DEVELOPING AND APPLYING EU CRISIS MANAGEMENT

TEST CASE MACEDONIA

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1. Introduction: Two Roles and Three Pillars

Throughout the 1990s, the notion of conflict prevention had an impressive career. It reappeared on the international scene when UN Secretary-General Boutros-Ghali coined the term "preventive diplomacy" in this *Agenda for Peace* (1992). Since then, several international organizations or multilateral institutions, including the UN and its sub-organizations, the OSCE, the OAU, the OECD or the G-8, have published piles of papers and declarations committing themselves to the prevention of violent or armed conflicts, to change their policies accordingly (e.g. in the area of development or financial aid) and to develop new or to reform old tools, ranging from fact-finding or observer missions, special envoys, the use of sanctions, peace-building efforts, institution-building, reconciliation processes to humanitarian aid as well as long-term financial and economic assistance. Until now, however, many celebrated declarations hardly moved from rhetoric to substance, the "culture of prevention", as it has been called by UN Secretary-General Annan, is still to be developed.

One comparatively new actor in this field is the *European Union,* which since the mid-1990s has largely followed the global trend among international organizations of reforming its structures and building capacities for conflict prevention and management. Before analysing the EU's policy more closely, two areas should be distinguished. While the first can be understood as *long-term* or *structural* prevention, the second can be seen as efforts of *short-term* or *operational* prevention, here also called *crisis management*. The former category includes all measures and policies which aim at eliminating deep-rooted sources of conflict, such as poverty, economic inequalities, discrimination, political repression or ineffective institutions, and seek to develop self-sustaining solutions in the long run. They are usually applied in a pre-escalation or during a post-escalation phase (peace-building). The latter category summarizes all activities which attempt to respond to immediate crisis situations in order to prevent the use of violence or, at least, to prevent further escalation, either in a vertical (deepening of the conflict) or horizontal way (spreading of the conflict to other regions).[1]

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[1] For the concept of conflict prevention, see in particular Carnegie Commission (1997), Lund (1996), Leatherman/DeMars/Gaffney/Väyrynen (1999).

– First, in relation to third countries the EU aims at strengthening and enforcing economic development, but also the respect of human rights, democratic values and the rule of law. For that purpose, the EU has launched various cooperation programmes, designed to assist political and economic transformation in all parts of the world, but in particular with regard to the Mediterranean area, to Central and Eastern Europe as well as to the Balkans (e.g. Phare, Tacis, Meda or Cards programmes). In some cases, this includes the prospect of EU membership; thus, the EU enlargement process itself can be seen as a measure of structural conflict prevention (see Rummel 1996).

– Second , within the framework of the *Common Foreign and Security Policy* (CFSP) the EU tries to deal with potential crises, on-going conflicts and/or post-conflict situations. Here, over the last decade the EU has developed procedures and mechanisms for improving the coherence and efficiency of the CFSP itself as well as a range of instruments and capabilities for addressing crisis situations.

The two aspects can also be related to the three pillars of the EU. Since the *Treaty on European Union*, better known as *Maastricht Treaty* (1991), the EU has been characterized by a three-pillar structure. The *first pillar* contains the "old" European Community (EC) and its competencies, which mainly refer to internal matters such as the common market, common agricultural, environmental, social, industrial or regional policy, but the first pillar is equally concerned with the management of relations with third countries or other international organizations in the areas of trade, development, humanitarian aid and technical assistance, as well as with preparing EU enlargement. The *second pillar* is devoted to the CFSP, which succeeded the former European Political Cooperation (EPC). While the EPC since 1970 offered only a rather loose framework for coordinating the Member States' individual foreign policies, the CFSP was intended to assure better cooperation among Member States and common decision-making, leading to a common foreign policy in specific areas, including security matters. The *third pillar* deals with questions related to justice and home affairs, which cover *inter alia* policing, asylum and immigration policy as well as combating organized crime. With regard to crisis management, this pillar plays only a minor role; however, in cases of international police missions such as in

Bosnia, Kosovo or Albania for instance, the EU can rely on its established cooperation in this area.

The three major EU institutions – the *European Council*, representing the governments of the Member States and headed by the rotating EU presidency, the *European Commission* and the *European Parliament* – have different rights and competencies in each pillar. The first pillar is marked by a *supranational* element, since in all areas, including budget matters, it requires decision-making according to the various Community methods under which the Council and the European Parliament act together as legislative bodies, on some issues by joint decision-making, on others by cooperation or consultation procedures.[2] Furthermore, in many policy areas the Council decides by qualified majority voting (QMV) or even by simple majority. The Commission as the main administrative body usually proposes and drafts the legislation and implements it via directives, regulations and decisions which are binding for all Member States. By contrast, the second and third pillars are fully *intergovernmental*. Here, the European Council acts as the sole legislator, mainly by consensus. The Commission is allowed to table proposals for political actions and often has to implement Council decisions. The Parliament on the other hand has only a consultative and advisory role; it basically has to rely on political clout in order to influence the CFSP.

This paper is largely concerned with *second-pillar activities*, i.e. with short-term prevention or crisis management efforts as developed or planned by the EU. Hence, it addresses two issues: first, it analyses the gradual development of the EU crisis management machinery by referring to the internal processes of establishing a political framework and of building capacities for EU crisis management (section 2 and 3). Second, it is concerned with practical applications and experiences in cases of crisis; in this context, the paper investigates the most recent conflict in Macedonia in order to show if and how the EU was able to respond adequately to this crisis (section 4).

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[2] For the various decision-making procedures, see Peterson/Blomberg (1999).

2. Shaping Political Will: The Development of the Common Foreign and Security Policy (CFSP)

2.1. General Background

First of all, one has to note that the name Common Foreign and Security Policy (CFSP) is misleading. The CFSP is not a policy in a strict sense, it is mainly a forum for debate and consultation among 15 sovereign states in order to develop a common policy on specific issues. For that purpose, the Member States must undertake some attempts to converge their individual foreign policies and to shape their common political will – a key precondition for any joint actions, be they related to long-term or short-term measures. In general, the establishment and the deepening of the CFSP has been driven by both external and internal challenges:

Externally, from its origin in 1991 the CFSP has been shaped by the events in Eastern Europe, the former Soviet Union and the Balkans. In particular, the successive conflicts in the former Yugoslavia and the failure of the international community to prevent or at least to contain civil wars highlighted the need for the EU Member States to act together and to develop a common foreign policy which would enable the EU as a whole to become more proactive in future cases of political crisis and violent conflict. As the EU Commissioner for External Relation, *Chris Patten*, put it in retrospect: "For years, European economic and political success was unmatched by our ability to project a common foreign policy. We talked a lot. We issued hand-wringing declarations. (...) But only with the Balkan crisis have we begun to engage directly in conflict prevention and crisis management."[3]

