

**AN INTEGRATED
CIVIL POLICE FORCE
FOR THE EUROPEAN UNION
TASKS, PROFILE AND DOCTRINE**

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**CENTRE FOR EUROPEAN POLICY STUDIES
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EXECUTIVE SUMMARY

The European Security and Defence Policy (ESDP) enjoys the support of a larger percentage of the European public than does the EU itself (74% vs. 48%). The “war against terrorism” that followed the September 11th attacks on the US has proven once again the ineffectiveness of Europe’s response and presence. Like all common threats, this one has also fostered solidarity, cooperation and integration, but it has done so in the context of bilateral relations between the US and individual European states. Within Europe, these feelings have merely led to the approval of certain measures, such as the single European arrest warrant, which, whilst undoubtedly important, are of only marginal value to Europe’s international presence.

If they are to meet the challenges of the 21st century, the Common Foreign and Security Policy (CFSP) and especially the ESDP cannot base their effectiveness on intergovernmental mechanisms alone. There are significant gaps both between the public’s expectations and the actual EU political and strategic decision-making capabilities, and between Europe’s technical and military capabilities and its ambition to be a serious geopolitical actor on the global stage. The political-institutional gap can only be closed at the IGC scheduled for 2004, which should reduce the duality between the Council and the Commission. This duality, in fact, deprives the EU of its main competitive advantage vis-à-vis other international organisations: the advantage of having all-round competences and resources. The High Representative/Secretary General of the European Council (HR/SG) could become a European Commissioner or be made equal to the President of the Commission.

Closing the gap in operational military capabilities in order to carry out the “higher spectrum” of Petersberg missions seems even more difficult. It is unlikely that this can be achieved by the deadlines specified in the Helsinki “headline goal” and in subsequent European Council meetings. Although the IOCs (initial operational capabilities) were established by the scheduled date of late December 2001, the FOCs (full operational capabilities), whose attainment is scheduled for December 2003, will

have to be postponed, since bridging the existing differences seems impossible both from a financial and industrial point of view.

All of this highlights the role of the civilian components of ESDP, and especially of an integrated EU civil policy force (or EUCIVPOL),¹ whose importance has also increased owing to more objective factors.

Crisis prevention and area stabilisation interventions in regions outside the EU are no longer carried out from outside the involved society, but rather from within it. This is true not only because the concept of security has become much broader and more comprehensive than in the past, but also because security has become inclusive. These observations especially apply to Europe's peripheries.

Moreover, military occupation regimes and the implementation of international mandates are no longer as popular as they were in the past. An ever-increasing number of conflicts are internal, and not between states. No peace agreements are concluded - but only truces, which must be turned into a durable, self-sustainable peace by means of peace-building and post-conflict reconstruction and rehabilitation. These interventions also involve state institutions and apparatuses, including foremost the state's "coercive power", which must be made efficient and put to the service of the public, rather than of the various warlords and belligerent factions. If it is not, no stabilisation or development process is possible. On the other hand, the local leaders with whom the truces have been concluded have opposite interests. Instability enables them to keep their political power on the strength of a consensus based on fear that hostilities might resume, and to amass personal riches by controlling the economy, be it legal, underground or criminal. The chances of achieving stabilisation closely depend on the successful severance of the links between politics on the one hand and common and economic crime on the other.

The hard experience acquired in the course of past interventions, especially in the Balkans, has made it possible to correct the unrealistic assumptions that informed our approaches in the past. First, there was the illusion that a truce equals full-fledged peace, rather than being a mere step on the path towards stabilisation. Secondly was the expectation that the political leaders who signed a truce were actually prepared to cooperate. Lastly - and most important of all - was the presumption that

¹ Although the term has not been officially adopted, it seems acceptable since it mirrors that of UNCIVPOL, which is increasingly used by the UN Department of Peacekeeping Operations.

civil society should be changed prior to the transformation of the state and its institutions. Conversely, priority is given today to the latter task, and first of all to the reconstruction of the state's "coercive power", formed by the law-enforcement triad of the police, judiciary and the penitentiary system. Clearly, this coercive power cannot exist in a void, but must refer to a legitimate political power.

EUCIVPOL can be employed in two different situations: as a substitute for a non-existent local police force (in the case of failed states, such as Kosovo), which implies taking over the executive powers of the police; or as assistance to the local police (including monitoring and training, although the possibility to carry out some robust public order operations and to protect international organisations should not be ruled out), as happens in Bosnia-Herzegovina (BiH). Clearly, the second situation is also a subsequent phase of the first. In no sector is the impact of the local ethical and juridical culture and social structures felt as much as in that of crime prevention and repression. Therefore, local elements must be involved from the start and, as soon as there is a legitimate political power, the whole law-enforcement system must be transferred to it, although with continued monitoring, assistance and support by the international community. The Bosnian experience taught us that the process should progressively gravitate from the local police station to the central administration (focusing on management functions, including legislation, and on control, including compliance with democratic policing rules and human rights).

The action of the civil police (CIVPOL) component, moreover, must always be immediate, to provide international leaders – whether military or civilian – with specialised capabilities in public order and security maintenance from the very first stage of the intervention, as well as to prevent local warlords from exploiting emergency aid and the beginning of reconstruction in order to consolidate their power over the territory and the economy. The economic-financial police component can also play a crucial role. Agreement on the strategic and operational direction of all the intervention components is essential, as is preventing short-term measures from hampering long-term stabilisation.

The basic principle, which should be implemented at all levels – political, strategic and operational or theatre - is unity of command. Clearly, this does not mean total uniformity of the relevant bodies at the various levels, for the peculiarities of each component must be taken into account. Nevertheless, unity of command has not yet been achieved, which has a negative impact on EUCIVPOL effectiveness.

At a political level, the Police Unit is providing valuable advice to the HR/SG and to the Political and Security Committee (PSC). However, there is no single body or position that can use it authoritatively. The establishment of a Deputy HR/SG for the police sector (who may extend his competences to the whole “coercive power” spectrum) has been proposed. He would also avail himself of the Police Unit, after it has been appropriately reinforced. The individual national representations at the PSC should include a police leader who is also a representative of the national Chief Commissioner. These representatives would operate in close contact with the Police Unit in case of emergency.

At the strategic level, the Police Unit should also take over warning, situation and force requirement assessment, strategic planning and force constitution roles. It must be stressed that, whilst the EU will rely on NATO for the military forces, it must possess its own planning capabilities for the police forces. At any rate, the Police Unit must report to the PSC and work in coordination with the EU Military Staff (EUMS), especially in the first stages of any intervention, which are the most difficult and risky. Moreover, it should have the capability to immediately dispatch an advance party into the theatre, which would be in charge of assessing the local situation as well as determining quantitative and qualitative force requirements. It can be incorporated into the High Police Commissioner/Police Commander (PC) Headquarters in the employment theatre.

The operational level must be headed by the PC, in his dual task of advisor to the EU Special Representative (with the status of his Deputy) and of the person responsible for all the activities carried out by EUCIVPOL. The idea that the PC should be hierarchically subordinate to the Deputy HR/SG for Police should be ruled out in favour of a functional coordination link only, for instance in the sector of new force requirements. Theatre OPLANs (operational plans) should be approved in-theatre, and not in Brussels, as much relates to the peculiar nature of police activities, which are more specific and closely linked to the local realities than those of the more centralised military forces. This suggestion also corresponds to the fact that, especially in the first phase of intervention, the latter have a more reactive character, whereas police action is more preventive and pro-active, especially in the intermediate and final stages of intervention, when a reasonable level of public security has been reached. Moreover, whilst the military follow a top-down logic, the police (clearly, within limits) adopt a bottom-up logic, since they operate from within the involved societies rather than outside of them.

The PC should be immediately appointed by the EU or pre-designated according to a rotational mechanism (ideally, on a three-year basis) among the countries that contribute at least 300 EUCIVPOL personnel, to which minor countries would be associated. The EU member country that provides the EUCIVPOL Commander should also keep its HQ, complete with the necessary C³ (command and communications control) system, available. This system would also make it possible for the EU (Deputy HR/SG for Police and Police Unit) to direct the appropriate training activities (especially command post exercises (CPX) and field exercises (FTX)). In the case of especially exacting operations, such as those in Kosovo or in peacemaking, it may be desirable to assign the major nations' first-intervention police units with the same sectors of the respective military units, clearly maintaining the option of inter-sectoral manoeuvre. This would simplify logistical support, decrease language barriers, enable better cooperation and stimulate the member states to provide all the necessary forces, even beyond their pledged contributions. Training courses may be carried out with the support of the Central European Police Academy (CEPA) and the Association of European Police Colleges (AEPC).

The above-described organisation seems appropriate both for EU-led interventions and for cases in which the intervention is led by another international organisation and the EU is entrusted with the "police" sector. If the EU is not granted a complete and well defined sector of activity, it is preferable that it does not interfere in the bilateral relations between the member states and the lead organisation, in order to avoid delays, misunderstandings and red tape.

Member state contributions should not be merely quantitative, but also qualitative, meaning that the whole spectrum of police activities should be covered. National specialisation could be interesting, since the various European police forces have widely different statutes and cultures. For instance, those countries that have military-statute police forces might provide the bulk of the multi-specialised units (MSU); others might specialise in the field of economic-financial police; while others still might be responsible for training, and so forth. As a general rule, command positions within the European forces should be assigned on the basis of the share of the total represented by any member state's contribution. Lastly, financial sanctions could be envisaged against states that fail to meet their contribution pledges for whatever reason.

The Police Unit, with the assistance of the Central European Police Academy, the Association of European Police Colleges and possibly the

WEU Institute for Security Studies, should develop a doctrine of democratic policing – harmonised with the UN Department of Peace Keeping Operations (UNDPKO), the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe doctrines – as well as framework documents on the SOFAs (Status of Forces Agreements), the SOMAs (Status of Mission Agreements) and (SOPs) Standard Operating Procedures, etc. Special provisions should regulate the following functions: personnel selection, especially regarding personnel from non-member countries; logistical support and C³ systems to be adopted; cooperation with other international organisations and with the military forces; the use of experts in human rights; the actions of non-governmental organisations (NGOs) (including defence counsels, prosecutors, judges, etc.); and the disciplinary powers entrusted to the HQ and the financial sanctions that the EU can adopt against member states in the event of non-compliance.

CHAPTER 1

INTRODUCTION

This report focuses on a variety of issues related to an integrated European civil police force (or EUCIVPOL, as we call it), including doctrine, structures and tasks. The Presidency Report to the Göteborg Council on the European Security and Defence Policy (ESDP), is by far the most comprehensive document written on the matter by the EU to date.

Chapter 2 of this report examines the socio-political context in which the Petersberg missions are carried out. It identifies the special requirements that must be met by security and law-enforcement packages. These packages are represented by the “police-judiciary-penitentiary system” triad, which is crucial for implementing the “rule of law”. In its absence, one can only achieve stabilisation, public order and security maintenance – and nothing more. In particular, similarities and differences are highlighted in the establishment and employment of European police forces as compared to military forces. In particular, whilst the latter operate from outside the involved societies, police forces operate within them. This distinction gives rise to different problems both in doctrine and in intervention management. A less crucial distinction, at least from the point of view of organisational and strategic theory, exists between preventive action, which allegedly pertains to police, and reactive action, which is apparently typical of military forces.

In reality, the military also endeavours to carry out its mission by means of deterrence and force, which are typical elements of the “diplomacy of violence” and are crucial factors in any type of strategy, including that of peace-support operations. No artificial barriers should exist between the different components of an international intervention. The paramount principle to be followed at any level is unity of command, a “force multiplier” which the EU must exploit owing to the fact that it possesses all-round resources and competences. This feature gives the European Union a unique competitive advantage compared to any other international organisation. Current arrangements in the EU, however, both in its leadership and within the General Affairs Council, seem to inhibit the Union from exploiting this advantage to its fullest.

Chapter 3 examines the various decisions taken by the EU on EUCIVPOL and reports on the status of their implementation. Moreover, reference is made to similar initiatives by other organisations, especially

the UN, the OSCE and the Council of Europe. EUCIVPOL will have to take these initiatives into account to avoid duplication and contradictions in its concepts and organisational/doctrinal principles, as well as to retain the option of incorporating police contingents supplied by non-member states or to support other international organisations that may lead the intervention. The chapter also outlines ways in which experts from non-governmental organisations (NGOs) can provide support.

Particular reference is made to two of the most significant cases of police deployment in peacekeeping operations, Bosnia-Herzegovina (BiH) and Kosovo, both of whose mandates and tasks have very different characteristics. The former corresponds to the first model – that of monitoring and assistance – which are carried out by the IPTF (International Police Task Force) included in the UN Mission to BiH (UNMIBiH), although some executive order and public security maintenance tasks have been entrusted to the NATO-led stabilisation Force (SFOR)-Multinational Specialised Unit (MSU). The second corresponds to the “substitution” model, with the direct take-over of executive police responsibilities by the UN Mission in Kosovo (UNMIK) Police Force. It is generating the Kosovo Police Service (KPS), formed by locally enlisted and OSCE-trained personnel whose equipment has been donated by the International Community (IC). In both cases, a phased approach must be followed, meaning a progressive transfer of powers to the local authorities by milestones or steps, which should be realistically defined so as not to hamper the unity of the triad. The first phase always consists of incorporating local elements into the international force. The last phase, which is a prelude to the withdrawal by the international forces, can only be implemented when the political-institutional situation has stabilised and a political power to which “coercive power” can be referred has been established. If the latter did not exist, coercive power would have no basis and would serve the local faction chiefs rather than the citizens. State reconstruction, therefore, is a paramount priority in all peacebuilding interventions. The experience in the Balkans has helped to overcome the previously dominant idealistic approach, which envisaged post-modern states and postulated democracy-building prior to state-building.

Chapter 4 examines the above-mentioned EU institutional problems, which do not merely involve EUCIVPOL but also apply to ESDP (and also to CFSP) as a whole. Failure to provide adequate solutions to these problems may result in a decoupling between the “hard” and the “soft” aspects of the European foreign, security and defence policies as well as in coordination difficulties both in force generation and in the overall

intervention strategy. If an improvement were not achieved, the EU would be deprived of one of its primary competitive advantages compared to other international institutions, i.e. its command of all-round resources in the military, economic and institutional spheres. Therefore, the effectiveness of its interventions would be seriously impaired, as mentioned above.

The fifth chapter focuses on international coordination and command and control issues and also refers to the cases of both EU-led and non-EU led interventions. In this respect, the main goal is to provide EU efforts with as much identity and visibility as possible, overcoming the excessively “ecumenical” and unprioritised list of possible missions outlined by the Swedish Presidency in Göteborg.

Chapter 6 analyses the technical problems that must be solved to establish and employ EUCIVPOL, with special focus on the “doctrine” and guidelines of employment. An assessment is made of the correspondence of the personnel contributions by the EU member states. The latter are more qualitative than quantitative, although in the Ministerial Police Capabilities Commitment Conference, the quantitative headline goal of 5,000 police officers has roughly been reached. Moreover, the problems stemming from the diversity of statutes and regulations among the various countries’ police forces are also examined, ranging from equipment interoperability, the lack of a clearly established European doctrine of democratic policing and coordination with military forces, to selection and training issues and the possible roles of Europol and the Central European Police Academy, whose Board of Directors met last year in Stockholm.

The conclusions in the final chapter summarise the main findings of the research and recommend solutions intended to make EUCIVPOL fully functional. The role of EUCIVPOL in ESDP will increase for several reasons. First of all, objectively speaking, the rapid reconstruction of the “coercive power of the State” is becoming increasingly essential for stabilisation and to streamline the expensive military presence. Secondly, because the attainment of the full operational capabilities (FOC) envisaged in the Helsinki headline goal will probably have to be postponed, unlike that of the initial operational capabilities (IOC), and therefore the EU’s international visibility as a global geopolitical actor will solely depend on its capability to effectively carry out the “low missions” of the Petersberg spectrum. EUCIVPOL is a core component of this capability.

CHAPTER 2

POLICE FORCES IN THE PETERSBERG MISSIONS

2.1 The Political-Strategic Context

The West has lost its capability to decisively use military force, defined as achieving victory in the field that can be turned into a political success, i.e. a durable peace. It is no longer willing to occupy the territories in which it has intervened in order to restore international law, project stability, reorganise and transform institutions, promote the advancement of ethical-political cultures in line with Western standards and to develop the economy. The interventions carried out by the West are not merely aimed at implementing its principles and values. They also serve its interests in an increasingly globalised world the leadership of and the responsibility for which fall in its hands.

