are also members of NATO, the security concerns of both organisations and their member states are very similar (e.g., regional conflicts, terrorism, proliferation of weapons of mass destruction, state failure, organised crime) and, under the current cooperation arrangements, the strengthening of EU capabilities benefits both EU and NATO,

¹⁵ More recently, the proposal by some EU members (notably France and Germany) to create a EU planning capability might threaten this progress in the future, as it potentially not only duplicates existing NATO planning capabilities, but also clearly contravenes earlier agreements between EU and NATO to develop EU capabilities within, rather than as a potential rival outside NATO. This has also created additional tensions in the transatlantic relationship, in the relationship between advocates and opponents of this plan within the EU, and also puts a strain on the negotiations of the new constitutional treaty in the CSFP area.

¹⁶ NATO assets essentially means US assets as the only real collective assets NATO has are not always what is going to be required for crisis management operations (e.g., AWACS planes, bunker systems, etc.). This poses a potential problem for the EU as the US also has gaps in its military portfolio and will prioritise its own needs over EU requirements. Thus, agreement on EU access to NATO assets does not necessarily guarantee their actual availability at a given moment in the future. (We are grateful to Jenny Medcalf for pointing this out.)

simultaneously increasing their abilities to engage independently of one another in crisis management operations.

At the same time, however, the role of NATO as a defence alliance may continue to decrease, leaving EU capabilities even more vulnerable. Following the attacks of September 11, NATO has been effectively sidelined by the United States in its war on terrorism when the Bush administration decided not to avail itself of the opportunities of an Alliance operation under Article V. NATO enlargement, too, might contribute to turning the Alliance into an increasingly political rather than military organisation. In this context, the process of building up EU crisis management capabilities has also not been helped by a re-focus of national defence spending on 'homeland security' issues across most EU member states (Garden 2002). Thus, despite existing agreements between EU and NATO and common security interests, the Union may sooner or later come to depend more on its own resources, which, however, so far hardly exist independently of NATO as far as military assets are concerned.

The development of appropriate institutions and policy instruments progressed much faster and more successfully. The creation of the post of Secretary-General of the European Council and High Representative for CSFP (and the appointment of former NATO Secretary-General Javier Solana to the post) was a significant step forward and indicated that the Union was prepared to follow up on its intentions with substantive commitments.¹⁷ Of the plethora of other institutions involved in CFSP under the authority of the European Council, several are directly relevant to EU crisis management operations (see Figure 3), especially the Political and Security Committee, the EU Military Committee, and the EU Military Staff, all of which were made permanent under the provisions Nice Treaty. This institutional structure to date has proved reasonably efficient and effective. Initial antagonism between different EU institutions concerned with foreign policy in the wider sense (such as the Presidency, the President of the Commission, the Commissioners for External Affairs, Enlargement, Trade, and Development) were overcome, and the new institutional

¹⁷ This has also been emphasised by Piana (2002: 211) in relation to the crisis in Macedonia: 'The creation of the post of High Representative definitely brought the visibility/continuity element that was lacking in the CFSP.'

arrangement has boosted the status of the EU as an international actor.¹⁸ As for EU policy instruments, and emphasising the multi-faceted nature of CFSP, Hill (2001: 328) has aptly summarised the situation, '[t]he arrival of Joint Actions, Common Positions and now Common Strategies in the CSFP has spawned new initiatives such as the Stability Process in South-East Europe'. In addition to these three policy instruments, 'statements' also form part of the range of options available to the Council for the conduct of its CFSP.¹⁹