Internally, however, the CFSP has mainly been dominated by two different debates (see Laursen 1996). First, the Member States were divided over the *scope* of the CFSP: how far should a European foreign and security policy go? The two camps can broadly be labelled as "Europeanists" and "Atlanticists". One side, best represented by France, argued in favour of a "Europeanized" foreign policy, possibly including defence matters in the long run, more or less independently from the US and transatlantic structures such as NATO. The other side, most strongly advocated by Great Britain and Denmark, was more concerned with the transatlantic link and saw

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[3] Speech of EU Commissioner Chris Patten (16 December 1999) at the conference "The Development of a Common European Security and Defence Policy – The Integration of the New Decade", Berlin.

the CFSP as an exercise which should not compete with or even replace NATO, but rather complement existing security arrangements. Second, the Member States were also undecided about the *institutional form* of the CFSP: to what extent should the CFSP be a matter of the Union as a whole? Here, the two camps can be called "Intergovernmentalists" and "Supranationalists". One side saw the CFSP as a domain of the governments, as a purely intergovernmental project, executed by the European Council and the foreign ministers, which is based on unanimity and does not involve any other European institution. This position was held primarily by Great Britain and France. The other side, in particular smaller EU states, argued that the CFSP should be more "communitarized"; they wanted to strengthen the role of the Commission and the Parliament in CFSP matters, some even favouring the extension of qualified majority voting (e.g. Germany and Italy). Both debates were already very much under way at the time the Maastricht Treaty was negotiated and concluded. Therefore, the CFSP chapter as well as later reforms can be seen as a compromise between these positions.

2.2. The Maastricht Treaty (1991) and Beyond

Established by the Treaty on European Union, as agreed in Maastricht (TEU-M), the CFSP is guided by the following objectives (Art. J.1 TEU-M):[4]

- to safeguard the common values, fundamental interests and independence of the Union;
- to strengthen the security of the Union and its Member States in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the UN Charter (1945)as well as the principles of the CSCE Helsinki Final Act (1975) and the objectives of the CSCE Paris Charter (1990);
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

On that basis, the Member States agreed to support the Union's external and security policy and "refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations" (Art. J.2). By improving the role of the EU Presidency and the EU Troika (consisting of the

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[4] For the establishment of the CFSP by the Maastricht Treaty, see Laursen (1996), Cameron (1999: 23-32), Forster/Wallace (2000).

Presidency and the previous and the incoming presidencies), the Union also attempted to enhance its visibility in world politics and in international organizations (Art. J.5). For similar reasons, France and Great Britain as permanent members of the UN Security Council were asked to act in the "sense of the Union's interest" (Art. J.5). While the European Council as main actor had to "ensure the unity, consistency and effectiveness of the action by the Union" (Art. J.8), the other European institutions played only a secondary role in CFSP: the Commission was "fully associated" (Art. J.5) with the CFSP, the Parliament had to be consulted on the main aspects of the CFSP and regularly informed by the Presidency and the Commission (Art. J.7).

As new policy tools the Treaty introduced *common positions* and *joint actions* (Art. J.2). The former is a necessary precondition for arriving at a common policy, the latter aims to translate this policy into action. Joint actions have a more specific scope and respond to concrete situations; their objectives, their duration and the means necessary for implementation are usually defined. The monitoring of free elections in South Africa in 1993 is an example of one of the first joint actions agreed by the EU (see White 2001: 84-92). In total, until 1996 fewer than 40 joint actions were adopted, mostly related to developments in the Balkans, the Middle East and Africa (Forster/Wallace 2000: 484). Generally, both common positions and joint actions had to be decided by consensus. Exceptions were possible when it came to the implementation of an agreed joint action. Then, qualified majority voting was allowed. In practice, however, that rule was hardly ever applied.[5]

Finally, the development of a common security policy gained momentum: The *Western European Union* (WEU), founded in 1955 and officially revitalized in 1984, became "an integral part of the development of the Union" and could be requested "to elaborate and implement decisions and actions of the Union which have defence implications" (Art. J.4). The WEU, consisting of ten EU Member States and a network of observers, associated members and partner states, was used as a forum since it proved to be too difficult to discuss the military dimension of security within

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[5] For instance, between November 1993 and December 1994 eight joint actions were decided, only in one case QMV was used in the course of implementation, see Algieri (1998: 95).

the EU framework.[6] Some EU states hesitated to use it as such because of their traditional neutrality (Ireland, later also Austria, Sweden and Finland), others such as Great Britain and Denmark, feared that a EU military dimension would weaken transatlantic ties. Thus, the WEU served as a platform for developing a *European Security and Defence Identity* (ESDI) outside the EU and at the same time as a link between the EU and NATO. In June 1992, the WEU decided to engage in military crisis management through the so-called "Petersberg Tasks", which involved the following three areas: "humanitarian and rescue tasks; peacekeeping tasks; tasks of combat forces in crisis management, including peacemaking".[7] For that purpose, the WEU would gain access to NATO assets and capacities; this led to the concept of "Combined Joint Task Forces" (CJTF) (see Cameron 1999: 75-76).

During the post-Maastricht period, however, many expectations within and outside the EU were disappointed. The Commission, in particular, noted the deficits of the CFSP. Based on the experiences between 1993 and 1996, it concluded that the EU had failed "to assert its identity on the international scene" and had been reactive rather than active.[8] There were several reasons for that disillusionment: First, the implementation of the new CFSP could only begin in November 1993 when the Treaty was finally ratified. By that time, the EU was already heavily involved in the Balkans, most notably in Bosnia, but was lacking the necessary internal structures. Second, the Member States continued to pursue their own national foreign policy goals, often at the expense of a consistent European policy (Forster/Wallace 480-481). Third, the establishment of the CFSP inevitably led to considerable turf battles between foreign offices, between the EU bodies as well as between individual foreign offices and European institutions. Fourth, since CFSP decision-making was based on consensus and organized in a purely intergovernmental framework, the key question was always how to get the Member States to agree on a common policy rather than to contribute most effectively to the solutions of problems in the world outside the EU (Peterson/Bomberg 1999: 245). Fifth, the Council of Foreign Ministers - also known

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[6] While ten EU Member States have a full membership, Denmark, Finland, Sweden, Austria and Ireland obtained an observer status. Associated members of the WEU are other non-EU states which are members of NATO: Iceland, Norway, Turkey, Poland, Hungary and the Czech Republic; associated partners are Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia. For the structure and the development of the WEU, see Cahen (1989), Laursen (1996: 173-174), Barschdorff (1997).