Since these interests are not vital, however, the West is not prepared to adopt such policies and strategies that would be adequate from the point of view of their political-strategic efficiency. Not only is it unwilling to accept the related costs and risks, it is also not prepared, as will be discussed later, to pursue such policies at the cost of sacrificing certain “politically correct” assumptions that are widespread in its political circles and public opinion. For instance, the West is unwilling to formally impose war-occupation regimes in which the administration and basic public services, especially those relating to public security and law enforcement, are placed under military command. Moreover, it is not prepared to establish mandates or international trusteeships – at least formally. There are some cases, however, in which it is forced, de facto, to implement these measures progressively, under the pressure of the circumstances, and with doubtful effectiveness, forfeiting the advantages that would have been provided by initiative-taking, surprise and mass action, which are the only conditions that can stabilise countries whose societies have been fragmented by conflict and massive bloodshed. First of all, it is necessary to rebuild the state, its coercive power and “law and order”. Only when a reasonable degree of security is established can the international intervention keep its credibility and change the situation. Moreover, only a clear perception of the willingness to employ all necessary legitimate force makes it possible to prevent crime and individual violence, which increase during all civil wars.

In cases of ethnic, civil or cultural conflict, the West has been satisfied with truce agreements, which are usually negotiated with the very persons who were responsible for the conflict and the massacres. Although these agreements do put a stop to the fighting and to the most odious forms of violence, they do not bring peace; rather, they are but mere stepping-stones towards peace. In the eyes of local political leaders, a truce imposed by the international community is simply a continuation of war by other means. Unfortunately, it is politically correct in the West to assume that the opposing parties will comply with the truce agreements and turn them into long-lasting peace. Therefore, in order to promote peace under that political fiction, the West assumes the burden of carrying out long, difficult and expensive peacekeeping, peacebuilding and post-conflict rehabilitation operations. Moreover, the protraction of instability is often a personal benefit for international officials and NGOs, since it turns relatively well paid temporary jobs into permanent positions.

There is a risk that a vicious circle emerges, obstructing stabilisation efforts. Only bold, robust, realistic and intrusive political control can overcome this danger. First of all, there is a need to conclude the “cultural revolution” underway, which involves a re-evaluation of the crucial importance of the State and its monopoly of legitimate force. The ideologically-inspired and procrustean approaches that were, and unfortunately still are followed have caused many failures in the past, undermining the effectiveness of such an important component of the international community’s peace interventions (see Tanke Holm and Espen Berth (eds), *Peacekeeping and Policy Reform*, London: Frank Cass, 2000).

It is to be hoped that the EU adopts more robust and, at any rate, more responsible logic and strategies. In this respect, another recurring slogan must be highlighted, i.e. that the solution to a crisis must be political, not military, or that at any rate it cannot be imposed only by external force. In a conflict-prevention phase, the statement is usually made to postpone all decisions to intervene. In the post-conflict rehabilitation stage, it is often used to justify international pliancy towards the local faction leaders. Clearly, no solution can be military (using the term in its extensive meaning of enforcement from outside). Nevertheless, the type of political solution – that is, the type of peace – that can be implemented generally depends on the effectiveness of the use of both real and virtual force.

The disastrous events in BiH and the current difficulties in stabilising the country largely stem from the adoption of such assumptions, which do not correspond to the harsh realities of civil war.

The nature and the goals of the operations envisaged in the Petersberg missions are much more far-reaching and ambitious than those of similar operations – the so-called “1st-generation peacekeeping” operations – that were carried out during the Cold War. At the time, peacekeeping mainly consisted of interposing international military forces between the belligerents, after they had concluded a truce. “2nd-generation” peacekeeping operations are profoundly different. They are not confined to separating the belligerents along a predetermined line and with both parties’ agreement. They are much more complex and also involve areas that do not pertain to the military sector proper. They extend to peace- and institutions-building, and usually also comprise elements of peacemaking and peace-enforcement. The international forces no longer operate from outside the societies. They also operate from within, by promoting and supporting the pacification of “hearts and minds” and the adoption of necessary institutional, socio-economic or other reforms, if necessary imposing them by means of the powers usually conferred on them by the UN Security Council.

As illustrated by the UN Brahimi Report on the future of peacekeeping, the latter is adopting an increasingly comprehensive concept of its tasks in international peace and security maintenance, extending them to internal political issues and most notably to humanitarian aspects and the safeguarding of human rights, which in the past was considered the exclusive domain of each sovereign State.

Clearly, in the initial stages of stabilisation and pacification, and in the later process of political, social, economic and even psychological rehabilitation, public order, security maintenance and law enforcement – the so-called “internal stability triad” – play a key role. In building and adjusting the local institutions and public services to international standards, a crucial aspect consists of the reconstruction of police forces trained to act in line with international standards, that is, according to democratic policing rules. Equally important is the creation of an impartial judiciary and a prison system that complies with respect for human rights.

The shifting objectives of international interventions are also mirrored in the ever-increasing weight of the “civilian police” component within UNDPKO, and in the fact that international police contingents form an average of 10-20% of the total military personnel employed in the current

peacekeeping missions. It must be stressed that the EU headline goals consider a smaller percentage as compared to the figure reported by the Brahimi Report.

The situations in which international police forces may be called to operate are extremely variable within a range between two extreme models. At one end, there is a scenario in which state and public structures – although distorted by civil war – are sufficiently efficient or, at least, still exist. In this instance, as happened in BiH, international police forces are entrusted with monitoring the behaviour of the local police and with supporting and assisting them in streamlining, training and restructuring local institutions. The principle of “ownership” should be followed, although the population often demands a more direct intervention by international police forces. In fact, the latter are perceived as more impartial and trustworthy than the local forces, which often have ties to paramilitary militias and to political and common crime groups.

The international forces must guarantee anti-riot and public order and security maintenance tasks in the initial stages of post-conflict interventions. In BiH and Kosovo, these areas are entrusted to adequately trained and equipped military-statute police units placed under the NATO military command, the above-mentioned MSU, which operates in close coordination with military forces both in order to avail itself of their operational and logistic support and because both carry out similar tasks in the anti-terrorism sector and against paramilitary groups.

At the other end of the scale, when local institutions have totally collapsed or are non-existent, the international forces actually replace them until the local institutions and public services have been reconstituted. In particular, in such cases, international police forces are also given powers to carry out executive policing tasks, from traffic and border control to law-enforcement and investigation activities. Obviously, this solution requires the presence of other elements of the law-enforcement package, namely prosecutors, judges, solicitors and the prison system. The lack of a single one of these components prevents the whole system from working.

Clearly, taking such responsibilities is no simple matter, both because of the sensitive issue of legitimisation – also in the eyes of the local population – and because of difficulties deriving from the juridical cultural differences between the local society and the individual countries supplying the investigators, prosecutors and judges. These difficulties should not be dismissed by simply assuming that the underlying principles are shared, especially as regards the protection of human

rights. Indeed, there are significant differences even between the single European police forces regarding their statutes and behaviour, for instance, concerning the relative priority they attach to the investigative search for material evidence versus the interrogation of suspects.

A particularly crucial aspect involves public order and security maintenance. In this sector international police forces, possibly with military statute, are assigned to the military force headquarters, as in the cases of BiH and Kosovo. Especially in the first stages of international intervention, when the military and paramilitary units of the battling factions have not yet been brought under control and the wish for retaliation still predominates, anti-riot units must closely cooperate with military units. By the way, this is only possible if the latter have the needed firepower to tackle serious crises. The fact that some European countries have no military-statute police should not be used by certain EU member states as an excuse for failing to provide the international forces with this component, which is in charge of the most important and also most dangerous tasks, which may trigger reactions by the residual warring elements. In the absence of a strong deterrence – defined as both the availability of adequate power and a credible will to use it if necessary – the situation can easily deteriorate.

International police intervention has also proved very useful in conflict prevention. In this context, a vital role is played by the monitoring of the whole law enforcement cycle (“triad”), to ensure its impartiality (especially in ethnically divided countries, such as the FYROM – Federal Yugoslav Republic of Macedonia, its compliance with the international human rights standards and its balance and proportionality in the repression of the guerrilla groups that are still active in certain areas. This role is usually entrusted to an international verification mission, but in less complex cases it may be entrusted to the police forces in charge of assisting and monitoring the local ones.

Basically, current peace operations comprise a much wider range of activities than those of the past. The military forces are no longer entrusted with the exclusive (or even the main) responsibility for the intervention. The civilian component is acquiring increasing importance – clearly, only after a reasonable degree of security has been reached, that is, when the opposing military and paramilitary factions have been neutralised or destroyed by the military peace forces.

Another feature that differentiates current interventions from those in the past is that now international (inter-governmental) organisations and non-governmental organisations (NGOs) operate simultaneously, from the

first stages of conflict and humanitarian emergency to post-conflict reconstruction and rehabilitation. This gives rise to further coordination problems both from the political-strategic and the operational points of view. Ensuring NGO security can be a heavy burden on international police and also on the military forces. In some circumstances, it may even engage a substantial part of the available forces, also owing to the NGOs' political importance and to their appeal for western media coverage and because the international operation leaders are afraid of being blamed for failing to prevent possible incidents. Only at the tactical level, in the field, is cooperation actually easier, because it can be carried out pragmatically. Moreover, necessity promotes cooperation. At a higher level, it is more common to find ideological considerations and theological disputes on issues of principle, such as the separation between civil police and military forces. This solution, which is quite effective in Scandinavia and, although to a lesser extent, on the East Coast, hardly reflects reality, for instance, in the Balkans. It may be implemented after the Balkans have adopted the social structures and the ethical-political culture of a Scandinavian country; but until then it will produce curious results, undermining the prestige of the international community and hampering internal stabilisation.

To sum up, at a higher level, everyone urges coordination, but no one is willing to be coordinated by somebody else.

It must be underlined that coordination difficulties within the various components of international interventions are compounded by objective difficulties in the field. First of all, as was pointed out earlier, the assumptions that truce agreements actually equal peace accords and that the political leaders who signed them are also willing to help implement them and to turn them into durable and self-sustained peace often induce intervention leaders to adopt unrealistic approaches. Truce agreements are signed by the leaders of the very factions that were previously fighting one another. None of them has suffered a final defeat, and they all retain their means of control over the institutions, the population and the local economy. In particular, they make use of informal structures (secret services, paramilitary units, etc.) as well as of the local police forces, which have strong political and personal allegiances to the local faction leaders, especially at a municipal level, to intimidate judges and economic operators. In this way, parallel structures are maintained which, in order to ensure their own political survival and enrichment, exercise real power against the objectives pursued by the international community and which are formally supported by legal structures that are all too often devoid of actual power.

Moreover, they retain their control over the criminal economy, which they used to finance the civil war. Post-conflict situations everywhere are extensively marked by the so-called “hybrid criminality”. This type of criminality, which is sometimes labelled as “patriotic”, is always intertwined with politics, especially with its most radical and nationalist elements, which provide it with legitimisation and protection.

Therefore, the context in which international police forces are called to monitor the local police, to assist them and to cooperate with them is very difficult. In addition, they lack the necessary powers and resources as well as, quite often, adequate security guarantees. Actually, the faith in the willingness to cooperate by local politicians, who often are little more than “ethnic entrepreneurs”, and even by the local populations, which the international intervention leaders are obliged to purport, partly to avoid contradicting the truce-makers, does not consider the psychological polarisation triggered by the fear of a resumption of the conflict and of outbursts of revenge.

It can only be hoped that the EU’s police “doctrine” for the implementation of the Petersberg missions is based on a realistic rather than an ideological approach, and that those responsible for the European interventions keep in mind the teachings of French Marshal Lyautey, the pacifier of Morocco, who is still remembered with respect and admiration in that country. However, the Report of the Presidency at Göteborg is not in line with this hope. The impacts are extremely negative not only in the law enforcement sector but in the others too, because of the decline in prestige and the perception of inconsistency and indecision that is associated with the whole intervention. Moreover, the local population always finds it hard to understand the reasons for the presence of an international police force that does not protect them from violence and bullying by the local forces. In BiH, although on a different level and despite some positive results, situations have often emerged that are similar to the one that produced the UNPROFOR (United Nations Protection Force) disaster.

2.2 Stages of a Complex Intervention: International Police Force Tasks

The most complex operations, which must be used as a primary parameter to outline operational doctrine and force goals, comprise a series of necessary stages. The Kosovo intervention, in which, despite dualism between NATO and the United Nations (a notable progress, by the way, as compared to the deficient coordination system adopted in BiH

– which, however, is being progressively improved), coordination was better from the start, is an example in case and could be used as a model for the EU intervention doctrine, especially regarding cooperation and coordination between the civilian and the military components. The underlying logic must be based on the difficulties peculiar to each of the two force categories, on their individual vocation, their different time-scales relating to deployment and the fact that the rate of actual availability of police forces is lower than that of the military ones.

Military forces will always be more rapidly deployable in the theatre of operations than police forces. Moreover, they will always have better logistics and more efficient command, control and communications systems. At last, NATO's standardisation efforts, the Partnership for Peace programmes and – especially since the end of the Cold War – the spread of military multinationality, have increased the interoperability of EU armed forces, including those of EU member states that are not NATO members.

In NATO-led interventions, the CIMIC (civil-military cooperation) component, which can rely on civilian expertise provided by each armed force's mobilisation system, will always be more immediately available in the field. In this respect, it must be highlighted that the structure, tasks and organisation of CIMIC have dramatically changed since the end of the Cold War. In the past, the primary task of military forces was to defend the territories of NATO member states, and CIMIC had the role of facilitating their employment in NATO operations, avoiding interference and accessing all possible support provided by the civilian authorities. In other words, the role of CIMIC was subordinated to military needs. Today, on the other hand, the very nature of CIMIC has changed. Its objectives are planning, organising and managing military support to humanitarian interventions and post-conflict rehabilitation operations, cooperating with both the local authorities and the other international organisations. NATO's new CIMIC doctrine has been successfully tested in Bosnia and Kosovo. It should be taken as a model of the doctrine that the EU Military Staff will develop for ESDP and as a basis for both military-civil cooperation and special activities such as civil protection.

The Multinational Specialised Units (MSUs) formed by military-statute police units placed under the command of NATO HQs in BiH and Kosovo can be considered as specialised components of CIMIC. This component will be examined in detail further on. For the time being, it is sufficient to highlight the effectiveness of its organisation and of the employment criteria it adopts.

A Kosovar- or Bosnian-type intervention generally comprises three successive phases that must be consistent with one another, meaning that the long-term objectives must be kept in sight while planning short-term contingency initiatives. In some cases, however, such as in BiH, inconsistencies have considerably reduced the effectiveness of the international action. The same happened in Kosovo, where the delays in ensuring control over the territory – owing to both the lack of police forces and the resistance by the military against any “mission creep” – enabled retaliatory ethnic-cleansing campaigns against the ethnic Serbs to take place, thus undermining the long-term restoration of multi-ethnicity in the region.

In the first stage, the primary role is played by the military forces. They must guarantee security not only externally but also internally, by disarming paramilitary units, ensuring control over the territory and regulating and providing logistical support to the return of refugees and displaced persons. In this case, it is desirable that all powers, both in the military and in the civilian sectors, are entrusted to the military Commander or to a special envoy of the European Council or of the HR/SG in case of autonomous EU operations. This issue is very controversial in the EU, but a decision should be taken as soon as possible, focusing on intervention effectiveness, not on parochial approaches. Effectiveness mainly depends on unity of command and on clear-cut responsibilities.

The first stage must be as short as possible. During it, some EUCIVPOL staff elements should be embedded in the intervention forces HQ, with the task of advising the military Commander on policing matters, of ensuring the employment of police forces (including MSUs, whose tasks mainly cover public order, anti-riot activities and territory control) as they become available, of preparing the deployment of the civilian intervention organisation, of assisting the military units in the public security monitoring and border police tasks, of protecting EU civilian structures and of establishing liaisons with local police and law-enforcement bodies (which the Göteborg Council defined as “rule-of-law” bodies). As soon as an appropriate number of police officers have been deployed, they may start more autonomous activities under the command of the Special Representative of the organisation directing the intervention. Many cases should be considered in defining the EUCIVPOL chain of command and control. The intervention may be carried out by the EU alone, with or without support by other international organisations (OIO), or by one of the latter with EU support. In the latter case, it would be advisable to have a single individual in

charge of the EU contribution, both as a whole and in its components (military force, police, emergency rescue, reconstruction, etc.). Clearly, this solution is hampered by the states' tendency to act through direct bilateral relations with the intervention-leading organisation if they are members of it, rather than through another organisation of which they are also members. In short, coordination of the European contribution can only be envisaged in case the intervention is led by a non-European regional organisation or, secondarily, in case of UN-led intervention.