Capabilities to fund various crisis management operations in the short and the long term do exist within the EU. As we discuss below (see Table 1), the provision of long-term funds for CFSP activities is normally not a problem, it certainly has not been a shortage of financial means that has impeded EU policy towards the Western Balkans. However, the complicated system within the Union to make the use of its funds transparent and accountable has, until two years into the existence of crisis management as distinct Union policy, often hindered their rapid disbursement. An important contribution to the improvement of the EU's short-term funding capabilities, therefore, has been the creation of the Rapid Reaction Mechanism (RRM) in February 2001. Its main aim is to 'allow the Community to respond in a rapid, efficient and flexible manner, to situations of urgency or crisis or to emergence of crisis' (European Council 2001). The RRM covers six dimensions of EU crisis management: 'assessment of possible Community responses to a crisis', conflict prevention in countries and regions showing significant signs of instability', 'acute crisis management', post-conflict reconciliation', 'post-crisis reconstruction', and the 'fight against terrorism' (European Commission 2002). Actions financed with funds from the RRM may be carried out by 'authorities of Member States or of beneficiary countries and their agencies, regional and international organisations and their agencies, NGOs and public and private operators with appropriate specialised expertise and experience' (Art. 6) and must be implemented within six months. The RRM has a fixed amount of funds at its disposal each year, determined annually by the budgetary authority (Art. 8). In 2001, this was €20 million and in 2002 €25 million. Of the 2001 funds, 64% were spent on Macedonia alone, while in 2002 all

¹⁸ The potential downside of this 'personal' cooperation is, of course, its lack of institutionalisation (cf. Hannay 2000: 279). For relevant policy papers on the role of, and by, the SG/HR and the Commissioner for External Relations, see Missiroli (2001: 187-9).

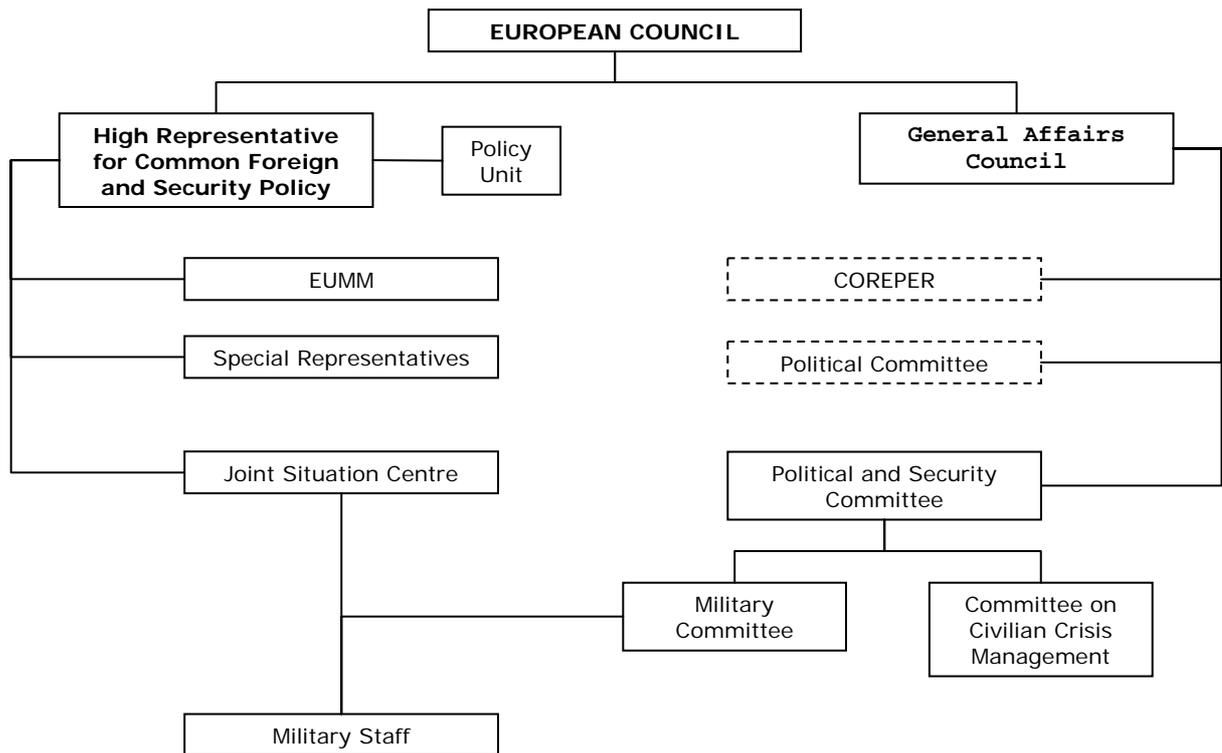
¹⁹ Note the proposed limitation on policy instruments in the Constitutional Treaty.