[7] See Petersberg Declaration by the WEU Foreign and Defence Ministers, 19 June 1992.

[8] Commission's submission to the IGC in February 1996, see Cameron (1999: 61).

as General Affairs Council (GAC) - as the central body in the CFSP was heavily overburdened and had to cope with overcrowded agendas which led "to a lack of focus" (Hayes-Renshaw/Wallace 1997: 31). Assisted by the *Committee of the Permanent Representatives* (COREPER), the GAC was not only concerned with responding to crises and violent conflicts, but also had to deal with all kinds of external policies, ranging from enlargement to world trade matters, and

By the time the Maastricht Treaty was finalized, the Member States had already decided to review the CFSP at the following Inter-Governmental Conference (IGC), which prepared the next Treaty revision. Again, the IGC negotiations exposed the divergent viewpoints of the Member States on the CFSP (see Cameron 1999: 60-64): Most disputes concerned the extension of QMV, the complete integration of the WEU (as proposed by France, Belgium, Spain and Italy), the idea of abolishing the three-pillar structure in order to "communitarize" the CFSP (as proposed by Germany and the Commission) and, in particular, the role of the so-called "Mr/Ms CFSP" or the High Representative who was supposed to improve the continuity and the visibility of the CFSP. While the French government, which invented this idea, considered the post to be a high-profile position for a well-known politician, the British and German governments had a senior official in mind who would not serve as a European counterpart to the foreign offices (Forster/Wallace 2000: 482).

2.3. The Amsterdam Treaty (1997) and Beyond

The negotiations resulted in the *Amsterdam Treaty* (TEU-A, 1997), which led to some improvements regarding the CFSP (Art. 11-28 TEU-A), but did not resolve the main cleavages between the Member States.[9] The most important innovation was indeed the establishment of a *High Representative* for the CFSP, nominated for a five-year term (Art. 18), who would also act as the Secretary General of the Council administration. The arrangement can be understood as a compromise between the French and the German/British positions, since the new post has been designed in such a way that it comprises both politico-diplomatic and administrative tasks (see Frisch 2000: 10). The Secretary General/High Representative (SC/HR) "shall assist the Council (...) in particular through contributing to the formulation, preparation and implementation of policy decisions and, when appropriate and acting on behalf of the

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[9] See Algieri (1998), Cameron (1999: 60-68), Peterson/Bomberg (1999: 230-231), Forster/Wallace (2000: 482-487).

Council at the request of the Presidency, through conducting political dialogues with third parties" (Art. 26). In order to include the SC/HR in the Troika, its format was modified (Art. 18); the external representation of the EU is now headed by the Presidency assisted by the High Representative and, if needed, by the incoming Presidency. Furthermore, the Treaty allows for the appointment of *special representatives* with a mandate for particular policy issues (Art. 18). In addition to the SC/HR, their work should ensure continuity and visibility of the Union in conflict regions or crisis situations. The Member States hereby formalized a practice which had already been in use in relation to Bosnia where the Union had appointed several special envoys since 1991.

Another internal reform concerned the role of the *Political Committee*, composed of the Political Directors of the Member States and the Commission, which usually prepares the CFSP decisions of the General Affairs Council. According to the Treaty (Art. 25), the Committee "shall monitor the international situation in the areas covered by the common foreign and security policy", "contribute to the definition of policies by delivering opinions" and "monitor the implementation of agreed policies". Furthermore, for crisis management purposes, the Political Committee should be able to meet "at any time, in event (sic) of international crises or other urgent matters, at very short notice at Political Director or deputy level".[10] At the level of Ministers, the crisis procedure has also been changed (Art. 22): "in cases requiring a rapid decision", the Presidency can call either at its own initiative or at the request of a Member State or the Commission an extraordinary Council meeting within 48 hours "or, in an emergency, within a shorter period

In addition to common positions and joint actions, the Treaty adds a new policy instrument, based on a French proposal: *common strategies*. They are seen as a platform which should provide better coherence between the Member States and the Union in policy areas or geographic regions "where the Member States have important interests in common". Common strategies have to set out "their objectives, duration and means to be made available by the Union and the Member States" (Art. 13). A common strategy is considered a general framework for achieving specified

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[10] See Amsterdam Declaration no. 5 on Article 25.

goals which can be implemented by joint actions and common positions.[11] The concept of joint actions has been further elaborated in order to make it more flexible towards changing situations and to ensure the commitments of the Member States (Art. 14).

In relation to these policy instruments, the decision-making rules were also modified (Art. 23). Joint actions and common positions can now be adopted by qualified majority; the same applies to decisions on the basis of a common strategy which has been agreed by consensus. For adoption, more than two thirds of the weighted votes are necessary and at least ten Member States have to vote in favour of a decision.[12] But if a Member State declares "for important and stated reasons of national policy" that it will oppose a decision taken by QMV, a vote will not be taken. The Foreign Ministers may then refer the disputed matter to the European Council which has to decide unanimously. In other words: despite the improvements in QMV, each state still possesses a veto power which could eventually block any decision in the CFSP. In order to prevent this outcome, the Treaty allows for a new mechanism called "constructive abstention" (Art. 23). By using this opportunity, a Member State "may qualify its abstention by making a formal declaration" and "shall not be obliged to apply the decision, but shall accept that the decision commits the Union". The abstaining state is asked to "refrain from any action likely to conflict with or impede the Union action based on that decision". However, if the abstaining Member States together account for more than one third of the weighted votes, the decision cannot be adopted. This rule is widely seen as a reaction to the Greek veto on the recognition of Macedonia or on matters in relation to Turkey which used to block any common policy (Forster/Wallace 2000: 484). On the one hand, the mechanism certainly increases the flexibility of the CFSP since a "coalition of the willing" could no longer be prevented to act (Peterson/Bomberg 1999: 230). On the other hand, it runs the risk of splitting the CFSP into different groups of states which act together on a particular issue.

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[11] The first common strategy (on the future relations between the EU and Russia) was adopted by the European Council at the Cologne summit in June 1999.

[12] By the time of the Amsterdam Treaty, 62 votes (out of 87) were necessary for adopting a decision by QMV, for example Germany, France, Great Britain and Italy cast ten votes each. The number of votes for each state has been changed by the Treaty of Nice (2000).

