

# Global "policing" role for EU

How "non-military crisis management" will "contaminate" justice and home affairs, trade and aid

---

## Introduction

The feature below describes the decisions on the creation of the new EU military structures and under the heading of "non-military crisis management": the creation of an EU para-military police force and the imposition of EU standards in crisis areas where the political and economic needs of the EU are threatened.

This feature is directly related to the "[Solana Decision](#)" in July 2000 which removed whole categories of documents - on foreign policy, military and "non-military crisis management" issues - from the EU's code of access to EU documents. Over the summer the Council of the European Union (the 15 governments) tried to "spin" a line that the decision was merely "temporary" to head off opposition (the European Parliament and the governments of the Netherlands, Sweden and Finland are taking the Council to the European Court of Justice over the way the decision was adopted in secret - without consulting national or European parliaments or civil society).

Now the Council has quietly re-introduced the "Solana Decision" in a more hidden form in its draft common position on the new code of access to EU documents: "[Solana Decision](#) **back in again**". The latest Council draft common position on access to EU documents introduces the concept of "special documents" - the categories of documents to which this concept will apply is not specified. The intent is clearly to initially use the term to cover foreign policy and "military matters" (military and non-military crisis management).

---

This feature first appeared in *Statewatch* bulletin, July-August 2000

The Amsterdam Treaty allowed for the integration of the Western European Union (WEU) military alliance into the EU and the development of the European Security and Defence Plan (ESDP). The Treaty came into effect on 1 May 1999 and by the end of the year the EU had agreed to create a 50,000-60,000 rapid reaction military force. In September the Secretary-General of NATO, Mr Solana was not only appointed as the EU's High Representative for common foreign and security policy (CSFP) but also given the job of running the Council of the European Union (the institution working for the 15 EU governments) as its Secretary-General. In November he was appointed as the Secretary-General of the WEU as well.

At the Helsinki Council in December 1999 the EU governments agreed that not only was it to have an independent military capacity but that it should also create, as an adjunct to military policy, a "non-military crisis management" role as well.

A EU "crisis management" capacity developed out of its humanitarian role (ECHO) would have been a civilian, rather than a military initiative. But the "non-military crisis management" role which has been adopted threatens to "contaminate" not just the EU's policy on access to documents (see feature in this issue) but also justice and home affairs and the role of (paramilitary) policing at national, EU and international level.

## From Amsterdam to Solana

Until the Amsterdam Treaty was agreed by the EU governments in June 1997 the EU was a purely civilian organisation. However, the revised Treaty on European Union Title V (CSFP) says that for the defence of the "security of the Union" Member States shall support policies and practices "unreservedly in a spirit of loyalty and mutual solidarity" (Article 1).

Article 17.1 says that the "Union" shall "foster" closer relations with the WEU with a view to the possibility of the integration of the WEU into the Union". Only 11 of the 15 EU members states are in NATO - Austria, Finland, Sweden and Ireland are outside - and Denmark, while in NATO, is not a member of the WEU. Under the "Luxembourg Declaration" agreed by the

---

WEU Council of Ministers in November 1999 the WEU has: "been de facto integrated into the European Union" (BASIC Briefing). The "Declaration" says:

*"Ministers expressed their willingness to allow bodies of the Council of the European Union direct access, as required, to the expertise of the Organisation's operational structures, including the WEU Secretariat, the Military Staff, the Satellite Centre and the Institute for Security Studies... [and] stressed the importance of civil-military cooperation in the context of crisis management missions."*

While the Amsterdam Treaty makes no mention of "nonmilitary crisis management" it does refer in Article 17.2 to "humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking." The Commission describes this development as: "The so-called Petersberg tasks (de: humanitarian and rescue task, peacekeeping and crisis management including peacemaking)".

The current initiative covering "non-military crisis management" is, however, being justified under a very general power in Article 12 indent five TEU which allows the: "strengthening systematic cooperation between Member States in the conduct of policy."