new activities financed by the RRM took place outside the Western Balkans, where the last programmes approved in 2001 were completed in September 2002. This being primarily a reflection of the assessment of the situation on the ground as not requiring immediate intervention beyond the programmes already running, the RRM proved a very useful financing tool for crisis management operations in Macedonia in 2001, i.e., both before and after the conclusion of the Ohrid Agreement.

Coordination and cooperation capabilities within the EU have two dimensions: a horizontal one (coordination among the three pillars) and a vertical one (between the EU as a supranational organisation with its own institutional structures and the EU member states). As we demonstrate below, both dimensions of coordination and cooperation have worked reasonably well in the Western Balkans of late. This is partly the result of lessons learned from earlier shortcomings, especially in the vertical dimension (recognition of Slovenia and Croatia), and partly also that of virtually identical interests between the EU and its member states (stabilisation and closer integration) and of the fact that crisis management operations in the Western Balkans are integrated into a broader comprehensive strategy towards the region in which institutions in all three pillars play a legitimate role.

At a more general level, internal cooperation and coordination capabilities have been enhanced by the more secure institutional infrastructure that crisis management has been given since 1999, and especially since the 2000 Treaty of Nice (see Figure 3). This is particularly the case with the Political and Security Committee, which has effectively replaced the Political Committee and taken over many functions previously held by it.

Figure 3: The Institutional Infrastructure of Crisis Management



At the external level, coordination and cooperation is essential in particular with NATO (see above) and, while potentially increasing EU dependency on NATO resources, has so far worked well. Especially in the Western Balkans there has been a longer tradition of cooperation anyway (Bosnia and Herzegovina, Macedonia, Kosovo), and the Union took over SFOR in 2004 after having already assumed responsibility in Macedonia from an earlier NATO force. Cooperation with third countries (i.e., non-EU and non-NATO members) and international organisations (UN, OSCE, UNHCR, NGOs) is accorded high priority by the Union. This is the case for two reasons: the EU is strongly committed to a multilateral approach and it recognises the mutual benefits of cooperation, given that different organisations ‘specialise’ in different crisis management (and conflict prevention) tasks. In the case of cooperation with NATO, permanent consultation structures have been created in the wake of the Berlin Plus agreements; in the case of cooperation with third parties the EU has clear procedures for coordination, including the establishment of so-called committees of contributing countries meant to give third parties an adequate role in the day-to-day running of a particular crisis management operation while leaving responsibility for overall strategic direction with the relevant institutions inside the Union. In addition, as recent experience in the Western Balkans indicates, the EU also

uses its ability to conclude bilateral agreements with third parties to put any crisis management cooperation on solid legal foundations.

4. Testing the New Capabilities

4.1. The EU Police Mission in Bosnia and Herzegovina

The European Union Police Mission (EUPM) in Bosnia and Herzegovina, established on 1 January 2003, is the first ever mission launched as part of the European Security and Defence Policy and as such falls under the Union's civilian crisis management operations. It is also part of a comprehensive programme of measures aimed at establishing and stabilising the rule of law in Bosnia and Herzegovina and is envisaged to accomplish its tasks by the end of 2007. It is the successor of the United Nation's International Police Force, and although it is led by the EU and more than 50% of its annual €38 million budget is provided directly by Brussels, mission personnel consists of 207 staff from 34 countries, including the EU25. Roughly 85% (175) of the personnel are supplied from EU25 countries with France, Germany and the UK as biggest contributors, while the remaining 15% are police officers from third countries with Turkey as the biggest contributor. From an international legal perspective, EUPM derives its legitimacy in part from Security Council Resolution 1396 of 5 March 2002 and an earlier decision by the Steering Board of the Peace Implementation Council on 28 February 2002 to accept the EU's offer to provide the police mission following the end of the mandate of the UN Mission in Bosnia and Herzegovina (UNMIBH).