In the second stage, EUCIVPOL should acquire full responsibility for "law and order" under the command of the Representative of the HR/SG in the field. To this end, the legal framework for such activities must be clarified. Moreover, EUCIVPOL must be provided with executive law-enforcement powers, so as to be able to carry out its own criminal investigations beside monitoring the behaviour of local police and checking its compliance with international standards, to extend its monitoring activities to the judicial and prison systems, to maintain public order and security and, lastly, to recruit, train and equip the local police forces, to whom these powers will be progressively transferred: at first, under close monitoring and with job-training activities by EUCIVPOL and, thereafter, with increasing autonomy, when the institutional and administrative system has been rehabilitated. Without the re-establishment of a legitimate political power, such political and institutional transition cannot occur. Once again, the priority of peacebuilding means the rehabilitation of the state. Without it, police would operate in a void and its institutional links would be unclear.

The main difficulties arise during the transition from one stage to another, when inaction or bureaucratic parochialism may also arise. As a general rule, transition must be implemented in an extremely cautious and progressive way. The transition between the first and the second stage may be carried out through the progressive transfer of the units in charge of public order maintenance under civilian command, whilst more robust anti-riot activities stay under military command. In Bosnia, the MSU is subordinated to the SFOR Commander, whilst the IPTF is headed by the Special Representative of the UN Secretary General. Both SFOR and UNMIBiH want to have the unit under their command and control. Until now – fortunately – dependence on NATO has prevailed, although, as BiH progressively stabilises, the demands to place it under UNMIBiH command and control will intensify. Subordination to the military command makes it possible to implement the Blue Box concept, which would be virtually impracticable if the MSU were dependent on a different organisation. The concept should be confined to emergency

cases, in which international public order maintenance is to be viewed as exceptional and, at any rate, as a means of the last resort. Moreover, whilst in the first stage it is EUCIVPOL that provides support to the military commanders, with both its expertise and its troops, in the second stage the roles are reversed. It is the military command that provides support to civilian police activities, for instance in controlling the territory or in countering serious public order disturbances. In fact, only the military forces have the necessary firepower to neutralise paramilitary units or guerrilla-type groups, which are always the most dangerous components in the opposing factions.

Obviously, the more rapid the succession of these stages, the greater the success of the whole operation and the greater the opportunity of streamlining and finally withdrawing the international presence. The latter, in the law enforcement sector, must progressively shift from the exercise of executive powers, to monitoring activities and to assistance, training and cooperation tasks.

Other tasks that must be implemented to establish the “rule of law” in the Petersberg intervention areas are to provide assistance in the adjustment to international standards of criminal and criminal procedure laws as well as of prison regulations and procedures, and to help recruit, select and train local elements, also resorting to the assistance of experts provided by international organisations such as the Council of Europe and the specialised NGOs. In these sectors, the EU should profit from the experience of other organisations such as the UN and OSCE and align its procedures and mechanisms with those envisaged by them, thereby avoiding not only useless work but also duplication and the resulting confusion. Moreover, it will also improve the effectiveness of cooperation between EU countries’ police forces and those of non-EU countries, especially non-Western ones, whose force pledges will be hard to reject for understandable political reasons, but whose behaviour and legislation often differ from the “democratic policing” concept of EU countries. In this respect, the relative homogeneity of police forces across the EU is one of the crucial common added values in EU programmes for the establishment of a consistent civilian capability of crisis management and post-conflict rehabilitation.

In short, the tasks EUCIVPOL must carry out in the different stages of an intervention envisaged in the Petersberg missions coincide with those currently carried out by the UNMIK police. Undoubtedly, the constitution of Police Rapid Reaction Capabilities will call for an

improvement in deployment rapidity (under 30 days) in public order operations, in staff and in logistics.

To avoid the difficulties that emerged in the operations in the Balkans – where stabilisation efforts quite often did not focus on the region but on the balance of visibility, responsibility and power between the different international organisations and their members – priority should be always given to unity of command, which should shift from the military to the international, and subsequently to the local civilian political authorities according to the phase of intervention. Any parochial tendencies should be opposed. Only unity of command can make efficient cooperation and transparent responsibilities possible, avoiding chaos and misunderstandings. In the first stage, in principle, EUCIVPOL will support the action of the military command, in which it must have a multifaceted role both as an advisory body and as a provider of specific expertise in democratic policing and in the rule of law. Clearly, EUCIVPOL elements must be embedded in the local commands of the intervention forces. If the territory is subdivided into national sectors, the civilian police elements of the main EU countries, i.e. those that supply most of the personnel and resources, should be tentatively assigned to the same responsibility sectors as their national military forces. At least in the first phase, anti-riot units must be subordinated to the military commanders, with whom they must closely cooperate and from whom they must receive logistical and operational support in the control of the territory, the disarmament of the fighting paramilitary groups, freedom of circulation and public order and security maintenance.

In the second stage, after the international civilian organisation has become operational, EUCIVPOL will acquire normal police tasks and autonomy from the military which, in turn, has to shift to the civilian officials responsible for the intervention. This second phase, as far as the relationship between the military and police forces is concerned, could be anticipated if the situation is sufficiently calm and stable. In this case, the Blue Box concept developed in BiH and Kosovo will be accentuated. According to this concept, the military units present in the area of responsibility (AOR) are assigned to the police forces for a specific robust police operation and are placed under their tactical control. The Blue Box is defined both in space and in time. Moreover, the police tasks should be expanded to the sectors other than public order, etc., as soon as possible. To do so, EUCIVPOL may be granted executive law enforcement powers, which not only presupposes a clear mandate and the availability of international criminal and criminal procedure laws, but also requires that all problems relating to differences in the juridical

culture of the various EUCIVPOL components and especially between them and the local population and police are overcome.

The police tasks which should be transferred to the ESDP civilian component as soon as possible include those relating to border and traffic control, prison surveillance, as well as the recruitment, selection, basic and on-the-job training of the new local police officers. The international police forces must also continue to monitor the local police, especially in the stage before the actual trial, which is when most cases of misuse of power and human rights violations take place. Indeed, systematically giving priority to the interrogation of suspects rather than to the collection of evidence by means of a patient and time-consuming investigation work is the main way in which the local police forces – or their paramilitary instigators – retain control over the population and protect the warlords' arbitrary power. Democracy cannot be established without effecting a deep change in the ethical-political culture of the local law enforcement actors in order to turn the system into a genuine "rule of law". In particular, the police must be directed by an impartial judicial system (including judges, but especially prosecutors) and therefore operate in the service of the law and of the citizens rather than in that of the different political clans or local factions and leaders. In this shift of missions, the anti-riot (public order) units expand their tasks to other police sectors of action, and particularly to territory control, to actions against organised crime, to prevention and so forth.

Only when the whole local law-and-order/rule-of-law as well as the political establishments are sufficiently stabilised, will it be possible to transfer all powers to the local authorities. The pace and timing of the transfer will vary according to the individual situation and must be devised so as to prevent two opposite problems. If the transfer is premature – often because of the uncritical acceptance of "ownership" criteria – it may hinder the stabilisation process and reinforce the local warlords' power. If it is belated, on the other hand, it may generate a "dependency complex" in a key institutional sector such as coercive powers, thus making it necessary to prolong the international presence and taking back responsibilities from the local politicians and officials. The latter, indeed, may use the intervention forces' activities as an excuse to avoid mediation work and compromises, which are always difficult and exacting if not dangerous, especially in the aftermath of ethnic and cultural conflicts, when any measure that is less than harsh towards the remaining minority is perceived as a betrayal of the cause of their own people.

An especially crucial and sensitive issue is that of financial police activities and intelligence services, which are entrusted with internal security and anti-corruption, anti-crime and anti-terrorism tasks. To date, these aspects have not been adequately discussed in the various European Councils or even in the General Affairs Council. Presumably, this is due to the fact that the situation has not yet progressed enough to find a convergence among the stances of the various EU member countries.

As far as financial police and the contrast of “money laundering” are concerned, a possible solution may envisage their being included in the economic-financial component of EU interventions. The “war against terrorism”, including its financial components relating to the funding of terrorist networks, has created an opportunity to develop serious mechanisms in this sector. Incidentally, there is a need to impose clear clauses, compliance with which is an essential prerequisite for the granting of EU financial aid, in order to avoid what happened in BiH. There a massive influx of resources from abroad strengthened the local political-criminal circles and their control over the economy in the absence of an effective central authority, thus promoting the fragmentation of the social, political and institutional fabric.

The issue of intelligence services is basically similar to that concerning the same area in the employment of military forces. In particular, in a post-conflict situation, HUMINT (human intelligence) is crucial in both the military and the police sectors. However TECHINT (technical intelligence), and especially its SIGINT (signal intelligence) component, could play a very useful support role.

2.3 Similarities in and Differences between Civilian and Military Aspects of Conflict Prevention and Crisis Management

The ESDP comprises military and civilian components. The latter, in turn, are subdivided into different specialities and intervention areas. The Göteborg European Council highlighted, in particular, the establishment of a European rapid-intervention civil protection force, whose headline goal calls for 2,000 civil protection operators, a staff and a nucleus of experts and capabilities specialised in the various sectors. Similar initiatives are under study in the institutions and administration reconstruction sector. Comparable projects are also being considered by other organisations as well, including the UN, the OSCE (whose REACT project – Rapid Expert Assistance and Cooperation Teams – is actually the model to which EU refers) and the Council of Europe.

The military and the civilian components are marked by considerable differences concerning the opportunities they offer to establish standing or on-call multinational forces, the willingness of the states to establish them and the basic criteria that must be used to define force requirements (both qualitative, depending on the tasks that must be accomplished, and quantitative, depending on the will and actual capabilities of the states to contribute national resources).

Military forces are more rapidly available and are organically provided with self-sufficient capabilities in the areas of political-strategic and operational-tactical planning, command, control, communications and intelligence, transportation capabilities both on long distances and within the region of intervention, logistics, supplies, repairs and medical services. Afterwards, they could be dedicated, although the normal practice is double- or triple-hatting. Moreover, their NATO-standardised procedures guarantee a high degree of interoperability, also as far as terminology is concerned. In addition to all this, sending military contingents abroad does not affect the internal security of a country, as long as it is not threatened by a conflict. By contrast, police forces are usually needed to ensure security in the national territories and their intervention abroad often requires a reorganisation of their normal structure. Moreover, public order emergencies, which are unpredictable, can always occur. In other words, earmarking police forces for an on-call EUCIVPOL force is much more difficult than earmarking military units for an intervention force, whatever contribution has been pledged by the various countries. Lastly, in external interventions, military units are employed without changing their normal organisation and usually each unit (company, battalion and also brigade) is organised on a one-nation basis. This makes cooperation significantly easier, also from the psychological-cultural and linguistic points of view.

As far as international police forces are concerned, employment conditions are totally different, with the possible exception of anti-riot (public order) units, whether they have military statute (such as the Italian Carabinieri and Guardia di Finanza or the French Gendarmerie) or civilian statute (such as the French CRS or the Italian State Police Mobile Units), which can be sent abroad without altering their structure and with their own logistics supports and C³I systems.

Moreover, whilst the European military units, partly due to the harmonisation work promoted by NATO, share the same professional culture, structures and employment doctrine or, at least, have very similar ones – even though the impact of different strategic cultures, perceptions

and political interests found among the various countries' contingents should not be underestimated – police forces are significantly different in the various states. Indeed, their statutes and their juridical-operational structures largely differ. The effect of these differences is compounded by the particular features of international peace-support initiatives and by the special tasks that police forces are required to carry out.

Also the “framework documents” envisaged by the Nice Summit to homogenise, standardise and make interoperable the police forces, cannot overcome these basic differences. As far as their statutes are concerned, some EU countries have military-statute police units along with civilian ones, whilst others only have the latter. In some countries, most ordinary and special police forces are centralised at the state level, whilst in others they are subordinated to the local authorities. Some countries usually employ their armed forces in support of police forces (for instance, for sensitive points security); others strongly reject such a mixture of roles. In some countries, police forces are unarmed; in others they are armed and may even possess considerable firepower.

Differences in juridical culture are just as significant. Criminal procedure laws and police-prosecutor relations are very different from country to country, even overlooking the fact that some countries' systems do not envisage a structural separation between prosecutors and judges. In some states, priority is given to the enquiry process; in others, the interrogation or even the imprisonment of suspects on the authorisation of the prosecutor's office is more central.

Lastly, whilst even very different military forces can cooperate in an international context without too many difficulties – since their differences are usually accounted for by entrusting them with tasks of different complexity and engagement – levelling the differences among police forces is much more difficult. Monitoring or direct law-enforcement tasks require police to operate in small nuclei, in close contact with the population as well as with the local police and administrative bodies. They are immersed in the local society and act both from within and outside it. This clearly causes many difficulties, especially when following the UN practice of organising even small teams on a multinational basis whilst involving as many member states as possible to guarantee impartiality. Apart from logistical difficulties within the individual nuclei, natural tensions arise at the police intervention stage. For instance, within the IPTF in BiH, some contingents threatened withdrawal if they were armed, others threatened the same if they were made to operate unarmed. Problems have arisen

relating to food supplies, personal hygiene, human rights interpretation and so forth. In BiH, moreover, further difficulties have derived from the local population's failure to understand the limits to the powers of the international police, which often had to confine themselves to urge the local political and police authorities to respect their laws and to guarantee impartiality and human rights protection. If the preconceived, ideological "soft-heartedness" which dominates many international organisations and which is used to justify their inefficiency is not relinquished, EU interventions, too, are bound to be less than brilliant (which is definitely an understatement, at least as far as Bosnia is concerned).

A particular problem may lead to a revision of the whole EUCIVPOL planning. The existing technological gap between the European and the U.S. military forces is widening, hampering their interoperability in high-intensity operations. The dwindling European defence budgets will only allow achievement of a small part of the 58 objectives of the Defence Conventional Initiative (DCI) identified at the April 1999 Washington NATO Summit. Regarding the Helsinki "headline goals", the military component realised the IOCs (Initial Operational Capabilities) by December 2001, but it will have to postpone – by up to 10 years, according to unofficial estimates not taken into account in the Laeken EU meeting in December 2001, implementation of the FOCs (Full Operational Capabilities), scheduled for 2003. In view of this situation and of the concrete risk of an implosion of the "enlarged Middle East", Europe's contribution to the United States will be forced to specialise by geographical areas or by roles. Thus, the process that had already emerged during the Gulf War and in the interventions in the BiH and in Kosovo will become consolidated. From the geographical point of view, the priority region for European intervention will likely be sub-Saharan Africa, where the US is very reluctant to intervene and where interventions in the "low spectrum" of the Petersberg missions can be envisaged. Specialisation by role will involve the less "hard" and less technology-intensive aspects of security, obviously along with the "soft" aspects. In view of this, EUCIVPOL may increase its political importance within CFSP and ESDP. That is why the related issues should be tackled with determination, in close coordination with the Brahimi Report provisions and with the orientations that have already become consolidated within UNDPKO. It is especially crucial to solve the issue of the availability of both qualitative and quantitative personnel.

In conclusion, there is a clear need to find a solution and to provide such pre-mission training as to guarantee that the police personnel and units supplied by the different countries have adequate standards as well as to

ensure that experts in the different sectors involved in the European police action in the Petersberg missions are available. The issue has been repeatedly discussed within the EU and the solutions outlined to solve it seem adequate to provide ESDP with an appropriate degree of effectiveness in this particular sector, thus lending a significant added value to participation by individual member states in actions under EU control and coordination.

Moreover, as has already been stressed, it seems indispensable that EUCIVPOL organisation and action are viewed in the context of security and law enforcement packages that take into consideration, without preconceived exclusions, the contribution that can be provided by the military forces, and especially by CIMIC structures (and by the Civil Emergency Planning – CEP), as well as by the NGOs.

Clearly, the Status of Forces Agreements and the Status of Mission Agreements must adequately take into account the need for coherence among the various components of an international intervention (for instance, ROE (rules of engagement) compatibility between the military forces and the anti-riot police units, especially in the first stages of an intervention) and the adjustment of the general doctrine principles to the specific situations. To do so, great flexibility is called for, both in the intervention management policy and within the intervening forces. Flexibility may be hampered by the influence of the different cultures, but also by the “unionisation” of police forces and by the fact that the powers of international force commanders are always more restricted than those of national force.