### **Helsinki, December 1999**

At the Helsinki European Council (Summit) in December 1999 EU governments agreed that:

*"the Union [should] have an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and then conduct EU-led military operations in response to international crises.. the Union will [also] improve and make more effective use of resources in civilian crisis management..."*

The Helsinki EU Council adopted a report on: "Non-military crisis management" with an "Action Plan" which says the EU, in non-military crises, must strengthen "national, collective and NGO resources" and contribute to situations where the UN or OSCE (Organisation for Security and Cooperation in Europe) are in the lead or for "EU autonomous actions". The decision to set up the Committee for Civilian Aspects of Crisis Management, to oversee this initiative, was taken on 22 May this year and it held its first meeting on 16 June.

### **Where did the idea come from?**

The European Council in Cologne in June 1999, under the German Presidency of the EU, asked officials in the Council Secretariat to draw up a report on the Union's "non-military crisis response tools" and they reported back in September.

The report opens with a list of measures that can "influence the behaviour of third countries" including the prospect of EU membership, using "contractual relationships" where "mere interest" by a third state can be used to "create an obligation for third parties to adapt their domestic and external policies". It can also use regional agreements like the EuroMed process and funding programmes can be "activated" or "suspended" (as the Lome Convention allows) because: "the Union uses its financial resources as an instrument in crisis management". The "Union" being "the largest world commercial power" can "use preferential access to its markets as leverage vis-avis third countries".

Direct measures include "general" (economic) and arms embargoes, diplomatic pressure, police training and "Border Control" ("border management policies, equipment.. procedures combating illegal immigration and illicit trafficking").

Another revealing insight into what is intended to be covered by "non-military crisis management" came out of a meeting in Paris of officers from paramilitary units in France (F), Italy (I), Spain (E) and Portugal (P) on 25-26 January this year. The F.I.E.P. meeting agreed on the need for a "European security and investigation force" (FESI) - a project which Mr Solana is said to be encouraging.

FESI would act alongside and then taking over from the military before handing over to

normal "criminal police" in three phases: "intervention", "transitional" - where the task is "not a matter of facing up to an enemy but to populations" - and "stabilisation" - where control is passed over to "reconstituted local police forces". The model for FESI units would be the "Multinational Special Units" (MSU) developed by NATO and implemented by the Arma dei Carabinieri. These units would have a capability for: "intelligence, general surveillance, judicial police and maintaining order". In what are called "peace support operations" the units could carry out "preventive and repressive" actions" because:

*"Paramilitary police forces offer, above all else, the capability for the restoration of public order where the absence of any state legitimacy reigns. They have the required expertise and capability to engage in deteriorated situations as a component of armed forces."*

To ensure it succeeds the FESI needs to be represented within the military planning and operational structures.

### **Feira Summit, June 2000**

The EU Council at Santa Maria da Feira on 19-20 June 2000 completed the creation of the mechanisms for "non-military crises management". The EU states, who will "cooperate voluntarily", 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."*

The Council report shows that "non-military crisis management", under the new Committee, has been given a "coordinating mechanism", a database of "civilian police capabilities" and is working in close cooperation "with the interim Situation Centre/Crisis Cell established by the Secretary General/High Representative."

Attached to the report are two further documents, the first is entitled "Study on concrete targets on civilian aspects of crisis management". The introduction sets out the broad objectives:

*"saving human lives in crisis situations, for maintaining public order, preventing further escalation, facilitating the return to a peaceful, stable and self-sustainable situation, managing adverse effects on EU countries..."*

The first, "identified", priority "is police". But if there is to be a "positive outcome of a police mission" then there must also be "the re-establishment of a judicial and penal system". The latter task requires the selection of "judges, prosecutors, penal experts.. to deploy at short notice". The "establishment or renovation of local courts and prisons" might also be necessary. In addition to introducing an "EU-style" system of law and order "collapsed administrative systems" will have to be "reestablished".