In a European Council Joint Action, adopted on 11 March 2002, Heads of State and Government agreed the terms of the EUPM. The Mission Statement appended to this Joint Action makes it explicit that the EUPM 'will not include executive powers or the deployment of an armed component' and names among its political and strategic goals

- 'to preserve ... the existing levels of institutional and personal proficiency';
- 'to enhance, through monitoring, mentoring and inspection police managerial and operational capacities';
- 'to strengthen professionalism at high level within the ministries as well as at senior police officers levels;

- ‘to monitor the exercise of appropriate political control over the police’.

The Mission Statement also details how these general and a long list of operational goals are to be achieved, including through co-location of mission personnel alongside local police commanders at various levels and in relevant institutions within Bosnia and Herzegovina, through the ability to recommend to the High Representative for Bosnia and Herzegovina the removal from office of police officers obstructing the achievement of the EUPM’s goals, through coordination with the Office of the High Representative and other organisations working towards establishing and consolidating the rule of law in Bosnia and Herzegovina, and through ensuring support from EUFOR on public security issues.

The Joint Action further specifies that the EUPM is a crisis management operation and as such has a unified command structure within the single institutional framework of the Union, comprising the European Council and its SG/HR, the Political and Security Committee and the EU Special Representative for Bosnia and Herzegovina (at present a position held by Dr. Christian Schwartz-Schilling who also serves as High Representative). The Head of Mission/Police Commissioner leads the EUPM and is in charge of its day-to-day operations, reporting to the SG/HR through the EUSR and receiving guidance from the SG/HR through the EUSR.

Given the current challenges to the rule of law in Bosnia and Herzegovina, the EUPM has two priorities—fighting organised crime and ensuring the security of returnees. Apart from technical and professional assistance and training, EUPM is therefore also involved in the creation and consolidation of institutional structures that will enable local police forces to achieve better results in the fight against organised crime and in protecting returning refugees. Such structures were already specified in the Council Joint Action of March 2003 at entity, inter-entity and state levels include the Steering Board for Returnee and Refugee Return, the Ministry of Security, the State Information and Protection Agency and the State Border Service.

4.2. Operation Concordia

Operation Concordia, established on 31 March 2003, was, similar to the EUPM, also an EU-led follow-on mission from a previous international effort with a similar task,

in this case NATO's operation Allied Harmony. The background of both missions was to ensure sufficient levels of security and stability in Macedonia in order to enable the implementation of the 2001 Ohrid Agreement (brokered by the EU) between the Macedonian government and representatives of the Albanian minority in the country following a brief spell of violence in the summer of that year after a long period of inter-ethnic tension (i.e., to provide military protection to observers monitoring the implementation of the Ohrid Agreement on the ground). It derived its legitimacy from a request by Macedonian President Boris Trajkowski and had a further basis in UN Security Council Resolution 1371.

Operation Concordia fell within the remit of military crisis management operations of the Union and was the first ever deployment of EU military forces under the terms of its security and defence policy. It comprised 400 soldiers from 26 countries, thus again including non-EU contributor states. Operation Concordia was also the first case for EU-NATO cooperation in the framework of the Berlin Plus agreements, i.e., the EU made use of NATO capabilities in conducting Operation Concordia.