Finally it should be hoped that, unlike what happened in the case of the military component of ESDP and the Helsinki “headline goal”, the constitution of EUCIVPOL does not translate into an exercise in institutional proliferation, but in the real improvement of capabilities or in the creation of currently unavailable ones. Unlike the military rapid reaction capabilities, RRCs, this task may be reasonably attained even in a short period of time.

CHAPTER 3
EU DECISIONS ON EUCIVPOL –
THE BIH AND KOSOVO EXPERIENCES

3.1 European Council and European Union Decisions and Relevant Studies on CIVPOL in Peacekeeping, Peacebuilding and Post-Conflict Rehabilitation

It is unnecessary to report on and summarise the various EU decisions on the establishment of the civilian police components of ESDP and of a European capability in the civilian aspects of crisis prevention and management. The main decisions were taken at the Cologne, Helsinki, Feira, Nice and Göteborg meetings of the European Council and in the EU Chief Commissioners' meetings, in which the headline goal of 5,000 officers, 1,000 of whom deployable within 30 days, has been agreed. Moreover, the definition of specific goals in connection with strengthening the rule of law has been considered, and general guidelines have been approved.

In particular, opportunities for the involvement of EUROPOL and of the Central European Police Academy (CEPA), the Association of the European Police Colleges (AEPC) as well as the role of the Task Force of Chief Commissioners of EU Member States and of the WEU Institute for Security Studies should be assessed. Moreover, useful support can be offered by the Northern Baltic Police Academy and by the Norwegian Institute of International Affairs, which conducted some penetrating research on the issue. Also the International Institute for Strategic Studies in London is preparing an Adelphi Paper on the European Civilian Police in the implementation of the Petersberg missions.

Guidelines on the employment of civilian police in peace-support operations are currently under study within the UN, especially following publication of the Brahimi Report. A draft "doctrine" for civilian police interventions is also on-going within the UNDPKO.

Useful ideas can also be developed on the basis of the experiences made in the REACT programme (Rapid Expert Assistance and Cooperation Teams), which was passed by OSCE at the November 1999 Istanbul Summit and which is headed by the CPC (Conflict Prevention Centre). Also NATO's CIMIC (Civil-Military Cooperation) doctrine could be of interest, as well as those of NATO's CEP (Civil Emergency Planning), in

order to highlight similarities and differences with the decisions relating to EUCIVPOL and any aspects relevant to the organisation of the latter.

The reports to various international forums and the papers delivered in numerous seminars and workshops by both civilian and military officials responsible for the international peace forces have special relevance, especially those prepared by the Chief Commissioners or by the commanders of the police components of those forces. Various bilateral or multilateral agreements and initiatives which have been adopted by the Stability Pact for South-Eastern Europe, by the Central European Initiative, by the Adriatic Initiative, and by the SECI (Southeast Europe Cooperative Initiative) on the issues of police forces and the law-enforcement package in general. Special consideration should be given to existing cooperation agreements in the financial, anti-crime and anti-terrorism sectors. In the financial police sector – from the war on money-laundering to anti-corruption actions – interesting initiatives have been adopted by the IFI (International Financial Institutions) and between them, by the EIB (European Investment Bank) and by the EBRD (European Bank for Reconstruction and Development), as well as within the Stability Pact (in both Tables I and Table III.b“B”).

The decisions taken by the Council of Europe, especially in the criminal law and criminal procedure law sectors, which are planned for implementation both in the cases in which the international authorities only provide monitoring and assistance in post-conflict stabilisation and in those in which they are called to take over all police powers must be examined. They are relevant also because they clarify concepts such as “respect of universally-recognised human rights”, “democratic policing” and “international standards of policing”, which are often used in connection with police intervention and judicial and prison systems in international peace operations, but which are not clear at all.

In pursuing the goal of EU autonomous intervention capabilities both in non-military and military aspects of crises, the need must be stressed to avoid duplication and to ensure that the legislation developed in the sectors of SOP (Standing Operating Procedures), SOFA (Status of Forces Agreements), SOMA (Status of Mission Agreements, which should also include rules of engagement standards), is consistent with the public order and security legislation developed by the UN, but also by the OSCE and NATO. All of it should be included in the “framework documents” aimed at guaranteeing a degree of interoperability and homogeneity from the points of view of doctrine, organisation, rules of engagement,

logistics, etc. of the European capabilities in the sector of police forces to be employed in crisis management and in EU peace interventions.

All these rules should be sufficiently flexible to allow for adjustments to the particular situation of each intervention by the mandating institutions and especially by the commanders in the field.

Conflicting legislation in this sector would make it more difficult both for EU member states to take part in operations with another lead organisation and for non-members to participate in interventions under EU responsibility. Moreover, the setting up of forces would entail confusion and their selection, validation and training would be less effective.

3.2 Police-Military Relations as a Pivotal Issue of the European Doctrine

Each intervention is unique, and involves a particular adjustment in the command chain to the particular situation. The assistance given to a government possessing a certain degree of legitimacy and efficiency in crisis-prevention situations is totally different from an intervention carried out in a failed or non-existent state where the effects of the civil war linger, including high volatility and a large number of weapons, and where many paramilitary groups are in more or less violent competition with one another.

The doctrine must envisage the whole range of possible cases, starting from the most difficult and demanding situation through to one which has become stabilised and where a shift in responsibility between the military and the civilian command can be carried out.

One basic principle does not lend itself to compromise: unity of command, the one means to achieve synergies among the different components of the intervention. It must be clearly codified by the doctrine, overcoming practical difficulties and any ideological or corporative resistance by either the military, the police or the civilian bodies. The difficulties encountered in BiH and Kosovo mostly stemmed from the lack of unity of command and from the deriving, paralysing inter-institutional rivalries. The flawed efficiency of the international interventions in BiH and Kosovo provides ample evidence of this. Clearly, such integration must be based on priorities that can greatly change during the different stages of the interventions.

In the beginning, a reasonable degree of security must be established as quickly as possible, neutralising and disarming the armed groups and the

residual paramilitary formations. Territory control must be taken over, *de facto*, by the intervention forces, also in order to prevent retaliation or counter-ethnic cleansing as happened in Kosovo. Later on, the focus of the intervention shifts to public order and security maintenance, whilst the tasks of protecting people and property continue. When the conflict marking the situation becomes less sharp, more normal law enforcement mechanisms can be adopted, at first to replace the local powers, and later, to monitor, support and assist them in order to enable the local authorities to take over coercive power responsibilities as soon as possible. Whilst in the first phase coordination powers (to be less ambiguous, the term authority should be used) must be entrusted to the commanders of the military intervention, to whom the other components must provide support; in the latter phases it is the military forces that should provide support to the civilian authorities, which are in charge of both public security and reconstruction.

This logic – which has been underlined in the French Presidency’s Report to the Nice Summit (see Annex II, paragraph II “Policing Capabilities”, sub-paragraph 2 “Guiding Principles”) and seems a reasonable way to optimise intervention effectiveness – is opposed by individual EU member states, military officers and police force commanders.

As far as the former are concerned, their opposition is a matter of principle, which is substantially based on the curious conviction that democratic policing rules out any intervention by the military and that there is some quick fix that can suddenly change the situation as soon as a peace accord has been signed. Regarding the military, their opposition is based partly on the fear of “mission creep” and partly of the worry lest they might lose altogether or be forced to reduce their discretionary power in providing support to the civilian authorities. Another factor is that the military organisation that has carried out interventions so far is NATO, which is unwilling to yield to the power of an external authority, especially after the disastrous “double key” experiences at the time of UNPROFOR. Basically, it is an expression of the progressive bureaucratisation of Western military forces, which proliferated in the long peace period of the Cold War. As far as police forces are concerned, their opposition is founded both on the institutional and policing habits and cultures of some countries and on reasons mirroring those of the military, that is, the fear of losing their autonomy. Other elements that may play a role in this respect are the natural institutional and corporative competition between the national military-statute police forces and civilian-statute ones, as well as some negative experience in the MSU,

which stemmed from technical competence shortcomings by the military commanders and staffs.

Only a clear political decision by the highest European hierarchy can solve these disputes and determine if the military and the civilian components in the interventions should go their own ways, confining themselves to some rhetorical appeal for improbable synergies. Also a complete division, based on the assumption that the military is reactive (or proactive) and the police preventive, makes no sense, at least in the first phases of an intervention. Unity of command is vital.

If even the European leadership cannot succeed in solving the problem, there seems to be no alternative, in the doctrine, to envisaging a large decision-making decentralisation of the civilian and military commanders in the field. Having to face the hard demands of reality goes a long way towards solving problems that had seemed unsolvable from EU offices in Brussels. Obviously, the process will be facilitated if all the aspects of an intervention are headed by a single commander, both at a strategic level and in the field, and if the latter is granted (or takes) a high degree of decision-making autonomy such as that exercised in Eastern Slavonia by UNTAES Chief, Ambassador Jacques Klein.

The most interesting case studies which should be taken into consideration in order to develop EUCIVPOL doctrine are those of the IPTF (International Police Task Force), which is placed within the UNMIBiH, and of the MSUs (Multinational Specialised Units) which are subordinated to the SFOR in BiH and to the KFOR in Kosovo, as well as those of the UNMIK Police and of the OSCE Kosovo Police Service School. The latter is entrusted with selecting and recruiting personnel for the Kosovo Police Service (KPS) and carrying out with their basic training. The latter is followed by on-the-job training carried out in successive stages under the control by UNMIK Police officers.

At least two points should be noted. First of all, the negative impact of the “enforcement gap” in the two above-mentioned case studies, both concerning the international police forces’ discipline and towards the local authorities and populations. Secondly, especially in BiH, difficulties arose from the separation of the police component from the military command. Whilst the “double key” inconsistency of UNPROFOR, which concurred to the Srebrenica disaster, was offset with the creation of IFOR (now SFOR) as far as the military aspects were concerned, a new fragmentation of responsibilities arose in the initial phase after the Dayton-Paris Peace Accords between the civilian and the military aspects of the international intervention. The only realistic solution is

incorporating in some way the police force into the military force mix, at least in the initial phase of the most complex and demanding interventions. Experience shows that this type of cooperation was sometimes implemented in the field, not only in the logistics sector, but also in the operational one (anti-riot interventions; removal of roadblocks; protection of minority returnees, etc.). The IPTF requested support by the military several times, also because of its ambiguous mandate – which, moreover, was changed during the intervention, causing confusion if not chaos. The degree of cooperation and synergy essentially depended on the personalities involved, not on the organisation. Now that the situation has improved, a discussion has been started with the UNMIBiH's request to take the MSU under its control, whilst the military would continue to maintain a deterrence role by means of a reduced presence, surrendering their control of the territory and streamlining their present support to the civilian authorities. The IPTF would concentrate on providing assistance to the different Ministries (at state, entity and canton level), on the supervision (i.e. "light" monitoring) of the local police forces and on the training of the instructors of the two UN-created Police Academies in Sarajevo and in Banja Luka.

The "signals" are not encouraging in this regard. In fact, the clear-cut concept in the Nice document was watered down in the Göteborg European Summit, which insists on the "rule of law". In this respect, the EU apparently competes with the OSCE and with the Council of Europe, watering down its power, which is its main competitive advantage. At any rate, the rule of law is not central in the initial phase, because it cannot be implemented. Therefore, it is marginal compared to public security, law-and-order and law enforcement in view of the implementation of ESDP. This is not to say that in tackling the problems of emergency, the needs of longer-period stabilisation should not be given due consideration. However, the two issues should be kept quite separate and one should focus on the priorities, in particular those linked to the implementation timing.

Some possible positive factors for improving cooperation between the military and police forces (and vice versa) are, on the one hand, the CIMIC organisations and, on the other hand, the presence of state-level and military-statute police forces. Mention has already been made of the former, highlighting the changes they have undergone since the end of the Cold War. As far as the latter is concerned – referring to those forces that must be considered police forces from any point of view, and not military police – cooperation is made easier by the use of the same language acquired in the process of attending common courses.

CHAPTER 4
POLICE FORCE CONCEPTS AND ESTABLISHMENT:
POLITICAL-INSTITUTIONAL PROBLEMS
FOR EU PEACE-SUPPORT OPERATIONS

4.1 Police vs. Military Force

The establishment of EUCIVPOL according to the headline goals decided upon in Helsinki and restated in Feira, Nice and Göteborg, and more generally the creation of a European intervention capability in the civilian aspects of the Petersberg missions is a more difficult task than the setting up of effective European military capabilities, especially the full ones.

The RRF, already mentioned, operate from outside the local societies and preserve their normal national peacetime organisation down to the level of major units. This arrangement greatly simplifies the problem of language and cultural differences – although they naturally have contacts with the local institutions and population, in order to ensure their cooperation and consensus. Moreover, the military also employ local staff with logistical and administrative tasks. Only CIMIC activities are carried out in close contact with the local authorities and population.

Moreover, CIMIC keeps contacts and coordinates, as far as possible, the military action with that by NGOs, which currently operate across all intervention phases, from the humanitarian emergency stage to rehabilitation of the social and institutional fabric. By the way, such cooperation affects the overall consistency of international action in several ways, because of the NGOs' political weight in the West and of their media appeal. According to some commentators, in BiH and in Kosovo there even exists a "shadow government of NGOs", partly consistent and partly clashing with the policy followed by the international organisations and the governments.

In an exclusively military sector, identifying operational and organisational standards is easier, also because sufficiently validated mechanisms of cooperation, Standing Operations Procedures (SOPs) and Standardization Agreements (STANAGs) have been established at international level, and because joint training activities have taken place for decades among the armed forces of those EU member countries that are also NATO members. Thus, there is a remarkably high degree of interoperability. Moreover, even non-NATO members have been involved in common exercises through the Partnership for Peace (PfP)

programme and are accustomed to the standardised procedures agreed by the Euro-Atlantic Partnership Council (EAPC).

Moreover, the establishment of military forces in the EU is eased by the structural convergence process that has been taking place in all European armed forces since the end of the Cold War, and especially since the late 1990s. In the past, things were quite different. Some armed forces were professional and had an overall overseas expeditionary corps posture. Other armed forces, since their almost only task was guaranteeing direct defence of the national territory, retained the mass-armies structure, were based on draft and on mobilisation and were scarcely oriented to interventions abroad, at least in their ground components. Now, all European armed forces (with the partial exception of Germany and some Scandinavian countries) have already been or are being transformed into professional forces, specifically earmarked for external interventions. This process and the growing integration in the European armaments industry make it much easier to generate integrated forces to meet the military needs of ESDP.

Another reason why military strategic cooperation is easier is that the armed forces are structurally accustomed to planning long-term and global interventions and their requirements are more predictable, which makes it possible to develop a sufficiently reliable tactical and operational doctrine. As far as the use of police forces is concerned, the situation is quite different. Suffice it to consider the difficulties in calculating their needs and requirements, from both the quantitative and qualitative points of view. The standards employed in the Balkans (one international police officer for every 30 local policemen or 400 inhabitants) have shown their limitations. They depend on extremely volatile paradigms, which are greatly influenced by the local situation.

Lastly, in case of military intervention, the major country supplies most of the forces and especially the bulk of command, control and communications systems, providing the general framework in which usually small-scale contingents provided by other EU member or non-member states are included. This way, firm leadership can be established.

As far as the civilian police component is concerned, on the other hand, with the partial exception of the anti-riot units (for instance, the MSUs operating in BiH and Kosovo), the situation is fundamentally different. Engagement situations are more diverse and unpredictable and organisation in the field, ROE and command arrangements are extremely variable. This is compounded by the need to closely cooperate with the

local police and authorities, which considerably increases complexity, unpredictability and the peculiarities of each intervention.

The various European police forces have extremely different organisations and cultures. Some states – such as Italy or France – also have “military-statute” general police units, whose normal tasks totally overlap with those of the civilian police. This civilian statute may cause some coordination difficulties even at national level, and also makes it necessary to ensure that all different national police components are represented in a balanced way in the European staff organisations. By the way, the existence of military-statute police corps – as mentioned above – provides the Union with useful “bridges” that can enhance cooperation, synergy and unity of the EU intervention. This would be crucial especially in the early stages of an intervention.

4.2 Civilian Police Employment in Peace-Support Operations

Moreover, international police forces must act within the local society (unlike the military forces, which act from the outside), with a law-enforcement organisation that relies on (or that must, at any rate, rapidly include) international and local prosecutors and judges as well as local police officers.