Finally, the Treaty reaffirms the role of security policy and therefore strengthens the relationship between the EU and the WEU. But, despite a French proposal, the WEU has not been fully integrated into the EU. On the basis of a joint paper by Finland and Sweden (April 1996), however, the Treaty paved the way for a closer association in particular with regard to crisis management. Generally, the CFSP is "covering all aspects of foreign and security policy" (Art. 11), including "matters with defence implications" (Art. 13). For that purpose, the EU could now "avail itself of the WEU to elaborate and implement decisions and actions" which have either defence implications or are related to crisis management according to the "Petersberg tasks" which have been explicitly included in the Treaty (Art. 17). As far as these tasks are concerned, all EU Member States, be they WEU members or only observers, have the right to participate fully and on an equal footing in planning and decision-making in the WEU. In future, both organizations will foster closer links and enhance their cooperation with the possibility of the "integration of the WEU into the Union, should the European Council so decide" (Art. 17.1). The inter-institutional relationship has been specified further by a separate Amsterdam Declaration of the WEU members: for instance, both organizations will hold joint meetings, the sequences of the Presidencies of the WEU and the EU will be harmonized as much as possible, the work of the two Secretariats will be coordinated more closely, and the relevant EU bodies will use WEU planning and early warning resources (i.e. WEU Planning Cell, Situation Centre and Satellite Centre). At the same time, the Declaration underlines the link between WEU and NATO. As a "European pillar" within the Alliance, the WEU shall be actively involved in NATO defence and military planning as well as in crisis management.[13] Subsequently, the WEU was more and more transformed into a "security agency" under the umbrella and guidance of the EU.

In short, the Amsterdam Treaty led to a further "Europeanization" (or "Brusselization") of foreign and security policy, exemplified by the new High Representative (located in Brussels), but not necessarily to a "communitarization" (see Peterson/Bomberg 1999: 246-249). The role of the Commission and the Parliament has been improved only marginally (Art. 18, 21, 27); no further competencies were transferred. The Council remained the supreme actor in the CFSP, formulating its

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[13] See WEU Amsterdam Declaration on the Role of Western European Union and its Relations with the European Union and with the Atlantic Alliance.

policy mainly via the GAC, COREPER (Committee of the Permanent Representatives), the Political Committee and various Working Groups which are concerned with horizontal issues (such as human rights, disarmament or non-proliferation of nuclear weapons), geographical regions or conflicts, for instance by establishing *ad hoc* groups on the Middle East Peace Process or on the former Yugoslavia (see Cameron 1999: 34-35). De facto, however, the Commission gained more and more influence in the CFSP: first of all, the Commission is represented in most CFSP bodies. Second, it has to implement or has to finance joint actions according to the new budgetary procedures (Art. 28). The CFSP chapter within the EU budget includes, for instance, election observation and monitoring, special representatives, conflict prevention and peace-building, support for disarmament activities and for international conferences (see Algieri 1998: 105-107). The Commission, therefore, expanded its activities and administrative resources on CFSP-related issues. Since 1993, one Commissioner has also been responsible for CFSP matters (former DG IA, today DG RELEX (External Relations)), covering human rights policy, election assistance and observation, security issues, relations to other international organizations and the Commission's network of delegations around the world. Moreover, in 1991 the Commission established the *European Community Humanitarian Office* (ECHO) in order to provide humanitarian aid in cases of natural disasters and armed conflict. ECHO mainly operates through field teams which assess the local situation and through specific budget lines for emergency and relief measures. The Office also organizes training seminars for aid workers, attempts to raise public awareness on humanitarian issues and supports humanitarian NGOs. Surely, ECHO is not part of the CFSP, since the Office acts under the principle of impartiality and non-discrimination, i.e. humanitarian assistance should not be guided by political considerations or specific foreign policy goals. In other words, relief aid should be given according to need and not according to political factors. However, by all practical means, the work of ECHO is often a necessary condition for efforts in conflict prevention or crisis management (see International Crisis Group 2001c).

Similarly to the Maastricht Treaty, the implementation of the Amsterdam revisions was overtaken by events. Before they were ratified by all Member States and could enter into force on 1 May 1999, two interrelated developments had inspired another round of CFSP reforms. First, the Kosovo conflict, turning into large-scale violence in

February 1998, highlighted again the severe problems of the CFSP in civilian and military crisis management, in particular when compared to US foreign policy. Second, the British and French positions on military and defence matters within the EU converged (see Forster/Wallace 486-487, Algieri 2001: 163-164). In their joint *St. Malo Declaration* (3-4 December 1998), both governments acknowledged the need for the EU "to have the capacity for autonomous action, backed up by credible military forces". This should be done within the institutional framework of the EU, including meetings of the defence ministers. Therefore, the EU should absorb the WEU's security functions without duplicating existing NATO structures. The Declaration can be seen as an attempt to ease the long-standing dispute between "Europeanists" and "Atlanticists" which partly prevented a deepening of the CFSP, most notably with regard to security matters.[14]

The British-French initiative paved the way for the decisions at the EU Summit in Cologne (June 1999) where the Member States agreed to integrate the WEU functions and stated that by the end of 2000 "the WEU as an organization would have completed its purpose".[15] By the same token, the Cologne Summit opened the door for new structures and instruments in crisis management, including military means. By and large the EU Council confirmed the St. Malo Declaration by stating:

> In pursuit of our Common Foreign and Security Policy objectives and the progressive framing of a common defence policy, we are convinced that the Council should have the ability to take decisions on the full range of conflict prevention and crisis management tasks (...), the 'Petersberg tasks'. To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO.[16]

Above all, the Member States nominated the then NATO Secretary General and former Spanish Foreign Minister, Javier *Solana*, as the first High Representative for

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[14] The British-French initiative was followed by other bilateral statements pointing into a similar direction, e.g. the Franco-German Declaration in Toulouse (May 1999) on the Integration of the WEU into the EU and the British-Italian Joint Declaration (July 1999) on European defence capabilities, see Algieri (2001: 164).

[15] European Council in Cologne (3-4 June 1999), Annex III, European Council Declaration on Strengthening the Common European Policy on Security and Defence.

[16] European Council in Cologne (3-4 June 1999), Annex III, op. cit..

the CFSP, thereby finally following the original French concept for the SC/HR. Solana took up his new post in October 1999.

In other words: at the end of the decade, the CFSP developed largely in the direction of the "French blueprint". The CFSP has clearly been "Europeanized" further, while at the same time preserving transatlantic links. It still operates on a purely intergovernmental basis; it covers all aspects of security, including military and defence matters; and it is now represented by an internationally well-known senior politician. Regarding civilian and military crisis management, however, much time has been lost through inward-looking debates, institutional in-fighting and internal structural changes.

3. Building Capacities: Crisis Management Structures and Instruments

As indicated above, immediately after the Kosovo war (1998-99) the EU started to rapidly develop its crisis management capabilities. Introduced by the Cologne Summit, the following European Council meetings in *Helsinki* (December 1999), *Santa Maria da Feira* (May 2000), *Nice* (December 2000) and *Gothenburg* (June 2001) led to significant changes in CFSP structures and policies, which in part gained a legal basis by the *Nice Treaty* (TEU-N).