Initially only assumed to last for six months, Operation Concordia has subsequently extended at the request of the Macedonian government until 15 December 2003. Command of the operation now rested with EUROFOR headquarters.²⁰ This also meant that the Operations Field Commander of Operation Concordia was a member of the military staff of EUROFOR, but nevertheless part of the command structure of this particular EU crisis management operation. He reported to the EU Operation Commander, in this case NATO's Deputy Supreme Allied Commander for Europe. The EU Military Committee and its Chairman monitored the conduct of the military operation and received reports from the Operation Commander as well as providing the first point of contact for him in relation to the Council. This meant that, even though the Operation Commander simultaneously had a position within the NATO command structure, he only reported to EU bodies and the entire chain of command remained under the EU's political control and strategic direction, as determined in a European Council Joint Action of 27 January 2003, in particular the Political and

²⁰ EUROFOR was established in 1995 in Lisbon as a military force under the Petersberg Tasks. Contributing nations are France, Italy, Portugal and Spain. Operational since 1998 and listed in the force catalogues of EU, NATO, OSCE and UN, it has been part of NAO operation Allied Guardian in Albania in 2000.

Security Committee and the European Council. In contrast to the EUPM, the Special Representative of the EU to Macedonia, at the time Alexis Brouhns, was not part of the command chain, but acted, together with the SG/HR, as primary point of contact for Macedonian authorities and as key liaison for EU commanders in the field.

Contributions to Operation Concordia were made by 21 of the today EU25 member states²¹ and six non-EU members.²² A budget of €6.2 million was contributed by the EU directly with non-common costs borne by the participating states directly.

As part of the day-to-day management structures, a Committee of Contributors was established following a decision of the Political and Security Committee of 18 February 2003. This committee had a consultative role in the decision-making procedure regarding Operation Concordia. It took its decisions on day-to-day management as well as on any recommendations to the Political and Security Committee on the basis of unanimity.

4.3. Operation Proxima

Launched in December 2003, Operation Proxima became the second EU police mission in the Western Balkans after EUPM in Bosnia and Herzegovina. The establishment of the mission followed an invitation on 16 September 2003 by Macedonia's Prime Minister. Its implementation was closely linked to the implementation of the Ohrid Agreement of 2001 in which the Macedonian government and political representatives of the ethnic Albanian community in the country settled their dispute over minority rights and political participation in the country. The mission was extended beyond its initial 12-months period by a Council Joint Action of 22 November 2004, again following a request by then Macedonian Prime Minister, Hari Kostov, of 1 October 2004, and was completed on 14 December 2005.

The mission personnel comprised 184 international staff from 24 EU member states and three non-member states (Switzerland, Turkey and Ukraine). Together with 138

²¹ All EU15 members, except Ireland and Denmark plus Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

²² Bulgaria, Canada, Iceland, Norway, Romania and Turkey.

local staff, they were deployed to five locations across Macedonia, including the country's capital Skopje.

According to its mandate, the international staff of Operation Proxima were “monitoring, mentoring and advising” Macedonia's police force and “promoting European policing standards” through programmes that support:

- “the consolidation of law and order, including the fight against organised crime, focussing on the sensitive areas,
 - the practical implementation of the comprehensive reform of the Ministry of Interior, including the police,
 - the operational transition towards, and the creation of a border police, as a part of the wider EU effort to promote integrated border management,
 - the local police in building confidence within the population,
 - enhanced co-operation with neighbouring States in the field of policing.”
- (European Council 2003c)

The annual budget of the Operation Proxima was €7.3 million for start-up costs and €7 million for 2004 running costs to be financed from the Community budget. For the 12-months extension after 2004, a budget of €15.95 million was agreed.

4.4. Operation Althea

On 12 July 2004, the European Council (2004b) decided to take over responsibility from NATO for securing the conditions for the implementation of the Dayton Peace Agreement in Bosnia and Herzegovina. Following a Council Decision in November of the same year (European Council 2004a), Operation Althea was launched, marking the transition from NATO-led SFOR to EU Force (EUFOR). Apart from the short-term goal of ensuring a smooth hand-over period between the two forces, Operation Althea has two further political objectives. In the medium term, the operation is meant to support Bosnia and Herzegovina's progress towards EU integration, initially with the aim of concluding a Stabilisation and Association Agreement. This, in turn, is to contribute to the long-term objective of peace and stability in the country and its eventual accession to the European Union.