In addition, police forces usually operate in small teams which are also always entrusted with assisting and monitoring tasks, but which, in case of failed states or collapsed institutions, can also carry out executive actions in the sector of criminal law. Their tasks are often restricted to public order and security, in which they closely cooperate with the military forces, especially in situations in which the local paramilitary factions have not been completely neutralised or disarmed. Local armed groups always have far more firepower than any international police force, including military-statute police, may conceivably possess. Therefore, they can only be disarmed through a massive intervention by international military forces. Their presence and the credibility of their intervention when needed create a useful deterrent framework.

In this respect it must be added that, at least in BiH, the military authority, i.e. NATO, is legitimised to employ any necessary level of violence to implement the Dayton-Paris agreements, whilst the mandate of the civilian component, i.e. the United Nations police, does not envisage any such power. Therefore, especially in the early stages of the international intervention, whenever the IPTF identified human rights violations (especially against “minority returnees”), road-blocks or similar infractions, it was forced either to acknowledge the violation to

the Dayton Agreement and urge the local authorities to act so as to correct the situation, or to request a direct intervention by the NATO military forces, with the danger of employing excessive power. Military forces encounter obvious difficulties in controlling crowds and riots with too lethal means. Tanks cannot challenge a crowd that includes women and children, and the currently available non-lethal weapons are very limited in availability and effectiveness. There is a risk of triggering a vicious circle of action-reaction, which could rapidly lead to the emergence of a “Mogadishu line” and to the collapse of the intervention. That is why military commanders strenuously resist any enlargement of their tasks, to avoid mission creep. The whole basis of the intervention should be mission-oriented, rather than risks-reduction oriented. The MSU placed under NATO command has overcome this difficulty by adopting NATO’s general ROE and adding special ROE for the use of non-lethal weapons (actually, reduced-lethality weapons) for public order and security maintenance purposes.

In addition, it must be highlighted that, whilst the military component is dominated by the contingents provided by the largest states, in which the troops from minor states are integrated, international participation in the civilian aspects of the intervention, at least in BiH, is far more fragmented. Rules should be developed not only on the personal standards of the police officers supplied by the various countries, but also on their professional standards and behaviour. All individual states should be called upon to contribute according to their vocations and the availability of specialised capacities (in the case of Italy, for instance, the existence of a military-statute financial and border police corps – the Guardia di Finanza – could be put to valuable use). Obviously, however, pledges by some non-EU member states will be difficult to reject for political reasons. Generally, this problem is not as serious within the EU, where reasonably homogeneous standards exist.

The fragmentation of national police forces in many small contingents causes significant command and coordination difficulties, which are compounded by the above-mentioned problem of the high dispersal of police forces throughout the territory, where they operate without appropriate command and control and logistical systems. Incidentally, a synergy should be obtainable in the logistics fields, especially in the early stages of an intervention and if the EUCIVPOL national contingents are employed in the same sectors as the military ones. A duplication of logistic support would be expensive and would make no sense. If some EUCIVPOL parts are individually employed, in principle the situation should allow local logistics support.

The “nation-led operation” principle, which ensures coherence in the various sectors of NATO interventions, can hardly apply to the civilian police sector, at least in the case of UN-led or OSCE-led operations. In EU-led operations, however, the principle could be reconsidered, because it has an interesting potential to improve EUCIVPOL effectiveness and overall coordination, and could also partly solve the problem of language and cultural barriers. In case of UN or OSCE interventions, there is an imperative need to preserve perceived impartiality and to accept the presence of police contingents from countries whose regimes are not democratic and, at any rate, are not used to adopting Western rules of “democratic policing” (or may not even be inclined to follow the Western interpretation of the Universal Declaration of Human Rights). This usually makes it necessary for the UN to organise even small police teams with multinational participation. It ensures that Western officials are present everywhere to provide a clear guarantee of the respect of these rules and standards, but it also leads to a lack of homogeneity, which has a negative impact on efficiency.

Another difficulty that must be realistically considered in the programmes for EUCIVPOL is that cooperation between different police forces is always extremely difficult also in the EU context. The existing cooperation initiatives (Europol, Schengen, etc.) are not fully integrated in the EU machinery and have tended to develop a life of their own without specialised bodies, such as Europol, but mainly on a bilateral basis, taking into account the political sensitivity of such cooperation. Actually, police activities, much more than those of the armed forces – in which there is a consolidated experience in international cooperation – are viewed as a specific domain of state sovereignty, especially since this sector is closely intertwined with the national juridical and ethical-political-institutional cultures, towards which all states feel possessively protective. Moreover, the implementation of police activities strictly depends on a strong consensus by the local population, and therefore on the thorough knowledge of the psychology and culture specific to the regions in which the intervention takes place. For this reason, the Chief Commissioners of the intervention forces must be provided with expertise not only in the juridical sector, but also in the anthropology and mass-psychology issues relating to the intervention areas, which are always marked by strong differences as compared to EU countries. Employing police forces with an Euro-centric vision and approaches is a sure recipe for failure.

On the other hand, in the sector of the civilian aspects of the external interventions carried out within the framework of the EU’s CFSP and

ESDP, the delicate issue of relations with NATO – which raised and still raises so many disagreements for the military component – does not exist. The other side of the coin is that, in the police sector, the EU cannot benefit from NATO's planning and operational capabilities. Therefore, it must develop its own political-strategic and operational planning capability, which is currently sadly lacking. This has extremely negative repercussions for the management of non-military aspects of the crisis, also because the tradition of many European countries rules out any close coordination between police and military forces, even though in many countries it is usual for military units to be employed in public security tasks, especially regarding static protection of sensitive infrastructure, but also participation in the control of the territory. Especially in the initial phase of any intervention, it is necessary to take advantage of any possible synergies among the different components, avoiding the creation of institutional, corporative barriers.

4.3 Command and Control Structures in the EU General Affairs Council and More Generally at EU Level

It seems indispensable that, regarding the civilian aspects of the Petersberg missions, the General Affairs Council is provided with an adequate capability of high political-strategic, planning and general-management direction. This would require a general restructuring of the Comité Politique et de Sécurité/Political Security Committee (COPS/PSC) and of the Committee for Civilian Aspects of Crisis Management, whose establishment was decided in May 2000. The bodies in charge of non-military aspects should not only mirror the configuration of similar military bodies, but also acquire intervention-planning and political-strategic management capabilities, including the opportunity of detaching teams provided with all the necessary expertise as key elements of the Staff of the Special Representative of the European Union and of the in-theatre Chief Commissioner or Police Commander. The latter's designation should become a constant practice for any European-led intervention. He should have an overall responsibility for and powers over the military and civilian components of every mission. Only thus can unity, transparency and an adequate authority/responsibility balance be established. Clearly, the political European Head of Mission/Special Representative of the EU must have staff specialised in all sectors involved in the intervention. The different components' commanders and leaders should be his main advisors and should have functional organisational links with the relevant specialised element of the Head of Mission/Special Representative staff.

Whilst the EU has made very rapid progress in its institutional adjustment for the military aspects – unfortunately, less than in the improvement of its operational capabilities! – to date the progress made in the non-military aspects of conflict prevention and crisis management has been limited, if not marginal, in spite of the remarkable efforts and achievements made in the most recent period. This point will be analysed in detail further on.

Actually, the Committee for Civilian Aspects of Crisis Management has been created within the General Affairs Council. Moreover, the Chief Commissioners Task Force meets regularly. Lastly, a conference on capability contribution by the member states for Union-led interventions has been held. However, despite all efforts, the COPS/PSC which should become the pivotal body coordinating the military and civilian aspects of interventions, is marked by a definite imbalance in favour of the military component, for which the EUMC (European Union Military Committee) and the EUMS (European Union Military Staff) have been created. It must be stressed that the latter is a mere technical staff, not an operational command (actually, it is very similar to the International Military Staff of the NAC – North Atlantic Council), since planning capabilities are provided by NATO or by a national strategic command, reinforced by personnel for all participating countries.

Regarding the non-military aspects of interventions, the availability of qualified structures and personnel within the COPS/PSC and the opportunities of receiving external support by other international organisations have been extremely limited so far. They should be reinforced and expanded. It must be considered that the needs in this sector are unpredictable and its management is more difficult, starting from the identification of the forces needed in the field. Unlike in the military sector, there is no consolidated parameter to define force requirements. The parameters that have been adopted (police officers to population ratio, which in Europe averages one police officer for every 400 inhabitants; the territory, the number of local police stations, police trainers to trainees ratio, etc.) are extremely unreliable, also because of the extremely varying degree of cooperation that can be provided by the local police forces.

In assessing force requirements, “worst-case” situations must always be considered. As a rule, they tend to be unlimited. In this respect, the experience of Kosovo may be useful, although it must be considered that the force goals must be referred to a case in which the EU controls the whole intervention and EUCIVPOL actually substitutes for the local

police, rather than confining itself to monitoring and assisting them. Taking into account the European standards and the situation outlined, the headline goals determined by the European Council in the sector of civilian police could, in principle, enable the EU to take full responsibility in a region with about 2 million inhabitants, although further capabilities may be provided by member states or by external contributions.

3.4 Institutional Dualism between the EU General Affairs Council and the EU Commission for CFSD and ESDP

Apart from these problems, which involve the COPS/PSC level, the planning staff and the in-theatre intervention management bodies, including the coordination of military and non-military aspects, there is a basic structural difficulty deriving from the dualism of the top EU structures: the intergovernmental component headed by the HR/SG, the European Council and, through it, the General Affairs Council on the one hand, and the communitarian (or federalist) component headed by the Commission and by its President, by the Foreign Affairs Commissioner and by the European Parliament.

The foreign, security and defence policies cannot be separated into “soft” (for instance, emergency intervention, economic assistance, reconstruction, etc.) and “hard” components, entrusting them to the Commission and to the European Council, respectively. Not even the most sophisticated and cooperative coordination procedures and mechanisms or any amount of goodwill by those responsible can solve this difficulty, especially in unpredictable situations in which extremely rapid choices are needed and in which the political leaders’ media visibility is very high, thus increasing cooperation difficulties. The only way forward is to start a fundamental institutional restructuring of the EU. Clearly, this involves the very nature of the Union and the vision of its future (superstate, superpower, supranational intergovernmentalism, federation of national states, etc.) and of its role in the world. It must be hoped that, in the 2004 Intergovernmental Conference, this institutional issue is solved. However, it will likely be impossible to find more than partial, compromise solutions, which will have to be progressively developed during the interventions by means of goodwill, openness and flexible cooperation among those responsible for the different sectors involved in ESDP.

The most logical solution in the eyes of those who believe there is a need to reinforce the communitarian or federalist component of the EU is the

same that was proposed for the whole of the CFSP and ESDP, i.e. giving the HR/SG the “double hat” of Member of the Commission (or, possibly, of its President). Therefore, in the first case, a double dependency, on the European Council and on the Commission, should be established. In the second case, the Commission would turn into a high executive body of the European Council.

This solution would overcome, at least formally, several problems, especially the marginalisation of the Commission, since predictably CFSP and ESDP, which are intergovernmental by nature, will acquire growing importance and visibility as compared to other EU responsibility sectors. At any rate, the HR/SG should chair the COPS/PSC, with robust competencies and powers extending to all the military and civilian aspects of conflict prevention and crisis management.

In the second case, if the President of the Commission were also entrusted with the role of HR/SG, the COPS/PSC should be chaired by a Commissioner in charge of the implementation of the CFSP and of the ESDP. As far as intergovernmental competencies are concerned, they would clearly continue to be the responsibility of the Council and the President of the Commission should continue to be an integral part of it, so as to prevent the erosion and marginalisation of his current position and visibility. If this solution is adopted, methods must be identified to contain the negative effects of the dualism. In fact, it may require a decoupling between the implementation of the CFSP and the ESDP, especially regarding military and police interventions abroad, and the other responsibilities in the “soft” components, which specifically pertain to the Commission. If the problem remains unsolved, it might deprive the EU of one of its main comparative advantages as compared to any other international organisation, i.e. having competencies and resources in all the intervention sectors. Forfeiting such a unique advantage would be ineffective. Pending approval of a new Treaty of the Union, perhaps some provisional arrangement could be found to maintain unity of command in EU interventions.

This would enable the EU, whose member states have lost any practice in carrying out wide-scale initiatives of strategic significance, other than as a junior partner of the US, to become an actor on the international scene, especially in Europe’s “near abroad”, and to overcome the limitations linked to the priority of the Atlantic Alliance in all the interventions where its forces and political power can be involved in some way.

Another crucial institutional military issue is which voting system – consensus or qualified majority – should be adopted in some sectors

involved in the CFSP and the ESDP. Even though the decision to employ their forces and to give the “EU” label to an intervention undoubtedly involves the sovereignty of the member states and therefore should be taken by consensus (with “constructive abstention” by the states which do not intend to take part in the intervention), particular aspects such as financing, humanitarian assistance and post-conflict reconstruction/rehabilitation, logistical support, use of bases, transit and overflight rights of the employed forces, etc. should be adequately regulated, systematically envisaging “constructive abstention” and logistical and financial support by those member states that decide to directly take part in an intervention.

Realistically, an EU member state will intervene only if its national interests are involved, including those of “European solidarity”. In any case, this contribution of delicate assets, such as police forces, will always depend on the importance of those interests. It can be reasonably assumed that coherence will be reinforced by the consolidation of the convergence of national interests and policies. However, there is a risk that some countries rely on other international organisations (i.e. the UN Security Council) rather than on the EU, thus eroding the Union’s CFSP/ESDP; that a permanent “coalition of the willing” forms within Europe, which might create imbalances and tension in the Union; that mere bilateral initiatives with the United States are agreed without any coordination with or involvement of other European member states; etc. To contain, if not to prevent, all these risks, the principle of priority of the European dimension in all international initiatives should be established and the EU should be involved as a mediator between the individual Member States and the other international organisations, at least in all the cases in which the European presence is dominant, also in a single sector. Unfortunately, this is an ambitious and partly unrealistic goal, owing to the particular position that some EU member states have within other international organisations, such as the UN Security Council. Its permanent members will undoubtedly reject the idea of having EU bodies mediate for them.

In the European context, there are clearly other coordination problems. In particular, they are connected with the role that the European Parliament should play with regard to CFSP/ESDP and the residual role of the WEU’s Parliamentary Assembly. Sooner or later, a Parliamentary Assembly must convene, whose effectiveness will depend on the identification of a solution to make it representative both of National Parliaments and of the European Parliament. Moreover, the role of the Foreign Affairs Commission of the European Parliament should be

enhanced, it should take over competencies in CFSP/ESDP and, especially, it should be provided with the information and technical support needed to achieve adequate understanding of the issues involved.

The more organic connection that has recently been approved between EU bodies and the WEU Institute for Security Studies could also be useful. In these mechanisms of parliamentary involvement, it seems desirable to envisage that the CFSP/ESDP issues are dealt with as a whole rather than individually, sector by sector. Therefore, EUCIVPOL should be seen in the context of the European initiatives for the implementation of the Petersberg missions in which the European Council has decided to intervene. The European Parliament's involvement will play a more important role if common European conflict prevention and crisis management financing mechanisms are more firmly established.

Whichever solution is selected in the sector of the EU-internal institutional structures and decision-making procedures, it will play a crucial role in the effectiveness of the CFSP/ESDP. It will also have a significant impact on the very nature of the Union. The ongoing delays in the sector of the civilian aspects of the Petersberg missions seem especially hard to justify, since in these areas there is no "theological divide" like that between EU, NATO and the US. The essential problems relating to coordination of the civilian aspects of crisis management are internal, not external, to the Union. Thus, the situation could improve rapidly, if the political will to do so emerges.

CHAPTER 5
COMMAND AND CONTROL IN EU
AND NON-EU-LED INTERVENTIONS

5.1 EU-Led Operations

The various European Councils' Presidency reports have been repeating with depressing tirelessness that the ESDP is not aimed at creating a European Army, and that the Union will carry out interventions under the mandate of the institutions that are legitimised to take decisions on the Petersberg missions, i.e. the UN and, subordinately, the OSCE. At the Washington NATO Summit in April 1999, the Europeans restated the need for a UN Security Council mandate in all cases of use of military force. In the Helsinki headline goal, the concept was stressed that Europe would build divisible but not divided capacities from NATO. Therefore, Atlanticism has been selected as a basis for all EU military projects, also to defuse possible opposition to a "European fortress" or a "European power" and to reduce doubts and preoccupations on the establishment of European rapid reaction capabilities for conflict prevention and crisis management by those countries that fear that overly dynamic, if not aggressive, initiatives by the EU may weaken NATO.