Enhanced Cooperation in the CFSP
In general, the *Nice Treaty* extends the mechanism of "enhanced cooperation" to the CFSP, a procedure that has already been used in other policy areas (see Algieri 2001: 192-195). The idea is to enhance the flexibility of the EU by allowing a group of Member States to deepen their cooperation and to act without necessarily achieving a consensus among all Member States. In the field of the CFSP this is possible if at least eight Member States participate (Art. 40a, 43 TEU-N) and if the Council as a whole has agreed by qualified majority (Art. 27c). This form of cooperation is, however, limited to the implementation of common positions and joint actions and may not include actions with military implications (Art. 27b). In principle, an intensified cooperation has to be open to all EU Member States. In responding to

crisis situations, this mechanism can foster quick decision-making, since a group of EU states may go ahead without being blocked by others who are unwilling or undecided to act.

Political and Security Committee (PSC)

For crisis management activities proper, however, the most important innovation is the newly established <u>Political and Security Committee</u> (PSC, operating since March 2000), composed of national representatives (political directors or deputies). The PSC serves as the linchpin for the CFSP, including the recently announced *Common European Security and Defence Policy* (CESDP). It may be chaired by the High Representative, in particular in cases of crisis. As a matter of routine, the PSC will carry out the following functions (Art. 25 TEU-N):[17]

– analysis of the international situation and definition of policies by drawing up opinions for the Council, either at the request of the Council or on its own initiative;

– monitor the implementation of agreed policies;

– examine draft conclusions of the GAC;

– provide guidelines for other Committees, including various CFSP Working Groups, the *Military Committee* and the *Committee for Civilian Aspects of Crisis Management*;

– lead political dialogue on military and defence issues, in particular with non-EU NATO members and NATO;

– take responsibility for the political direction of the development of military capabilities.

In the event of a crisis, the PSC plays a crucial role within the EU structure. The Committee shall examine all the options for EU crisis management and recommend "a cohesive set of options" to the Council. Furthermore, it has to observe the implementation of the measures adopted and exercises "political control and strategic direction" in cases of military operations.[18]

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[17] European Council in Nice (7-9 December 2000), Presidency Report on the European Security and Defence Policy, Annex III.
[18] European Council in Nice (7-9 December 2000), Presidency Report on the European Security and Defence Policy, Annex III.

EU Military Committee and EU Military Staff

For all military questions, the PSC is supported and advised by the <u>EU Military Committee</u> (EUMC), also established in March 2000 and consisting of the national Chiefs of Defence or their military representatives. The EUMC has a permanent Chairperson, selected by the Chiefs of Defence and appointed by the Council for three years. He functions as the highest military official of the EU and acts as military adviser to the High Representative. He also participates in the PSC and attends, if necessary, Council meetings. The EUMC serves as "the forum for military consultation and cooperation between the EU Member States"; it develops the overall concept for military crisis management, provides risk assessments of potential crises, analyses the military dimension of a crisis situation and maintains military relations with non-EU NATO members, other states and organizations, including NATO.[19] The EUMC is, in turn, supported by the <u>EU Military Staff</u> (EUMS), consisting of approximately 120 officers seconded from the Member States. The EUMS has taken over the former WEU functions, most notably "early warning, situation assessment and strategic planning for the 'Petersberg tasks', including identification of European national and multi-national forces". More concretely, under the direction of the EUMC, the staff shall plan, conduct and evaluate the military aspect of EU crisis management, monitor potential crises by using the Member States' and other intelligence services, list available forces for EU-led operations, in coordination with NATO, and function as liaison to national headquarters.[20]

For the time being, however, the EUMS will be primarily occupied with plans to develop the EU's <u>Rapid Reaction Force</u>. As agreed by the Helsinki Council, until 2003, the EU will be able to deploy within 60 days military forces of up to 60,000 soldiers, which do not constitute a European army, but are drafted from national or multinational units (e.g. Eurocorps).[21] They are authorized to carry out the "Petersberg Tasks", including "the most demanding", i.e. covering the full range up to "peace-making" by fighting units. The forces must be prepared to sustain a deployment for a

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[19] European Council in Nice (7-9 December 2000), Presidency Report on the European Security and Defence Policy, Annex IV.

[20] European Council in Nice (7-9 December 2000), Presidency Report on the European Security and Defence Policy, Annex V.

[21] European Council in Helsinki (10-11 December 1999), Presidency Report on Strengthening the Common European Policy on Security and Defence, Annex 1.

minimum of one year, which implies that an EU-led military operation could involve de facto more than 60,000 soldiers in order to provide replacements on a regular basis. These forces may also include voluntary contributions from non-EU, but European NATO members (Norway, Turkey, Poland, Hungary, Czech Republic, Iceland) and from candidates for EU accession. This requires specific consultation and decision-making mechanisms between the EU and these states, covering regular dialogue on military issues, pre-operational stages when options for action are considered and concluded and, finally, the operational phase as such. For this final stage, an *ad hoc* Committee of Contributors will be set up in which contributing non-EU states shall have the same rights and obligations as EU Member States. Another important aspect will be the development of the interoperability of the (national) forces, covering command, control, communication and intelligence capacities, terms for exercises, training and equipment as well as defence planning. The ultimate precondition for EU-led operations, however, are inter-institutional arrangements with NATO, since the EU would have to rely to a large extent on NATO resources, logistics and personnel. Therefore, various EU-NATO *ad hoc* working groups have been set up.

Civilian Crisis Management

Concerning civilian capabilities, the PSC is supported and advised by the Committee for Civilian Aspects of Crisis Management (set up in May 2000), consisting of experts from national ministries. Based on the decisions by the Feira Council and by the Nice Council, the EU will primarily be active in the following areas: international policing, strengthening the rule of law and civilian administration as well as civil protection.[22] Top priority has been given to the first issue: Until 2003, the EU wants to be able to send up to 5,000 police officers abroad for preventive actions or post-conflict peace-building, 1,000 of them to be deployable within 30 days. They should either replace local police forces or strengthen them (e.g. by providing assistance or training facilities). The Committee identifies possible missions, defines the capabilities needed and calls for contributions. Non-EU members are in principle invited to participate in these EU police missions. For technical support, the EU develops its own policing capabilities database and establishes a *Police Unit* in the Council Secretariat. EU

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[22] See European Council in Santa Maria da Feira (19-20 June 2000), Presidency Report on Strengthening the Common European Policy on Security and Defence, Annex III; European Council in Nice (7-9 December 2000), Presidency Report on the European Security and Defence Policy, Annex II.