The initial budget for the operation's common costs was determined at €71.7 million. These are administered by the so-called ATHENA mechanism, which relies on financial contributions by EU member states determined on a GDP basis.

In addition to the twenty-two EU member states participating in this operation, eleven non-member states have also contributed to the approximately 7,000 troops comprising the mission's personnel: Albania, Argentina, Bulgaria, Canada, Chile, Morocco, New Zealand, Norway, Romania, Switzerland and Turkey.²³

Perhaps more than any other ESDP operation by the EU to date, Operation Althea exemplifies the importance of cooperation among the international organisations making up Europe's security architecture. The European Council's decision in July 2004 to take over from NATO in Bosnia and Herzegovina was only possible following the work of NATO's SFOR in the country and the resulting improvements in the general security environment that led NATO Heads of States and Government decide at the Istanbul Summit in June 2004 to end their operation and prepare for a transfer of responsibility to an EU-led mission in the context of the so-called "Berlin Plus" arrangements.²⁴ This decision by NATO was itself based on the positive experiences gained in the context of operation Concordia in Macedonia in 2003, after which the EU and NATO agreed to make permanent the so-called European Union Staff Group at SHAPE. This was meant to provide guidance to NATO's Deputy Supreme Allied Commander Europe on European issues, as the holder of this office is potentially also EU Operation Commander, as well as to provide the core staff of an EU Operations Headquarters at SHAPE. When the European Council confirmed in December 2003 the EU's preparedness to conduct a military ESDP-mission in Bosnia and Herzegovina under the Berlin Plus arrangements, consultations with NATO began in 2004 which led to the establishment of operation Althea (SHAPE 2004a).

The EU has thus been able to rely on NATO common assets and capabilities. NATO's Deputy Supreme Allied Commander Europe was appointed as the Operation Commander for the military component of Operation Althea, and SHAPE—NATO's

²³ This means that four European non-EU member states of NATO—Bulgaria, Norway, Romania and Turkey—contribute to the operation, as well as one non-European NATO member—Canada.

²⁴ This was in many ways similar to what had happened one year earlier in relation to the EU's Operation Concordia taking over from NATO's Operation Allied Harmony in Macedonia.

Supreme Headquarters Allied Powers Europe—simultaneously became the EU Operation Headquarters (SHAPE 2004). The command structure of Operation Althea also underlines the close cooperation between NATO and EU: under the political control and strategic direction of the EU's Political Security Committee, the EU Operation Headquarters at SHAPE in Mons (Belgium), the EU Command Element at the Allied Joint Forces Command in Naples (Italy), and the Headquarters of EUFOR at Camp Butmir in Sarajevo (Bosnia and Herzegovina). The EU Command Element at the Allied Joint Forces Command in Naples (Italy) is a particularly crucial element in the coordination process with NATO as it ensures the EU's operations in the Balkans conform with the EU's regional approach, on the one hand, and cooperate closely with NATO operations in the Balkans, on the other.

The regional element in the EU's approach also means coordination with other international organisations active in the Western Balkans. This relates primarily to the UN and the OSCE, both of which continue to play a role in Bosnia and Herzegovina. EUFOR operates on a Chapter VII mandate, and in a resolution of November 2004 the UN welcomed the EU's intention to launch an EU military operation and authorised those UN member states “acting through or in cooperation with the EU to establish for an initial planned period of 12 months a multinational stabilization force (EUFOR) as a legal successor to SFOR” and “to take all necessary measures to effect the implementation of and to ensure compliance with Annexes I-A and 2 of the Peace Agreement” and recognised their right “to take all necessary measures to defend themselves from attack or threat of attack” (United Nations Security Council 2004).