### **Feira: the police role**

The second report is titled: "Concrete targets for police". This sets out the EU states "voluntary" contributions under Article 12 fifth indent of the TEU. The current, temporary, deployment of EU police officers is 3,300 (nearly all in Bosnia, Kosovo and Albania) and this is set to rise to 5,000 - but with the need for "rotation" the number of officers involved will be far greater. The additional officers could be found by "the greater use of retiring or recently retired officers and the freeing-up of police capability through greater involvement of experts from adjacent fields". What is meant by "adjacent fields" is not spelt out.

The trigger for an EU police operation could either be the UN, OSCE or an "EU autonomous police operation". From the 1,000 officers on stand-by a "rapid deployment capability" is planned of:

*"robust, rapidly deployable, flexible and interoperable European Union*

---

*integrated police units."*

These are to be drawn from "pre-identified police forces which, while actively taking part in national police work, would be available at short notice for police missions."

Examples are given of the kind of situations they would be expected to act in - Minugua in Guatemala, Kosovo, East Timor, Albania, Mostar and El Salvador.

The new EU police force is clearly expected to have an operational role involving para-military style police (ie: armed), it is called: "Executive policing" and it is noted that: "rules of engagement" need to be drawn up. However, a document looking at fulfilling "the Tampere remit" says that as soon as possible it is necessary to define:

*"the legal conditions (rules of engagement, liability regime, in particular) and technical conditions (financing, training, command etc) of intervention outside the Community by Member States' police forces in destabilised regions, as at present in Kosovo."*

### **Seminar on police role**

A Seminar was held on 29-31 May in Cascais, Portugal, on: "the role of police in peace-keeping operations". Its report says there were "rich and fruitful exchanges" and opens with the statement: "the police role is fundamental in the restructuring and reform of the local institutions and of society".

The conclusions of the seminar included: the "police need to be trusted"; they should aim to be "police services" rather than "police forces"; 30% of the "management teams" should be women; and there must be:

*"transparency and information pow about the mission's work. Civil society can thus be implicated in the oversight and policy consultation mechanisms which are shaped to emphasise the key role of partnership in policing."*

The UNMIK Commissioner told the seminar that KFOR that:

*"Police and military forces are cooperating closely using as an example joint security operations in Northern Ireland."*

The suggested legal basis for EU "peacekeeping operations" are "Memoranda of Understandings" on condition "there is agreement of the host-country".

### **The new military and non-military structures**

In March Mr Solana spelt out "his vision" of the ESDP and the new rapid reaction force undertaking "the full range of humanitarian and peacekeeping tasks":

*"The Union and Member States have considerable experience in the fields of civilian policing, humanitarian assistance, electoral and human rights monitoring.. It is in our own interests to work for greater peace, stability and security, not only in Europe but also beyond ourfrontiers. The results will be more reliable partners, more secure investments, more stable regions, and fewer crises in the future."*

With effect from 1 March 2000 two new bodies started meeting: 1) the Interim Political and Security Committee (PSC) whose membership comes from the Political Committee (representatives from member states' Foreign Ministries) and the Interim Military Committee (top defence chiefs) which meets under different "hats" - the first meeting of "European Union Chiefs of Defence" (known as "Chiefs of Defence (CHODS)) met in Brussels on 11 May 2000. These bodies, plus seconded military staff experts (MS) attached to the Council Secretariat deal with "military crisis management".

Alongside these are a) the General Secretariat of the Council's Policy Planning and Early Warning Unit (PPEWU); b) The Council's Situation Centre which is responsible for

---

surveillance and drawing up response option papers; c) the Council's Crisis Centre which is mobilised in times of crisis to gather information and "optimise action by the Union"; d) a "mechanism" for coordinating "non-military crisis management" which keeps a database of available resources in member states and coordinates action in times of crisis.