policing raises also the question of interoperability of the participating national police officers, including common equipment, adequate training, common vocabulary and guidelines.[23] Along similar lines, the EU will build capabilities in order to send civilian personnel on international missions within a short timeframe. Again, until 2003, the EU plans to contribute up to 200 juridical and penal experts, including prosecutors and judges, to set up a pool of experts for all aspects of public administration and to provide civil protection teams consisting of up to 2,000 persons which shall in particular assist humanitarian actors (e.g. search and rescue, construction of refugee camps, logistical support, establishing communication systems).[24]

The Role of the High Representative

The key figure for EU crisis management, however, has become the High Representative for the CFSP. He is closely linked to the new intergovernmental bodies, to the EU foreign ministers and to the EU Presidency. Formally, he is appointed by the Council and receives his orders from the foreign ministers.[25] In practice, however, he can influence the decisions of the Council by his suggestions and has considerable freedom of action. He thus became rapidly involved in various issues, most notably in the Middle East peace process, the crisis in southern Serbia (2001) and the conflict in Macedonia (2001). Since his first days in office, however, he has also dealt with the relationship between the EU and Turkey as well as between the EU and Russia, he has maintained regular contact with the Yugoslav opposition as long as the Miloševic regime was in power and visited various crisis zones (such as Kosovo). In his daily work, the SC/HR is supported by the newly established Policy Planning and Early Warning Unit (better known as Policy Unit), as outlined by the Amsterdam Treaty. In general, the unit has the following tasks: "monitoring and analysing developments in areas relevant to the CFSP; providing assessments of the Union's foreign and security policy interests and identifying areas where the CFSP could focus in future; providing timely assessments and early warning of events or

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[23] For details, see *Police Action Plan*, concluded by the European Council in Gothenburg (15-16 June 2001), Presidency Report on European Security and Defence Policy, Annex I.

[24] These targets have been specified by the European Council in Gothenburg (15-16 June 2001), see Presidency Report on European Security and Defence Policy, Annex III (New concrete targets for civilian aspects of crisis management).

[25] In future, the SC/HR as well as special representatives shall be elected by QMV (Art. 207 TEU-N).

situations (...) including potential political crises; producing (...) argued policy options papers (...) as a contribution to policy formulation in the Council (...)."[26] In reality, despite its wide-ranging tasks, the unit consists of only about 20 officials, including 15 diplomats (one from each Member State) who de facto act as liaison between the EU and the Member States' foreign offices. Its internal structure is rather flexible: the unit is subdivided into various task forces reflecting the HR's agenda. For the time being, top priority is given to the Balkans and the Middle East as well as to the EU's relationship to Russia. However, the unit also prepares strategy papers about other potential conflict zones (e.g. Indonesia or Moldova) in order to fulfil the ambitious goal of informing political decision makers as early as possible about upcoming events and conceivable policy options.

Early Warning and Political Analysis

For that purpose, the Policy Unit together with the EUMS established a joint civil-military <u>Situation Centre</u> (SitCen), operating since early 2000, whose task is to collect and analyse various sources of information, including media reports, public materials, governmental resources as well as intelligence services. Moreover, the EU SitCen has established contacts with its counterparts at NATO, the UN and the OSCE. In cases of a particular crisis, an *ad hoc Crisis Cell* will be set up which also includes officials of the EU Presidency and the EU Commission in order to assure a better flow of information. For the same reason, in future liaison officers from other international organizations may be included. The instrument of a Crisis Cell had been used, for instance, during the presidential elections in Serbia in October 2000 when the EU strongly supported the Serbian opposition parties. Another early warning tool, could be the <u>EU Satellite Centre</u> in Terrejon/Spain, which was established by the WEU and has been integrated into the EU framework. The same applies to the former WEU <u>Institute for Strategic Studies</u> (Paris), which will now provide the EU and, in particular the SC/HR, with scholarly analysis.

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[26] See Amsterdam Declaration no. 6 on the Establishment of a Policy Planning and Early Warning Unit.

EU Monitoring Mission and Special Envoys

Since December 2000, Solana also has the reformed <u>EU Monitoring Mission</u> (EUMM) at his disposal.[27] As early as 1991, these missions (formerly ECMM) were active in Croatia and Bosnia; at times, more than 400 observers were deployed in order to monitor for instance cease-fires or the return of refugees. The new structure will have smaller and more flexible teams, which can be regrouped quickly, depending on the crisis situation. In total, the number of observers should not exceed 120to 130. They are mostly trained militarily, but the capacity for political analysis has been increased at the EUMM headquarters in Sarajevo. EUMM teams are still operating in the Balkans, since early 2001 increasingly in Southern Serbia (Preševo-Valley) and in Macedonia. In principle, however, the EUMM may also be deployed outside Europe if the EU Member States as well as local conflicting parties so wish. Finally, the activities of the SC/HR are often supported by <u>special representatives</u> who are appointed by the European Council but in their daily work are closely linked to the SC/HR. Over the past years, the EU has significantly increased the number of special representatives. They are used either as long-term coordinators of EU policy towards a region or on a short-term basis as "trouble-shooters" for a specific crisis.[28]

Role of the EU Commission

The new outlook of EU crisis management has also led to changes within the EU Commission, in particular under the guidance of the Commissioner for External Relations, Chris Patten. Within the <u>Directorate General for External Relations</u> a small unit on "Conflict Prevention and Crisis Management" has been set up. The unit is linked to the staff of the SC/HR in order to coordinate the Commission's and the Council's policies. Since the Commission often has to finance and implement decisions related to crisis management, the most important innovation is the so-called <u>Rapid Reaction Mechanism</u> (RRM), introduced in February 2001 after lengthy debates between the Commission and Council.[29] The RRM addresses the notorious problem that the EU, due to rather complicated budgetary procedures, needs months

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[27] See Council Regulation, December 2000.

[28] Examples for the former are *Miguel Moratinos* (Middle East, since 1996), *Aldo Ajello* (Great Lakes/Central Africa, since 1996) or *Bodo Hombach* (Stability Pact/South Eastern Europe, since 1999); examples for the latter are *Wolfgang Petritsch* (Kosovo, 1998-1999), *Felipe Gonzales* (Yugoslavia, June to Oct. 1999) and *Francois Léotard* (Macedonia, since June 2001).