Moreover, the EU documents generally avoid making any direct reference to NATO, although it is within its organisation that individual EU countries carry out military cooperation with their main ally, the United States. This meets the orientations by those countries that want a more independent Europe.

All these are no doubt minor ambiguities rather than diplomatic cautiousness, and they help to ease confrontation, to avoid stalemates in the decision-making process and to prevent tensions that may affect the Union's cohesion and its chances of gradually deepening its level of integration. In fact, progress has been made in improving cooperation with NATO, through MOUs (Memoranda of Understanding) and SOPs in the military sector. The latter represent a most politically sensitive issue, even though their organisation and management are less complicated than those of other sectors, and especially those of the police field. A vast experience in military cooperation exists in Europe, where more than 50 multinational formations have been established and where NATO's STANAGs and SOPs are followed throughout the EAPC area because of the PfP programmes. In any event, implementation of the Helsinki headline goal has been very rapid, although it has consisted more of an

exercise in institution-building than in capabilities-building. It is reasonable to assess that the Initial Operational Capabilities (IOC) can be reached without problems, because they are essentially limited to internal reorganisation of existing capabilities and in a “creative double/triple hatting exercise”. On the other hand, the achievement of Full Operational Capabilities (FOC), which is scheduled for 2003, will likely be postponed by several years, especially in crucial areas such as C⁴IRSTA, (Command, Control, Communications, Computers, Intelligence, Reconnaissance, Surveillance and Target Acquisition) strategic transport, etc. This delay will confine the real possibilities of ESDP to the lower levels of Petersberg missions, making the upper ones (robust peacemaking and peace enforcement) dependent on close cooperation with, and in practice subordination to NATO.

The contingency areas for autonomous EU interventions should be selected in the short term, taking into account the actual capabilities. Therefore, it is likely that the EU will concentrate on interventions similar to enlarged versions of the “Alba Operation”, led by Italy in Albania in 1997, in regions such as sub-Saharan Africa, under UN aegis and with strong support by the US which, since the disaster in Somalia, does not intend to engage its forces in those areas. That’s why some commentators labelled the EU’s RRC a “future Afrika Korps”. Although such limitations are unacceptable, it seems reasonable to give priority to the crucial capabilities for those interventions, also in the EUCIVPOL sector.

It remains to be seen whether the impact of the September 11 terrorist attacks in the US and the subsequent “war against terrorism” will continue to erode European political and strategic integration. The first reactions varied widely from state to state, and Europe as a global political actor disappeared from the international scene, at least from the military – and therefore, from the political – point of view. It may re-emerge in the post-war period as a main actor in the “soft power” measures for Afghanistan’s reconstruction and stabilisation. I personally doubt it, since the country will become a theatre of internal conflicts among various competing ethnic and tribal groups. Therefore, reconstruction will have to be guaranteed by a strong military presence that ensures a degree of stability and that, in any case, will not be EU-led. Therefore, the civilian component of EU intervention capabilities, and particularly EUCIVPOL, may become the main instrument of European presence, owing to the UN’s gravitating into the political and economic assistance sectors. At any rate, the role of EUCIVPOL might dramatically

increase in the very short time as compared to the military and emergency-aid components.

Paragraph II, “Options for Operations”, of Annex V to the Presidency Report to the June 2001 Göteborg European Council, “EU Cooperation with International Organisations in Civilian Aspects of Crisis Management”, lists a wide array of possible command and control arrangements. It covers the whole range of possible command and control systems for the contributions provided by the individual EU member states to international “lead agencies”, including EU autonomous operations. In this respect, six options for the presence of EU or EU member states are considered (individual national contributions without EU coordination; the same, but envisaging prior consultations with the EU in order to pool resources; coordinated contribution provided by the EU; key EU component under the leadership of another organisation; EU-led operations with contributions by non-member countries; completely autonomous operations led by the EU). In my opinion, the whole range can be reduced to the latter two options only, which are relevant to the EUCIVPOL command and control system.

The EUCIVPOL command and control structure should be similar to its military counterpart, even considering that “strategic planning” for EUCIVPOL will have to be developed at EU level, unlike military strategic-military planning, which will remain entrusted to NATO, since the creation of a European SHAPE is unlikely and the recourse to one of the seven existing combined joint commands or to “country-led operations” poses many problems.

The political planning of EUCIVPOL must be headed by the PSC/COPS, which must be able to rely on technical support in the police sector similar to that available in the military sector. In case of massive intervention, it might be desirable to have a strategic level formed by a Committee of Chief Police Commissioners of the member countries or by their representatives, who should, as a rule, report to their respective national representations.

The second solution (police representatives) seems preferable. In fact, the police forces used in “peace operations” operate within the involved societies. As a consequence, EUCIVPOL commanders in the field should be granted larger autonomy than military commanders, who essentially operate from outside the society and are closely integrated in the upper levels of military alliances or coalitions, also to guarantee deterrence through a rapid reinforcement from intervention units and support from airpower.

Basically, EUCIVPOL's political-strategic command bodies in Brussels can be much more "streamlined" than their military counterparts, since the bulk of decisions will be directly taken by the Head of European Mission/Representative of the HR/SG and by his Chief Commissioner/Police Commander. For the reasons mentioned above, their decisions depend on detailed knowledge of the local situation (including the degree of cooperation by the local police forces) which cannot possibly be obtained in Brussels. In my opinion, the bottom-up approach should be followed instead of the top-down approach in the EUCIVPOL sector. The structures at strategic and operational level must take this peculiarity into account. This conclusion is supported by the important ties that exist between the political and institutional rehabilitation activities by the International Community and those activities carried out by police – and, more generally, by the whole law-enforcement triad.

At a political-strategic level, the HR/SG and the PSC/COPS should have advisory capabilities in the sectors of policing, situation assessment, possible deployment options of police forces for each situation and selection of the optimal choice, also in view of the current availability of EUCIVPOL personnel. This sector may be entrusted to a Deputy HR/SG for EUCIVPOL, supported by an autonomous staff capable of carrying out the activities pertaining to the political-strategic level, such as:

- *Advice*, first of all, on the appointment of the Chief Commissioner/Police Commander of the EU Petersberg mission. This is a vital political decision, which should be agreed with the EU Special Representative/Head of Petersberg mission. As an alternative, this role could be granted on a rotational basis to the member countries (the solution adopted for the Sofia Process and the SEEBRIG). A reasonable basis for rotation can be 23 years. 23 countries may be associated in providing the Police HQ in the field, which will direct the exercises. One country that has pledged a contribution of at least 300 police officers should be included and it should provide the framework of HQ, of the command and control system and of the logistic system (see below).
- *Strategic planning*.
- *Force generation and coordination* with the member states' Chief Commissioners through their representatives in the national delegations.
- *Negotiations* with the other international organisations.

- *Joint and combined training.*
- *Establishment of appropriate SOFAs, SOMAs, STANACs, SOPs, including support to the establishment of appropriate legal regulations;*
- *Coordination of police intervention with the other components of EU intervention.* In the initial or emergency phase, priority should be given to coordination with the military and, afterwards, to coordination with the institutional rehabilitation in the sector of the state's "coercive power". In this respect, a typical example is the gravitation of IPTF action in BiH, which shifted from the monitoring of local police stations and activities to assistance to the various ministries at state, entity and canton levels.

A Deputy SG/HR for Police Operations should be established. He would have the double hat of advisor to the SG/HR and the PSC/COPS and of functional supervisor – point of contact – for the mission Chief Commissioner/Police Commander. He should be supported by the existing Police Unit within the General Affairs Council and chair the meetings of the "Police representatives" in the various national delegations at the COPS/PSC or of the Chief Commissioners of EU member countries when they meet to discuss especially important issues, such as in the "pledging" of the various national contributions.

The Police Unit – which, despite its recent establishment, has already achieved remarkable results – should be reinforced to rapidly assist the HR/SG for Police in all his political and strategic-planning duties.

The unit should have the capability to immediately dispatch an advanced party into the intervention area to support the recommendations to the PSC/COPS or direct decisions by the Deputy HR/SG for police. He could be supported by the police representatives of the national delegations, who could act on a double-hatting principle. Incidentally, this might also improve the unity of EU planning and operation management. Owing to the unpredictability of the situation, the strategic process, that is, a continuous process of adjustment of the initial planning and concept, plays a pivotal role.

As has repeatedly been stressed, it is essential to guarantee the unity of command in the various levels of intervention. Therefore, the police forces employed in the theatre should report to the European Head of Mission (Special Representative of the HR/SG), not to the Deputy HR/SG for Police Operations. The creation of a parallel chain of command must be avoided at all costs in all sectors, including the military, for this would complicate the conduct of any operation to the

point of making it completely unmanageable and would cause misunderstandings, contradictions and tensions. Such an occurrence is especially dangerous since the individual national contingents would keep close contacts with the respective governments, thus significantly complicating the functioning of EU. Incidentally, an example of these difficulties emerged in Kosovo, when the KFOR commander failed to obey the SACEUR's order to precede the Russian contingent at Pristina airport. Since the police forces are more markedly decentralised, such damaging events should be considered more probable.

Operational and tactical planning and management should be entrusted to the Senior Police Commissioner/Head of the Police in the theatre.

He must be provided with very wide powers, to ensure he has the necessary flexibility. The strategic and the operational levels overlap, and the principle should be implemented to decentralise as much as possible, also to grant higher responsibilities to the Senior Police Commissioner/Commander in the field and not to disrupt the unity of the EU-led mission.

The EU Police Unit Advanced Party, who should make an assessment of the situation, evaluate force requirements as well as the proposals on the political-strategic outlines of EUCIVPOL intervention, could be integrated in the Police HQ which guarantees the operational and tactical conduct of operations in the field.

Regarding the latter, it seems necessary to make every effort to guarantee that the contributions to EUCIVPOL are as binding as possible, at least as far as HQ and C³I systems are concerned. If not, the rotational principle would not be practicable and a standing, EU-funded HQ of the ACE (Allied Command Europe) Mobile Force (Land) AMF(L) type should be established along with the relevant C³ and logistics bodies. Although this solution might be optimal from a functional point of view, it would also be expensive. Moreover, it would risk assigning less responsibility to states that provide commanders and HQ in supporting the first operational readiness during the operation. In conclusion, the rotational "standing HQ" option seems the most appropriate. In the police field it will be possible to provide not only for the constructive abstention principle, but also virtually automatic commitments. Those states that are available to approve this condition should accept the commitment to create a standing HQ provided with all the support bodies needed to conduct and support the operation.

The Police Unit and the Police HQ in the theatre must guarantee coordination with the military bodies both centrally and in the

intervention area. In this respect, the provisions contained in Appendix II to Annex VI of the Nice Presidency Report still maintain full validity, although their contents have been significantly watered down in the Göteborg declaration.

The greater realism that seems to be gaining ground in the EU, albeit laboriously, consolidates the idea that unity of command and the use of all the necessary legitimate force are indeed indispensable. Overly idealistic, Euro-centric and unrealistic approaches have already caused enough disasters (naturally, with the best of intentions!). The “step backward” taken by the Göteborg Council should be forgotten. It risks undermining the effectiveness of EU interventions and further affecting the credibility and the thrust of European integration.

5.2 Non-EU-Led Operations

As already mentioned, priority should be given to options in which the EU takes direct responsibility. Only thus can further progress be achieved towards the Union’s identity and integration.

In any event, considering the political and strategic fragmentation of Europe that has clearly emerged in the “war against terrorism”, if the Armed Forces Staffs in the Union do not have a strong will to take part and if the EU does not have direct control of an operation, it is preferable for the individual states to enter into direct agreements with the lead agencies. EU involvement would not only complicate things, adding another interlocutor and therefore increasing delays and red tape, but would also cause tensions within the Union. Unfortunately the sheer number of international organisations and agencies – which reject all external coordination, have their own logic and respond to their national constituencies – is already causing significant difficulties, hampering intervention unity and consistency. The subdivision of tasks and responsibilities and the very organisational structure are often primarily designed so as to satisfy all members, thus fragmenting competencies and making international action less flexible, less consistent with reality (except, of course, that of the corporative interests and their lobbies and constituencies), and more difficult to manage. Priority is often attached to the internal stability/balances between the various international organisations and countries rather than to the achievement of the intervention goals, that is, the stabilisation of the involved areas. The examples of BiH and – although to a lesser extent – of Kosovo should cause a taxpayers’ revolt. In the absence of strong political will and determination, efforts, resources and time are wasted, the rehabilitation

process is complicated to the point of blocking it, and the credibility of the international community is eroded by its implementation of different or even opposed visions and strategies.

In fact, if the principle is not stated that the EU will intervene only if it can autonomously direct an intervention or at least a sector of it (for instance, police forces), the goals of achieving larger visibility for Europe and therefore of its CFSP/ESDP and of giving real added value to European initiatives cannot be attained, and the choice to intervene will only result in further bureaucratic burdens, delays and coordination difficulties. These problems can only be completely eliminated if the EU resists the temptation to get directly involved. Anyway, they can be eased if the EU takes over full responsibility for a sector, for instance law-enforcement of police.

In this case, for instance if EUCIVPOL is included in a UN-led mission, the C² system mentioned above maintains its validity, although some tasks (at the upper operational level) should be more centralised, to enable the EU intervene more directly to “protect” its forces and its prestige. In this case the Deputy HR/SG for Police could directly take over the command of EUCIVPOL intervention and the predesignated Chief Commissioner/Police Commander would become his deputy. The Head of the EU Police Unit in Brussels would act as a liaison between the Deputy HR/SG and the EU bodies.

Of course these are extremely delicate issues that involve strong political sensitivities. The participation of EU member states in other international agencies does not pass through the Union, especially since some of them enjoy a more prestigious status in these agencies – from the Security Council to the informal Contact Group, whose role and influence within OSCE is growing – than they do within the EU.

CHAPTER 6
EUCIVPOL DOCTRINE, PRINCIPLES AND
ORGANISATION – COORDINATION ISSUES

6.1 Doctrine

EUCIVPOL's doctrine should include the general principles applicable not only to the employment of civilian police forces in conflict prevention and crisis management, but also to all possible cases in which EUCIVPOL or some of its individual components may be deployed – from the total responsibility for law enforcement to the monitoring of local police or assistance in its restructuring, recruiting, selection, education, training and equipment. Clearly, the doctrine should take past experiences into account, especially regarding the various organisational models adopted by civilian police forces in external interventions. Different provisions could be envisaged for the cases in which the intervention as a whole or its policing sector are under direct EU responsibility or are led by another international organisation.

The doctrine should include:

- A code of conduct, which may be similar in its form – albeit, of course, different in contents – to that of the military forces as expressed in the OSCE's Vienna Document 94. It should clarify the concept of “democratic policing” and should be consistent with the doctrines for civilian police forces that are currently being developed by UNDPKO.
- A list of ROE, referring both to the use of force in public order and anti-riot intervention and to the use of non-lethal force during arrests, anti-crime and anti-terrorist actions. The new concept under discussion is that, whilst the ROE for the military are essentially reactive, ROE for police must be proactive, aiming at preventing the occurrence and, possibly, to react to it if prevention fails. Clearly, this refers to situations in which a basic degree of security and paramilitary group disarmament has already been reached.
- SOFAs and SOMAs.
- Procedures regulating police cooperation with the military forces, which should be agreed with the European Military Staff and should be harmonised with NATO-CIMIC provisions, with the legislation on

military units cooperation in public order maintenance and the relevant UN legislation.

- Criminal procedure legislation with which the EUCIVPOL should comply in law enforcement functions.
- Particular provisions for special police actions: border control, traffic control, local police monitoring, financial police, etc.

The EU authorities responsible for an intervention or the European Chief Commissioner should issue executive orders on the basis of the doctrine. The doctrine should be used to train special police units or the “police officers” earmarked by the EU member countries or EU-associated countries to generate the specific EUCIVPOL task force to be employed in each particular intervention.

6.2 Intelligence

The intelligence issue is crucial, but at the same time it is difficult to solve in all international organisations, irrespective of their degree of integration. In fact, intelligence activities are rigidly restricted to the national level only. However, even if they are not integrated, they should operate as closely as possible.

As a general rule, in the prevention and management of crises, most of which are internal to the involved state, the civilian and military aspects are closely intertwined and must be managed by the same intelligence agency. Most EU member countries have an internal and an external intelligence agency. Many of them also have specialised criminal intelligence agencies, for instance in the anti-drug and anti-crime sectors.