The European Commission has put forward a draft Regulation to provide funds for crises management operations (to governments and NGOs), the Rapid Reaction Facility (RRF) which "will have no geographical limitation". The use of the RRF can be triggered by:

*"growing violence destabilising law and order, breaches of the peace, outbreaks of fighting, armed conflicts, massive population movements..."*

The Commission quite frankly distinguishes between the RRF and the current ECHO (European Community Humanitarian Office) providing humanitarian assistance which is:

*"politically neutral and .. aimed exclusively at alleviating human suffering"*

In the Commission there is the new "non-military" Crisis Management Committee, the Crisis Management Unit complementing the existing External Relations DG's Crisis Management Unit, the Environment DG's Crisis Management Unit and the Humanitarian Office (ECHO).

During the French Presidency of the EU yet another tier of agencies is to be created covering "civil protection" for internal and external action covering "man-made, technological and natural disasters".

What characterises each of these new developments military, non-military crisis management and civil protection are the new roles being undertaken by Council. The role of the Council has traditionally been consistent with governmental practice at national level, namely that of policy-making. Now the Council, or rather the officials working under Mr Solana (the Secretary-General), are increasingly taking a proactive role in the implementation of policies - a role previously reserved for the Commission or ministries at national level. There may a degree of accountability for the Council's policymaking role but there is none at all for its practices implementing policy.

## **Conclusion**

Humanitarian aid to crisis situations usually commands a consensus of public opinion but the use of military force (whether by NATO or the EU) on the other hand often divides societies.

There are also a number of other dangers including: the likely "contamination" (to use Brussels terminology) of justice and home affairs issues by this military initiative; the revision of the code of public access to documents on 29 July; and the effect on the subject populations whether in Hackney or Haiti, Guatemala or Greater Manchester of pre-military policing. Moreover, there is no commitment to use such powers under the remit and orders of the United Nations.

The distinction between the "defence" of the EU (which is defined as NATO's job) and "peacekeeping [and] peacemaking" is quite spurious. There are genuine humanitarian situations where all the resources of the EU should be used to save lives and there are also some situations where the UN has authorised military interventions (controversial and otherwise). But the idea that the EU should act independently (so-called "autonomous") in military or "non-military" operations raises much bigger issues as does the use of non-military crises to ensure that the EU has "more reliable partners, more secure investments" (Solana). Moreover, the absence of any recognition that the EU (and the USA) bear any responsibility for "crises" in the third world is striking. By Tony Bunyan.

Sources: *WEU Ministerial Council: Luxembourg Declaration, Luxembourg, 23.11.99; BASIC Briefing, 2.12.99; Global View, March 2000; Proposal for a Council Regulation creating a Rapid Reaction Facility, 11.4.00, COM(2000) 119 final; Council Decision setting up a Committee for civilian aspects of crisis management, 8529/00, 19.5.00; Seminar on the role of police in peace-keeping operations (Cascais, 29/31 May 2000), 9113/00, 9.6.00; Rapid Reaction Facility for funding non-combat operations in crises, 23rd report of the House of*



---

*Commons Select Committee on European Scrutiny, 13.7.00; Draft Resolution on strengthening EU capabilities in the field of civil protection - exchange of information on civil protection, 10115/00, 11.7.00; European Union strategy for external relations in the field of justice and home affairs: Fulfilling the Tampere remit, SN 2574/00, 18.4.00; Non-military instruments of crisis management 11044/99, Limite, PESC286 COSEC39, 16.9.99; F.I.EP., European Affairs commission, Paris, 25-26.1.00; Statewatch, vol 8 nos 3 & 4. 1998.*

---

---

© Statewatch ISSN 1756-851X. Personal usage as private individuals "fair dealing" is allowed. We also welcome links to material on our site. Usage by those working for organisations is allowed only if the organisation holds an appropriate licence from the relevant reprographic rights organisation (eg: Copyright Licensing Agency in the UK) with such usage being subject to the terms and conditions of that licence and to local copyright law.