[29] See Council Regulation, 26 February 2001. See also Communication from the Commission on Conflict Prevention, 11 April 2001.

and sometimes years to transfer funding. Quite simply, these regulations would make any reasonable crisis management activity impossible. The RRM, however, provides the Commission with a legal and financial framework by which civilian measures for crisis management can be financed at a very short notice, i.e. within days rather than months or even years. Ideally, the RRM (with a budget of 20 Mio. EURO in 2001, 25 Mio. EURO in 2002) will be used for the initial financing of short-term actions in situations where a serious crisis is looming. The funding may be used for supporting local NGOs or grassroots groups, assisting peace-building efforts, fact-finding missions, mediation activities or the dispatch of EU experts at short notice. Furthermore, the Commission aims at better coordinating its short- and long-term activities in conflict prevention through the establishment of EuropeAid in early 2001. For the first time, this agency pulls together under one umbrella all EU cooperation programmes, including the European Development Fund. In this respect, the Commission has underlined in a policy document its goal to build "the objectives of peace, democracy and political and social stability more clearly into our assistance programmes", including "placing greater emphasis on support to the building of stable institutions and the rule of law". For that purpose, the Commission will use *inter alia* the development of specific Country Strategy Papers as a new instrument for identifying potential conflict situations and adequate countermeasures.[30]

Inter-Institutional Cooperation

Since the activities of the SC/HR and the Commission may in fact complement each other, their cooperation is of key importance for effective EU crisis management. While the SC/HR acts more as a "crisis manager" by visiting areas of conflicts, initiating dialogue or undertaking mediation efforts, the Commission can strengthen these activities with the allocation of resources and long-term commitments. Despite media reports of rivalries, notably between the main actors Solana and Patten, both institutions have over time developed close working contacts. For example, Solana's Policy Unit has access to all reports from EU delegations around the world, which provides a valuable network of resources; in turn the Commission is regularly informed and consulted about Solana's activities. One important joint product has been a report, presented to the Nice Council, in which the SC/HR and the

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[30] See Communication from the Commission on Conflict Prevention, 11 April 2001.

Commission developed a common understanding of conflict prevention and crisis management and made suggestions for improving the effectiveness and the coherence of the EU in this area.[31] This report led to the *Programme for the Prevention of Violent Conflicts*, adopted at the EU summit in Gothenburg (June 2001) in which the most important medium-term goals for EU crisis management are outlined, i.e. setting clear political priorities for future actions, improving early warning and policy coherence among the EU institutions and the Member States, enhancing the instruments for long- and short-term conflict prevention and building effective partnerships with other actors, most notably with other international organizations.

4. Managing the Macedonian Crisis (2001)

As the SC/HR, Solana, put it correctly: "The world is not waiting while we get our own house in order."[32] In fact, while the development of EU crisis management structures is still very much "work in progress", the next severe ethnonational conflict in South Eastern Europe has emerged and challenged again both the EU's capability and willingness in responding adequately to a crisis. In Macedonia, between February and August 2001, an armed conflict between ethnic Albanian extremists (UÇK) and the Macedonian army escalated step by step from small-scale local violence in the Macedonian-Kosovo border region up to the brink of a full-fledged civil war, affecting large parts of the country.[33] Throughout this process, which was periodically interrupted either by the retreat of the UÇK rebels into the northwestern mountain area or by unstable cease-fires, the EU was heavily involved, hoping to prevent further escalation.

4.1. International Involvement before the Crisis
Macedonia had already been on the international agenda since its independence in September 1991, due to both regional and domestic problems. First, the dissolution of

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[31] See "Improving the Coherence and Effectiveness of European Union Action in the Field of Conflict Prevention", Report presented to the Nice European Council by the SC/HR and the Commission, December 2001.
[32] Speech by J. Solana, "Where does the EU stand on Common Foreign and Security Policy?", Deutsche Gesellschaft für Auswärtige Politik, Berlin, 14 November 2000.
[33] While the name UÇK in Kosovo referred to the Kosovo Liberation Army (KLA), the same abbreviation was used by ethnic Albanians in Macedonia for the National Liberation Army (NLA).

the SFR Yugoslavia led to various civil wars with the danger of violence spreading also to Macedonia.. Moreover, the relations of Macedonia to its neighbours were overshadowed by historic and recent tensions that applied, albeit with varying degrees, to Albania, Serbia/Yugoslavia and Bulgaria as well as to the EU Member State Greece.[34] Second, Macedonia faced the internal challenge of a multiethnic society, since the state consists of a Slavo-Macedonian majority (officially 66.5 per cent), a large Albanian community (officially 22.9 per cent) and other smaller minorities (e.g. Turks, Roma, Serbs etc.). Already since the late 1980s, interethnic relations between the majority and the largest minority had been far from relaxed; the extent of mutual distrust between the two communities increased when the majority proclaimed a "Macedonian nation-state" in1989 and, the minority in turn largely rejected Macedonian independence and, subsequently, boycotted the referendum on this issue in1991.

In order to address this potential for external and internal conflicts, a wide range of international activities was put in place, including the following:

- Most importantly, from 1992 to 1998, the UN dispatched a peacekeeping force to Macedonia as a measure of "preventive deployment" (UNPROFOR, since 1995 called UNPREDEP). It aimed at preventing the spillover of violence from others parts of the former Yugoslavia and, in particular, at securing the northern border region.[35]

- The OSCE undertook various initiatives to improve interethnic relations through its long-term mission in Skopje (since 1992) and several visits of the OSCE High Commissioner on National Minorities, who from time to time acted as a facilitator in disputes on education or language.

- The EU assisted the new state with substantial financial as well as humanitarian aid. In 1996, Macedonia became eligible for funding under the EU Phare Programme; in 1998, the EU and Macedonia concluded a Cooperation Agreement

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[34] Greece used its veto power within the EU in 1991 in order to prevent the recognition of Macedonia because of the name and the symbols of the new state. Later, due to the Greek position, the new state could only be internationally recognized and become a member of international organizations under the name "Former Yugoslav Republic of Macedonia" (FYROM). Furthermore, the Greek-Macedonian dispute led to an economic embargo by Greece (February 1994 to October 1995), see Willemsen (2001: 10-12).

[35] However, after Macedonia had recognized Taiwan in early 1999, UNPREDEP had to be removed, because the mandate could not be extended due to a Chinese veto in the UN Security Council.

by which this former Yugoslav republic received asymmetric trade preferences with the EU. In total, the EU transferred 452.3 Mio. EURO to Macedonia between 1992 and 2001 for supporting enterprises and the financial sector, for various infrastructure projects and for institution-building. The humanitarian aid agency ECHO alone spent 100 Mio. Euro, which included, however, 54 Mio. Euro (since 1999) for coping with the huge influx of refugees from Kosovo due to the conflict.[36] Furthermore, in March 2000, the EU and the Macedonian government started to negotiate the terms for a *Stabilisation and Association Agreement* (SAA), as proposed by the EU to five countries in the region. The SAA offers Macedonia *inter alia* the prospect of EU integration, regular economic aid, improved trade relations and an advanced political dialogue with the EU. Within the framework of the SAA, EU assistance will be enhanced by the new CARDS Programme (Community Assistance, Reconstruction, Development and Stabilisation) which will serve as the main channel for the EU's financial and technical cooperation with the countries of South Eastern Europe.