By concentrating all military and civilian political-strategic planning activities in the hands of the COPS/PSC, the establishment of a single EU Intelligence Office would become possible. The office would receive and, if necessary, request the data it needs to produce evaluations for the HR/SG and the other EU leading bodies, as well as to make forecasts, produce scenarios, update information situation reports and identify intelligence needs.

In case of autonomously EU-led intervention, a specialised group capable of gathering the information transmitted by the member states, by the forces deployed in the field and by the COPS/PSC, re-transmitting it to the involved bodies and defining intelligence needs should also be established within the EU Special Representative’s staff.

Intelligence activities in both the military and the civilian aspects of EU conflict prevention and crisis management should be the subject matter of Memoranda of Understanding between the General Affairs Council (or the reinforced COPS/PSC) and the various EU member states. Periodical meetings of the National Intelligence Directors of the EU member countries should be envisaged, on the model of similar NATO procedures.

In this respect, it must be stressed that, unlike UN-led 1st generation peacekeeping operations, 2nd generation operations, including those implementing the first two Petersberg missions, cannot be impartial. In fact, their objectives are pacification and therefore the transformation of institutions and society, state reconstruction, democratisation and the respect of human rights.² Because of their nature, these interventions require intelligence-gathering. The intelligence issue, which generally is taboo in UN-led interventions, should not be such for the EU. Therefore, the intelligence sector must be viewed as completely legitimised to carry out its activities, which in all cases will continue to be developed by the individual member states. In other words, an intelligence fusion centre must be established both at European level and at the level of the authority responsible for the intervention, retaining the opportunity to receive intelligence directly or on request from the member states.

Since there is a close relationship between the military and the civilian aspects in the Petersberg interventions, since most of them are related to internal conflicts and since the involved national intelligence agencies are those operating in “external” intelligence, in the first phase it seems preferable to unify all intelligence activities in the military, public-security, internal order, anti-criminal and anti-terrorist sectors into a single body. Only anti-criminal intelligence, which is related to criminal investigations, should be autonomous, but this should apply only to the later phases of intervention. In the initial phases, the links between politics, terrorism, organised crime, etc. are very strong and the unity of threat should logically be countered with a unity of response. Unity should be implemented both at the political-strategic level and the operational-tactical one, that is, in the theatre. Clearly, this especially applies to EU-led operations.

² Whilst humanitarian interventions must be neutral and impartial, supporting the victims and their persecutors alike, the guarantee of human rights cannot be either impartial or neutral, because it involves change in the ethical, political and institutional behaviour.

6.3 Financial Police

International crisis management interventions, ranging from humanitarian emergencies to post-conflict rehabilitation, are always confronted with situations marked by massive economic criminality and corruption. Since the EU is the most important, or one of the most important, sources of economic aid, and since effective stabilisation closely depends on the disruption of the ties that typically mark post-conflict situations between political and criminal circles, which cooperate in retaining control over the population, the economy and the territory, as well as over the success of anti-corruption activities, a critical role is played by intelligence, investigation and law enforcement in the financial sector.

The most crucial aspects of the war on criminality and corruption are effective control of the banking system and financial transactions, both internal and directed towards international “safe havens”. These already represent an important activity sector of the financial institutions, the national police forces and Europol. The international and European financial institutions, as well as the Intelligence Services and the Criminal Investigation Agencies, control the use that is made of financial aid, also availing themselves of auditors. Providing EUCIVPOL with an investigative branch specialising in the economic-financial sector may play a critical role in determining the long-term success of EU interventions and especially the successful transfer of powers from the international organisations to the local institutions and officials. To this end, the principle of “conditionality” should be progressively replaced by that of “ownership”, which requires increased effectiveness, accountability and transparency in the local institutions. Actually, this is the only way in which economic, but also psychological or institutional “dependency complexes”, which would force the international community to prolong its presence, can be prevented. The activities carried out by the ECMM (European Commission Monitoring Mission), the World Bank and the American FBI in BiH, as well as the police and military raid at the Herzegovska Banka, may be an interesting case study.

The financial police should extend their activities to the customs sector, to fiscal matters and to surveillance on land and sea borders (against smuggling, drug and human trafficking, etc.), as well as at airports. They should also provide assistance in rehabilitating this specialised sector – not only regarding police forces, but the institutions as a whole – in the states in which the EU intervenes. The experiences acquired in Albania may be useful for defining deployment criteria for European financial police forces.

The issue of the police forces highlights the fact that the headline goals for EUCIVPOL cannot be merely quantitative, but should also contain qualitative specifications, so as to enable the European authorities responsible for the intervention to modulate them according to the vocation, specialisation and available capabilities of the member states.

6.4 Composition of the Available Forces for EUCIVPOL

It has already been remarked that civilian police forces in the various EU states may have different statutes. In many member countries, centrally-directed, state-level police are only a limited percentage of the total police forces. Therefore, these countries meet greater difficulties in earmarking police personnel for EUCIVPOL.

In this respect, it must be underlined that the decision taken by all European Councils since Helsinki, to establish a European data-base containing all the available police contingents of the member states, seems only moderately useful in defining EUCIVPOL's national contributions in the different sectors of specialisation. They depend less on the total potentialities than on the willingness and capability of the member countries to contribute forces, which can substantially vary according to the internal situation of each member state at any given moment, especially regarding public order and security needs. Police forces are in short supply, and are usually all engaged within the national territory.

From this point of view, the issue is radically different from that of military forces. It is impossible to define European convergence criteria (which are already debatable as far as military burden-sharing is concerned), not to mention standards in the contributions to EUCIVPOL.

The table on the following page illustrates the ratios between the military and the police contribution pledges by the EU member countries. Member countries providing a military contribution in excess of 8% of their total police forces are, in decreasing order, Germany, the UK, France, Italy and Spain. Police force contributions are higher for continental countries, whilst the UK pledged less forces. The rotational lead-nation principle with blocs of states might be the best option to balance contributions and responsibilities with authority of employment.

Military and Police Forces Offered by EU Members Countries

Member State	Military Forces	Percent of Total EU Mil. Forces	Police Forces	Percent of Total EU Police Forces
Austria	2,000	3.3	110	2.1
Belgium	4,000	1.7	120	2.3
Denmark	-	-	125	2.4
Finland	2,000	3.3	75	1.4
France	12,000	18.5	806	15.2
Germany	13,500	20.4	860	16.2
Greece	3,500	5.3	150	2.8
Ireland	1,000	1.7	60	1.2
Italy	6,000	9.1	1,100	20.1
Luxemburg	100	0.15	6	0.1
Netherlands	5,000	7.6	133	2.5
Portugal	1,000	1.7	345	5.8
Spain	6,000	9.1	500	9.4
Sweden	1,500	2.3	170	3
UK	12,500	18.5	450	8.4
Total	66,100		5,300	

Source: Author's personal elaboration from different EU Commission press communiqués.

As regards the employment of the available forces for EUCIVPOL, the EU should decide whether it should adopt the UN orientation of preferring multinationality even at the level of small teams in charge of monitoring the local police and of direct investigation activities, or opt for national criteria in the subdivision of intervention areas. Grounds of efficiency seem to make the second solution preferable, especially in the initial phase of the interventions. It would thereby be possible to simplify logistics support and national responsibility. The multinationality solution guarantees higher impartiality, but increases coordination problems. Nevertheless, it should be preferred as soon as the situation has been stabilised.

Moreover, each country has its own special set of vocations, which stem from the historical evolution of its police forces and which would enable national specialisation criteria to be adopted for EUCIVPOL. For instance, the availability of military-statute general police forces makes some member states, such as Italy and France, especially suited to take over public order and security tasks in cooperation with military forces and under the military commander, as has happened in Bosnia for the MSU.

Moreover, Italy, for instance, has a military-statute economic and financial police corps, the Guardia di Finanza, which also specialises in the control of land borders and anti-smuggling activities. The Scandinavian countries boast a long-standing tradition in democratic policing and the respect of human rights, and have many available experts in these areas (although – alas – they often seem to believe that the intervention areas have a cultural environment similar to Scandinavia, which has led to rather peculiar results!).

A solution which has been tested in some sectors, such as education and health care, and whose usefulness may be evaluated for EUCIVPOL, is having police responsibility areas coincide with those of the armed forces from the same nation. Responsibility areas are usually assigned to the main European countries, which provide the largest military contingents. This solution would make cooperation between the armed forces and police much easier, although it may fuel frustration by minor member countries, which would be excluded from the positions of greatest responsibility. The problem may be solved, however, at least in part, by carefully combining national contingents (by means of bilateral, trilateral, etc. agreements among the EU member states) and by implementing a rotational principle for command, which may also yield training and personal relations benefits. It must be noted nevertheless that the reason why the UN pursues multinationality at all levels is that the police forces supplied by its member states are so heterogeneous that it is preferred to have at least one police officer from the most democratic countries in each team. This problem does not exist within the EU, since the police forces of all its member states have fairly homogeneous and very high quality standards.

The opportunity should be examined of associating the police forces of some large cities or regions or of EU member states with same-statute local police in the intervention areas. At a first assessment, this opportunity may simply be used as a back-up to EUCIVPOL intervention, which must carry out its interventions on the basis of the

contingents supplied by the various states. At any rate, coordination difficulties are bound to arise also because the municipal and regional police forces would obviously not enjoy the same legitimisation of those supplied to the EU by the member states.

Therefore, the use of the potential related to the possession of special capabilities and vocations by individual states – the case of the Italian Guardia di Finanza – seems more promising. Since EUCIVPOL will be called upon to carry out a vast range of specialised tasks, the availability of national units possessing a particular specialisation, which should be systematically earmarked for it, may reinforce and improve its role. At the same time, however, the risk, implicit in any state specialisation of roles, should be kept in mind that a particular sector may fail to be covered if the relevant state decides that it will not take part in the intervention. However, although the use of police must remain at an intergovernmental level, some forms of reduction of the strict national sovereignty principle can be envisaged, such as qualified-majority voting on EUCIVPOL employment and financial contributions by those states that are unable to honour their force contribution pledges.

6.5 External Experts and NGOs

Democratic policing requires the availability not only of the law enforcement package or “triad” but also of legal experts, to support or replace the local authorities in harmonising the local criminal and criminal procedure law to European standards. Moreover, there is a need for experts in areas that overlap with those of democratic policing. For instance, experts in human rights are needed, especially in the sector of the respect of the rights of suspects and indicted persons (particularly in the pre-trial stage) and to ensure the impartiality of the whole judicial system. In post-internal conflict situations, the local judiciary, far from being independent, is often politicised. It is subordinated, *de facto*, to the police or to the paramilitary groups, which are the main instrument used by the local faction leaders to retain their power. All of them are at the service of the political factions, not of the public.

The availability of experts in these sectors should be considered in the force pledges by the EU member states, and the bodies in charge of the civilian aspects of European interventions should identify deficiencies (especially qualitative ones) so as to stimulate the member states to provide the needed capacities. In this respect, support by the Council of Europe and by some specialised NGOs, with which the EU may conclude agreements and cooperate, may prove valuable. An OSCE REACT-type

organisation could be extremely useful in this respect and could also involve professional organisations (lawyers, judges, university professors, etc.) as well as police officers capable of carrying out effective criminal investigations. Generally, the EU peace intervention areas have just undergone a civil war and their ethical-judicial culture and psychological-social structures are considerably different from those of the EU. Experts are a more common asset, but they cannot be used in the place of judges and prosecutors, who are always in short supply and may meet cultural difficulties in operating within societies whose juridical culture is different from their own. Therefore, it is necessary to integrate local personnel into the law enforcement package as soon as possible. Police officers could be employed as prosecutors as an emergency measure, whilst Western prosecutors could be pooled with the judges in order to avoid situations such as occurred, for instance, in Kosovo.

NGOs can provide useful human resources, e.g. public defence lawyers and experts in the respect of human rights or in anti-corruption controls (suffice it to mention the important action carried out by Transparency International).

The presence and the role of NGOs have increased enormously. Some commentators have even suggested – especially in the cases of BiH and Kosovo – that a “shadow government of NGOs” has been established. The NGOs play a decisive role in emergencies, where the most important of them – about 20 out of a total of 40,000 registered at the UN, half of which are American and the other half European – are used as the executive arm of international agencies, which are much more bureaucratised and rigid. The latter therefore are much less suited to tackle unforeseen events with the speed required in humanitarian emergencies. As a whole, it does not seem possible to involve them in police force activities, also because of cultural problems. Indeed, some NGOs have psychological difficulties in accepting that the reinforcement of the state – including its coercive powers – has the highest priority in stabilisation. Moreover, it would be hard to impose standardised procedures on them. Nevertheless, their help may prove useful in other sectors of the law-enforcement and security packages. The EU should make every effort to promote the growth and the European transnational character of the existing large NGOs that dominate the sector (in the Kosovo emergency, the 20 main NGOs, which are becoming increasingly similar to multinational corporations, had the responsibility of almost 75% of the total humanitarian aid).

6.6 European Funding

In the military sector, the EU may create a common fund, which could be included or not within the Union's general budget, to fund special programmes such as the Torrejon satellite centre, or C⁴IRSTA capabilities, or rapid-reaction forces strategic air transport assets, etc. However, the financial burden of the various states' military contributions will fall almost completely on the single European countries and will be one of the main factors determining the definition and management of the ESDP. In the military sector, the European states will use, *de facto*, capabilities that are already available to them and that can be employed in external interventions because they are not engaged for national needs at that particular moment.

On the other hand, as far as EUCIVPOL – but also other components of the security and law-enforcement packages – is concerned, the resources needed for European interventions are generally additional to those necessary to meet the ordinary national needs. Police are usually anchored in the national territory, and the forces that are sent abroad must be removed from their normal institutional activities. This may pose considerable problems in the selection of personnel, considering the reluctance of the states to lose, even on a temporary basis, their most valid personnel. The ideal solution would be to convince the member states to increase their normal police forces, so that it would be possible to “ earmark ” the elements needed for international interventions on a dedicated basis. Unfortunately, it seems realistic to assume that the least qualified personnel will be earmarked for international interventions, with the exception, of course, of the commanding officers, who are crucial for the visibility and prestige of their country.

An example in case is provided by the IPTF in BiH, in which older, retired policemen were employed, whose physical endurance and psychological capability to adjust to the particular situation were reduced. The idea of hiring a private company – the Texas-based subsidiary of the British Dyn Corp – to select, recruit, provide basic training and also manage discipline for the American police contingent (about 160 police officers over a total of 1,800 in the IPTF) caused several problems, which had a negative impact on the image and credibility of the international action in BiH as a whole. This experience must not be repeated, despite the currently growing trend to use private companies to meet the needs of ever-larger sectors of public intervention.

Apart from the NGOs, whose important role has already been described, this trend has also emerged in the military sector. In this respect, the

desire of avoiding an overly direct involvement by the governments played a role, as well as the wish to overcome excessively intrusive Parliamentary controls, which are deemed incompatible with the flexibility demanded by the unpredictable, rapidly evolving situations that have marked the “resumption of history” since the end of the Cold War. Private military companies such as the American MPRI, which was employed in Croatia and BiH, are undergoing a revival. In my opinion, the use of civilian companies also in the logistics sector (from strategic transportation, hiring the Russian and Ukrainian Air Transport Fleet, to catering and supplies) is bound to expand.

All the problems that have emerged in the past international interventions, as well as the fact that civilian police employment is a crucial sector for the EU – since NATO will continue to play a dominant, if not exclusive, role in the military sector – seem to indicate that the creation of European common funding is critical for EUCIVPOL. A special emergency Commission fund or government contribution to the union for operating costs could be envisaged (for instance, it could cover one-third of the total cost of the countries’ contribution, and the total costs for the exercises decided by the EU).

Whilst operating costs should be included in the Community budget, since they are recurrent, procurement costs should be met by means of contributions by the member countries outside the EU budget. This will stimulate national contributions.

6.7 Non-Lethal Weapons

Especially in the extremely tense situation marking the aftermath of a civil war, when the wish for revenge still dominates and (not only light) weapons and explosives are widespread throughout the territory, the effectiveness of public security depends first of all on the credibility of the international community’s will to use all the necessary force to create or restore order.

Especially in the stage before a reasonable degree of disarmament of the paramilitary faction has been achieved, it is paramount that the international police forces are supported by the military. Otherwise, their firepower risks being overwhelmed. In the early stages of an intervention, actual counter-guerrilla operations or offensive actions to disarm the paramilitary groups may be necessary. In such cases, the military must be entrusted with the responsibility for the operations, whilst the police forces in the field should support them, also by providing technical

advice to the military commanders. Once again, it must be stressed that no artificial barrier must be created.