In addition, the EU closely coordinates actions taken under its military mission—Operation Althea—with those taken under its police mission—EUPM. As both of these operations are meant to contribute to the full implementation of the Dayton Peace Agreement, cooperation is also essential with the Peace Implementation Council and the Office of the High Representative. This is, among other things assured by the fact that the EU's Special Representative for Bosnia and Herzegovina also serves as High Representative.

5. Meeting the Challenges of Present and Future Ethnopolitical Conflict in Europe

In 1993, Christopher Hill predicted six future functions of then European Community (EC) as an international actor, including that of ‘regional pacifier’ and ‘mediator of conflicts’ (Hill 1993: 312f.). In each case, he made explicit reference to what was then Yugoslavia and pointed out that it fell to the then EC ‘to act as mediator/coercive arbiter when the peace of the whole region seems under threat’ and that there had been ‘considerable diplomatic effort and creativity in the early stages of the Yugoslav imbroglio’ (Hill 1993: 311f.). Judging the EU’s performance in the 1990s, however, only after the NATO intervention in Kosovo in 1999, has the EU played an increasingly important role as regional pacifier and mediator of conflicts in the Western Balkans, albeit with varying success over time. No matter which perspective one takes on the Union’s crisis management policy, which has, with few exceptions so far,²⁵ remained confined to the Western Balkans, it remains the largest donor and the organisation with the biggest presence throughout this region, having contributed significantly, partly in cooperation with third parties, to the stabilisation of the countries in the region and their reconstruction to date. This general view, at least partly, testifies to the existence of EU crisis management capabilities in the Western Balkans. However, only a closer look at the operations conducted there allows making better informed statements about the status of capability development in general.

Current EU capabilities appear to be sufficient to take on tasks of the kind required in the Western Balkans. The EU was able to mobilise sufficient personnel, hardware and the funds to sustain them, had the institutional framework and instruments available to make the necessary decisions and proved itself capable of cooperation and coordination within its own structures as well as with third parties.

This relatively positive assessment of EU crisis management capabilities in the Western Balkans after 1999, however, must not be taken as a general indication of the readiness of the Union to manage crises elsewhere and with a similar degree of success. While it is undoubtedly true that the ‘CFSP, through the position of the HR, has experienced in a very short time a substantial improvement in its coherence and visibility (Müller-Brandeck-Bocquet 2002: 278), improved coherence and visibility

²⁵ These exceptions so far were, compared to the Union’s engagement in the Western Balkans, relatively short-term and less costly. They include AMM (Aceh, Indonesia), EUBAM and EUPOL COPPS (Palestinian territories), AMIS II assistance (Darfur, Sudan), EUSR border teams (Moldova/Ukraine), EUPOL KINSHASA, EUFOR and EUSEC (DR Congo), and EUJUST THEMIS (Georgia).

do not necessarily translate into effectiveness. With respect to the Western Balkans one could question whether the Union has indeed been successful. In Macedonia, for example, it could be argued that early-stage crisis management, despite the mobilisation of significant resources, failed, and that it was only once violent conflict had erupted that crisis management succeeded in brokering a deal between the warring factions.²⁶

In terms of the complexity of the situation the EU had and has to deal with in the Western Balkans and the intensity of the crises it had to manage (post-Dayton Bosnia and Herzegovina, Macedonia), one can be fairly optimistic that the Union has developed an institutional framework and a set of policies that enables it to make decisions quickly, provide adequate funds and personnel, and to cooperate, and coordinate activities, with third parties in ways that enhance its own capabilities and maximise the chances of successful crisis management. It is equally important in this context to bear in mind that since the failure of crisis management in the early and mid-1990s, the Union's capabilities have been improved significantly, enabling it now to undertake both civilian and military operations, i.e., being able to back up its diplomatic efforts with credible threats of force where necessary.