Problems arise, however, especially in identifying how far the use of force is acceptable and in determining if the police forces should take part in these enforcement operations, if they should wait and see, or if they should begin to prepare their specialised actions based on democratic policing, prevention, etc. – which, at the beginning, are only wishful thinking. It is difficult to elaborate general regulations. The relevant decision should be taken on a case-by-case basis. In my opinion, however, synergy and cooperation should be implemented from the beginning.

Some commentators maintain that greater recourse should be made to the new technologies of non-lethal or reduced-lethality weapons both by military and police units. According to many experts, however, these new weapons do not solve the basic problem. In fact, they limit losses in the armed groups and among the local population, but their systematic use reduces the deterrent value of the international force, thus encouraging attacks. Therefore, in a long-term perspective, their use may increase casualties, instead of reducing them, because decreased deterrence prolongs instability and makes successive interventions necessary. Although each individual intervention causes fewer casualties, both among the local population and among law-enforcement forces, in the end the total casualties may be higher.

The debate on non-lethal weapons is not strictly technical. It is mainly political, and it is too important for the EU decision-makers to ignore. Apart from the intrinsic effectiveness of such weapons, their availability and initial use may make a later use of lethal force more justified and legitimate.

It must also be noted that non-lethal weapons technologies are rapidly evolving, and their effectiveness may substantially increase, as both the US Marines Corps and the US Department of Justice have highlighted. A common European funding system also in the R&D sector may be taken into consideration. Detailed studies should be made on this subject, analysing their ethical-juridical aspects along with the political-strategic-operational and technical ones.

Similar studies should be funded in the sector of the new protection measures, since the need to reduce international personnel losses is paramount in all interventions. The spectre of the “Mogadishu line” haunts those responsible for Western interventions – maybe too much. This deprives the West of a considerable stabilisation capability.

6.8 Europol, the Central European Police Academy, the Association of European Police Colleges, the WEU Institute for Security Studies, etc.

Like the European Chief Commissioners Task Force, the Europol and the planned CEPA may also play an important role in the establishment, training effectiveness and development of EUCIVPOL's doctrine.

The action of Europol may especially focus on the legislation sector as well as on operational support (along with the Lion Group, the K4, etc.) in special sectors, such as anti-drug and anti-terrorism activities.

In turn, the CEPA may provide assistance in training and intermediate-level education, with assistance by the AEPC. The EU should take into account the proposal formulated by the Special Working Group established by Table III.B.V of the Stability Pact about the Regional Police Training Initiative, presented during its 23-24 October 2001 seminar in Bucharest.

The WEU Institute for Security Studies may be entrusted with conducting basic research to support decisions on the structure and legislation of EUCIVPOL, analysing past experiences, examining and assessing case studies and organising seminars and workshops to promote a culture on this particular sector of the CFSP/ESDP.

6.9 Selection of Police Officers for EUCIVPOL

The experiences made in the interventions in Croatia (UNTAES), BiH (IPTF and MSU) and Kosovo (UNMIK Police and OSCE KPS School) show the pivotal importance of providing personnel not only with excellent professional experience, fluent English and basic driving abilities, but also with excellent personal and professional qualities as well as with an aptitude to cooperate in an international environment. The involved states often provided a certain percentage of unfit personnel. Since police forces operate in small teams, within the local societies and in close contact with the local police forces they have to monitor, even a small number of unsuitable personnel may have a negative impact on the credibility, and therefore on the effectiveness, of the whole international intervention. This aspect is much more delicate for police than for military forces, who always operate in relatively large national units rather than on an individual basis.

Therefore, careful selection is crucial to ensure that the police officers actually meet the requested standards. Not all states are capable of carrying out such a selection. Obviously, police officers in charge of

monitoring or conducting direct investigative activities in the criminal or in the financial sector must have higher personal and professional qualities than those belonging to public order units, whose problems are simpler, since they are similar to those of the military forces.

Apart from the excellent standards of their police forces, the problem of rejecting unfit personnel is not as difficult for EU member states as for the UN. The latter is forced to recruit personnel also from totalitarian or developing countries by its multinationality principle. However, EUCIVPOL is faced by a similar problem, at least regarding the non-member states from which the Union requests, or which offer, force contributions.

A selection centre adopting the same rules used by the UN may be very useful. It may coincide with the centre established in Zagreb, which might be consolidated. As an alternative, a local police selection centre may be created, as happened in BiH and Kosovo. At any rate, cooperation by member states is crucial, because they must autonomously adopt the selection criteria envisaged for EUCIVPOL.

However, a form of safeguard must be established for those responsible and for the Senior Commissioner/Police Commander in the intervention areas. In case of EUCIVPOL intervention, legal rules should be established (which may be included in the code of conduct) envisaging the possibility of disciplinary and administrative sanctions by the EU authorities – clearly, with the involvement of and in coordination with the national people responsible. Naturally, such powers cannot be entrusted to the local institutions, since international police officers must be able to operate safely with the needed impartiality, and must therefore have guarantees and immunities similar to those granted to diplomats. On the other hand, simply sending home police officers who committed disciplinary offences or crimes is not enough. At a minimum, it should be arranged that the providing country pays a fine into the EU budget, and can later demand compensation from the police officer responsible.

Clearly, these measures are extraordinary: they are justified by the exceptional performances required of police officers, especially those in charge of “contact policing”, monitoring and direct investigations, and by the risk that inappropriate behaviour, even by few policemen, may undermine the image and credibility of the whole European intervention, damaging all the involved countries.

The level of integration that has been achieved in the EU should make these measures applicable, whilst they are normally impracticable within other types of intergovernmental cooperation. If the EU can solve this

issue effectively, the added value of EUCIVPOL as against the simple sum of national contributions would increase dramatically, because it would be a real force, not a mere patchwork of national contributions.

CHAPTER 7

CONCLUSIONS

7.1 Summary

Apart from the specific issues and proposals it contains, the single most important concept expressed in this report is that the rehabilitation of the State, including its coercive power, is essential for peace and stability. The second main concept is the need to be fully aware of the ties connecting security and development and to create highly decentralised organisations, providing them with enough flexibility to be able to adjust to the unpredictability, complexity and uniqueness of any situation.

In order to play an international role commensurate with its ambitions, interests and political, economic and cultural weight, Europe must first of all implement the fundamental principle of unity of command at the various levels. At the leadership level, there is an urgent need to put an end to the duality between the European Council and the Commission, which has played a significant role in the inefficiency of the initiatives of the European Union on the international scene following the September 11th attacks and the crisis of CFSP and ESDP.

At a political-strategic level, there is a need to improve coordination between the military and the civilian aspects of conflict and crisis prevention. In particular, Europe must not renounce its competitive advantage of having all-round competences and resources, which would enable it to implement unity of direction and management of interventions that are closely related to each other.

In particular, it is essential to improve coordination between military and police forces by overcoming the ideological approach, supported by some member countries, according to which the two are incompatible. Not only do such approaches make it impossible to meet the challenges that have to be faced, especially in the initial phases of emergency, but they have repeatedly proved poorly efficient – if not outright disastrous – during the interventions in the Balkans.

EUCIVPOL's importance will be heightened by the impossibility for the EU to meet the deadlines for the Helsinki Headline Goal FOCs in the military sector. Their achievement is prevented by dwindling defence budgets, combined with increased financial burdens for the transition from conscription to volunteer-based forces in many armed forces in continental Europe. Moreover, the European identity for military

interventions will always be limited by the need to have access to NATO assets as well as by the divergent stances by the EU member states on the levels of political-strategic autonomy the Union should pursue.

EUCIVPOL, on the other hand, can achieve full operational readiness without major difficulties and can be established on schedule. Therefore, it will become a fundamental instrument of European presence and visibility in the international context.

EUCIVPOL will be able to operate, also in the public order and security maintenance sector, only if the other two elements of the law-enforcement triad, that is, the judiciary and the penitentiary systems, are also operational. The system's full operational readiness creates very delicate problems since, unlike the military forces, EUCIVPOL and the other two triad components operate from within the involved societies, rather than outside of them, with a bottom-up rather than a top-down approach. Consequently, the effectiveness of their action requires a very deep understanding of the local cultures and realities, which can only be achieved by means of cooperation by local elements, which therefore should be attained as soon as possible.

There are essentially two cases for EUCIVPOL action:

- *Substitution of the local police forces*, if the intervention area governmental and administrative structures have collapsed or are inexistent; and
- *Assistance to the local forces*, including monitoring their efficiency as well as their compliance with human rights and democratic policing rules. At any rate, the second case is also one of the following phases in the first.

After the emergency interventions have been carried out, EUCIVPOL must aim at implementing a progressive transition of power and responsibility to the local authorities, according to the rules envisaged by a doctrine which should be flexible enough to adjust to the circumstances. During this extremely delicate stage, the unity of the law-enforcement triad must not be disrupted, and the transition must be closely related to the political-institutional changes aimed at transferring powers to the local authorities, so as to achieve a self-sustaining stabilisation: the law-enforcement triad, and especially the police forces, must always have very clear political counterparts.

These mechanisms must be envisaged by a doctrine that is compatible – preferably coinciding – with those of the UN and the OSCE, and

EUCIVPOL personnel must be adequately selected and trained to implement them. The problem of command and control in EU-led or non-EU-led operations plays a central role. In particular, political, strategic, operational or theatre and tactical planning and management capabilities must be foreseen. In particular, in order to guarantee intervention effectiveness and rapidity, a HQ provided with the necessary C³ capabilities should be envisaged to direct in-theatre EUCIVPOL contingents. Moreover, the General Affairs Council staff bodies should be adequately enhanced and provided with the capability to dispatch an advanced party in the field as soon as possible, to assess force requirements and to define the doctrine to be employed. The advanced force should be incorporated into the EUCIVPOL theatre command after it has been deployed.

A similar organisation should be envisaged in case of non-EU-led operations, although in such cases it would be desirable that the EU does not interfere in the direct contacts between the single states and the leading international organisation, in order to avoid complications, delays and red tape.

Special importance must be attached to the intelligence sector, by identifying the best types and mechanisms of cooperation, and to economic-financial police, which must always be a key component in the interventions both to combat crime and corruption and to rehabilitate and stabilise the states in which the intervention is carried out.

7.2 Recommendations

1. Developing, within the EU, a realistic political-strategic culture of crisis management that rejects the fashionable fiction of cooperation and goodwill by the local political authorities and ethnic groups in implementing the international agenda of pacification, rehabilitation and westernisation. Giving high priority to the reconstruction of the state and of its coercive power, relinquishing the unfounded idea that the transition from pre-modern to post-modern states can be carried out instantly.
2. Creating structures, at the political and strategic level, that can provide unity of command:
 - a) between the General Affairs Council and the Commission;
 - b) at theatre-of-intervention level; and
 - c) between the military and civilian aspects of crisis management and intervention.

3. To achieve point 2 a), the following seems necessary:
 - a) Providing the HR/SG with the double hat of EU Commissioner or, as an alternative, giving the role of HR/SG to the President of the Commission.
 - b) In the first case, the HR/SG should chair the COPS/PSC; in the second case, chairman role would be given to the Commissioner for CFSP/ESDP.
 - c) Providing the COPS/PSC with the configuration of a European Security Council, giving it executive powers towards the in-theatre EU Special Representative and 360° responsibilities (both military and civilian). To this effect, structures mirroring those of the military MS should be established also for EUCIVPOL, taking into account that its action is more decentralised (bottom-up rather than top-down) and more linked to the peculiarities of each society, because the police operate within it, not from without. Moreover, EUCIVPOL could benefit of an external planning capability like that of SHAPE used by the military component.
 - d) The Police Unit should be expanded, subordinated to a Deputy HR/SG for Police Affairs and organised so as to be able to provide strategic assessment and force generation as well to immediately dispatch an advanced party in the theatre which can be incorporated in the HQ of the EU Head of Petersberg Mission.
4. To achieve point 2b), it seems necessary to designate an EU Special Representative for each EU-led intervention. He or she should be subordinated to the HR/SG, have an all-round role and be assisted by a joint military civilian staff mirroring the COPS/PSC.
5. To achieve point 2 c), extreme flexibility seems necessary in reinforcing the COPS. In the first stages of an intervention, until the environment has become sufficiently secure, EUCIVPOL should be subordinated to the military command, whilst in the following stage – which should be established as soon as possible – the relationship could be reverted by means of the procedures established in BiH and in Kosovo for the Blue Box (the MSU was given tactical control (TACCON) of military forces in its area of responsibility for a given period).
6. The Council of Europe, a few relevant NGOs and bilateral associations between Western and local municipalities and regions could provide EUCIVPOL with important expertise in different fields.

7. The member states' reluctance to provide police forces and to take over direct law-enforcement tasks, rather than merely monitoring the local police, may create quantitative but primarily qualitative difficulties for EUCIVPOL. Creating standards (similar to the convergence criteria for the euro) to overcome them will be difficult. In any case, a common funding mechanism should be provided both for the police forces and for some capacities of the military ones. Moreover, some system of fines could be defined for the member states that do not comply with their contribution pledges.
8. The EU negotiations on EUCIVPOL must be consistent with those of UNDPKO and those of the CPC of OSCE (REACT). The Europol, the Central European Police Academy, the Association of European Police Colleges and the WEU Institute for Security Studies should support the initiative.
9. EUCIVPOL must extend its responsibility to the sectors of economic-financial crime and corruption, with the support of the IFI/EIB/EBRD, etc. This sector plays a pivotal role in both post-conflict rehabilitation and in the reconstruction of a failed state.

GLOSSARY OF ABBREVIATIONS

AEPC	Association of European Policy Colleges
AMF(L)	ACE (Allied Command Europe) Mobile Force (Land)
AOR	Area of Responsibility
BiH	Bosnia-Herzegovina
C ³	Command and Communications Control
C ⁴ IRSTA	Command, Control, Communications, Computers, Intelligence, Reconnaissance, Surveillance, Target Acquisition
CEP	Civil Emergency Planning
CEPA	Central European Policy Academy
CFSP	Common Foreign and Security Policy
CIMIC	Civil-Military Cooperation
CIVPOL	Civic Police
COPS/PSC	Comité Politique et de Sécurité/Political and Security Committee
CPC	Conflict Prevention Centre
CPX	Command Post Exercises
CRS	Compagnies Republiquaines de Sécurité
DCI	Defence Capabilities Initiative
EAPC	Euro-Atlantic Partnership Council
EBRD	European Bank for Reconstruction and Development
ECMM	European Commission Monitoring Mission
EIB	European Investment Bank
ESDP	European Security and Defence Policy
EUCIVPOL	EU Civil Police Force
EUMC	European Union Military Council
EUMS	EU Military Staff
FBI	Federal Bureau of Investigation

FOC	Full Operation Capabilities
FTX	Field Exercises
FYROM	Former Yugoslavia Republic of Macedonia
HR/SG	High Representative/Secretary General
HUMINT	Human Intelligence
HQ	Headquarters
IC	International Community
IFI	International Financial Institutions
IGC	International Crisis Group
IOC	Initial Operational Capabilities
IPTF	International Police Task Force
KPS	Kosovo Police Service
MOU	Memorandum of Understanding
MSU	Multinational Specialised Units
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisations
OIO	Other International Organisations
OPLAN	Operational Plans
OSCE	Organisation for Security and Cooperation in Europe
PC	Policy Commissioner/Police Commander
PfP	Partnership for Peace
PSC	Political and Security Committee
REACT	Rapid Expert Assistance and Cooperation Teams
ROE	Rules of Engagement
RRC	Rapid Reaction Capabilities
RRF	Rapid Reaction Forces
SACEUR	Supreme Commander Europe
SECI	Southeast Europe Cooperative Initiative
SEEBRIG	South-Eastern Europe Brigade

SFOR	Stabilisation Force
SIGINT	Signal Intelligence
SOFA	Status of Forces Agreement NO S
SOMA	Status of Mission Agreement NO S
SOP	Standing Operating Procedures
STANAG NO C	Standardization Agreement
TACCON	Tactical Control
TECHINT	Technical Intelligence
UNDPKO	United Nations Department of Peacekeeping Operations
UNCIVPOL	United Nations Civil Police
UNMIBiH	United Nations Mission to Bosnia-Herzegovina
UNMIK	United Nations Mission to Kosovo
UNPROFOR	United Nations Protection Force
UNTAES	United Nations Transitional Administration for Eastern Slavonia