However, the EU's relative success of late in the Western Balkans has its sources not only in improved crisis management capabilities. In our view, the Union's experience in the Western Balkans cannot be generalised easily. The distinct advantage that the EU has in this region is that its policy of conditionality is so much more effective vis-à-vis countries where the promise of closer association with, and potentially accession to, the EU is credible and where both political elites and the general public are ready to make compromises in order to attain what many believe to be a panacea for all their problems. In other words, the success of EU crisis management in the Western Balkans must be seen in a larger context, in which crisis management is only one element in a comprehensive approach to a region. As Javier Solana pointed out as early as 2000, '[t]he European Union is uniquely placed for comprehensive action in the Western Balkans' and is 'the only institution capable of comprehensive action, ranging from trade, economic reform, and infrastructure, humanitarian assistance,

²⁶ This is the problem of CFSP as a 'moving target'. See Cameron (2002).

human rights and democratisation, justice and police to crisis management and military security' (Solana 2000). Without the clear long-term commitment of the EU to the Western Balkans, the incentives for political elites and the various ethnic groups they represent would be less powerful and thus the Union's ability to elicit short- and long-term compliance, which has been a major factor in the success of its crisis management operations so far, diminished.

A second note of caution regarding the EU's readiness to engage successfully in crisis management operations elsewhere concerns the availability of personnel and especially military assets. The commitments made by EU member states have not yet been tested to the full—the two police missions in Bosnia and Herzegovina and Macedonia have required only about 10% of the total number of police officers committed by EU member states, and the two military operations Concordia and Althea have similarly required only around 12% of total committed troops. At the same time, the EU is now, for better or worse, locked into a framework of cooperation with NATO which will perpetuate its dependency on NATO resources.²⁷ This may significantly decrease the Union's capability of autonomous action in situations where NATO resources are stretched or where disagreement within NATO prevents the use of certain resources by the EU.

A final factor limiting the generalisability of the relative success of recent EU crisis management operations in the Western Balkans is at the same time one of the very reasons for this success—familiarity with, and sensitivity towards, the situation in the region and the two countries concerned, a long-standing network of information sources (EUMM), and previous experience in dealing with the political elites and populations in the area. One of the main shortcomings of EU capabilities, identified by the Director General of the European Union Military Staff, General Rainer Schuwirth (2002), namely 'shortfalls in all areas of intelligence gathering' and a lack of a 'common system for intelligence fusion' could thus be at least partially neutralised.

²⁷ For example, the decision of extending Operation Concordia in Macedonia was contingent upon a decision of the North Atlantic Council to extend availability of NATO assets to the EU.

Nevertheless, even the limited crisis management operations that the EU is currently conducting in the Western Balkans are very valuable for its future role as a serious international actor. While it might be too early to proclaim the overall success of EU conflict management in the region, there are some indicators that success might not elude the Union on this occasion.²⁸ First of all, they have proven the success of institutional reforms within the Union and of the development of credible policies and instruments for crisis management. Second, they underscore that the overall approach of the EU to the conduct of international affairs is fruitful: multilateralism (within the EU and with its partners elsewhere),²⁹ constructive and long-term engagement with crisis regions, combining short-term crisis management with long-term structural conflict prevention, and a fair balance between civilian and military strategies to maximise the short- and long-term impact of its policies. Third, by highlighting remaining deficiencies in EU crisis management capabilities, the Union has now an opportunity to draw lessons for the future before engaging in more ambitious and demanding operations elsewhere in the world.

²⁸ The two big (known) unknowns in this respect are the closure of the OHR in Bosnia and Herzegovina and the outcome, and impact, of the Kosovo final status negotiations.

²⁹ The preference of a multilateral approach to crisis management can also be deduced from the fact that in both current crisis management operations in the Western Balkans and in the brief military operation in the DRC, the European Council either did not move before the UN (DRC) or explicitly inferred the legitimacy of its operation, at least in part, from a *preceding* UN resolution. Cf. Smith (2001: 99).

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