- Macedonia was rapidly integrated into Euro-Atlantic structures after the country joined the NATO "Partnership for Peace" programme and, subsequently, the Euro-Atlantic Partnership Council in November 1995.

- Last but not least, several international NGOs have been conducting projects in Macedonia, most often in the field of interethnic relations, reconciliation and tolerance, e.g. the multi-ethnic media programmes for young people and children, produced by *Search for Common Ground*.

Indeed, compared with the situation in Croatia, Bosnia, Serbia or Kosovo, Macedonia seemed relatively stable throughout the 1990s. One reason for this was the mode of informal power-sharing developed by the political parties. Since 1992, one ethnic Albanian party has always been part of the ruling coalition and, thus, represented to some extent the Albanian community in the government.[37]

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[36] In 2000, ECHO was funding projects for an amount of 6.3 Mio. Euro to address the needs of refugees from Kosovo and their host families, to support the most vulnerable groups of the population and to facilitate the transition from humanitarian aid to development projects, see ECHO press statement, 21 June 2001.

[37] From 1992 to 1998, the Albanian PDP participated in the government led by Macedonian Social Democrats (SDSM) and could fill various ministries (e.g. from 1994 to 1996 the minister of culture was an ethnic Albanian). After the 1998 general election, the former Albanian opposition party DPA joined the governing coalition led by Macedonian Nationalists (VMRO-DPMNE).

4.2. Conflict Agenda in Macedonia

However, interethnic problems within the society prevailed and were at times aggravated by the political elites, in particular during election campaigns, which are often characterized by a strong ethnically-coloured rhetoric in both camps and accompanied by incidents of local violence. In other words: there exists a considerable gap between the daily business of government and ethnic fears in the society, which can be exploited by politicians. In the past ten years, various developments and events highlighted the existing hostility and revived tensions between the two communities. The main disputes are the following:[38]

- *Constitutional matters*: During the phase of "nationalization" (1989-92), starting already before independence, the Macedonian constitution had been changed at the expense of the minorities. The new 1989 preamble defined Macedonia as a "nation-state of the Macedonian nation" (the former 1974 version described the Yugoslav republic as "the state of the Macedonian people and the Albanian and Turkish minorities"). Moreover, previously existing minority rights were abolished or restricted, e.g. the public use of the minority language in regions with a large ethnic Albanian population as well as the opportunities for education in the Albanian language were significantly reduced.[39] Although, most of these constitutional rights were re-established after 1992, in a slightly changed version the preamble still holds that Macedonia is the "nation-state of the Macedonian people". While, according to the Slav-Macedonian side, this wording is meant to/is understood to include all members of minority communities since they are Macedonian citizens, the Albanian minority considers the preamble as an ethnically motivated statement.

- *Centralization*: Between 1990and 1992), the state was centralized to a large extent. Local authorities lost most of their former administrative competencies, including the control over their public servants who were now directly subordinated to the central government. This policy caused fierce reactions in the

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[38] See Troebst (1999), International Crisis Group (1999, 2000), Willemsen (2001), Willemsen/Troebst (2001), Daftary (2001b: 294-296).

[39] This was, however, also due to the fact that the regime in Belgrade closed the university in Pristina where many ethnic Albanians from Macedonia used to study in their language.

Albanian-dominated parts of the country, leading to a "referendum" in western and northwestern Macedonia in January 1992 on "territorial autonomy for the Albanians in Macedonia". Albanian radicals even proclaimed the "Republic Illirida" in southwestern Macedonia (Struga region). These activities, in turn, were seen by the Slav-Macedonian majority as a confirmation of their long-standing fears about ethnic Albanian separatism.

- *Population numbers*: Both communities are preoccupied with the "war of numbers". The majority is by and large characterized by a deep-rooted fear that it will be outnumbered in the long run by the Albanian ethnic group due to a higher birth rate and to Albanian immigration. The minority, in turn, claims that their group is much larger than the official data, based on the censuses in 1991 and 1994, show. Instead of representing one fifth of the society, ethnic Albanians believe that they constitute about one third of the population or even more. In fact, many Albanian immigrants from Kosovo (since the late 1980s) are not citizens of Macedonia and, thus, not counted in an official census. The dispute on numbers was further intensified by the massive influx of refugees during the Kosovo war.

- *Adequate representation*: Closely linked to the issue of numbers, is the question of Albanian representation in the public service sector, judiciary, police and army. In total, only about ten per cent of employees in the public sector are ethnic Albanians (e.g. 7.3 per cent in the foreign office, 5 per cent in the ministry of finance) Within the police and the higher ranks of the army the share of ethnic Albanians is about 3.1 per cent.

- *The Albanian university*: Another long-standing struggle concerns the question of an Albanian-language university. In the former Yugoslavia, Macedonia's Albanians mostly studied at the University of Pristina (Kosovo), which was later closed down by the Milošević regime. Therefore, since Macedonia's independence Albanian politicians have been demanding the establishment of an Albanian university in Tetovo, but this idea was rejected by ethnic Macedonian leaders. In 1994, a private Albanian university was founded which was considered illegal by the Macedonian authorities. After lengthy negotiations, and through the mediation of the OSCE High Commissioner, both sides finally concluded a compromise in 2000 which paved the way for the foundation of a new tri-lingual university (Albanian, Macedonian and English) in Tetovo, while at the same time

the private university has to be abolished. This compromise solution, however, met with strong opposition from local Albanian extremists.[40]

- *Conflict on Loyalty*: The majority, often influenced by media reports, tends to question the "loyalty" of the ethnic Albanians to the new state. This perception has been further stimulated by various incidents, e.g. the so-called "conspiracy" of Albanian officers in the Macedonian army (1993), the conflict on Albanian flags displayed on top of the town councils in Tetovo and Gostivar (1997) which led to the arrest of the two Albanian mayors, or reports about financial support for the ethnic Albanian leader Xhaferi (DPA) from abroad (2000).

- *Resources*: Macedonia is a comparatively poor country with a high unemployment rate and a low standard of living. Its few resources, including external aid, are often not distributed as intended owing to clientelism or even corruption, much like in other countries in the region. This behaviour is closely linked to ethnic politics, as enshrined by a party system based on ethnic cleavages. The political and economic elites, therefore, at least partly profit from this ethnic divide. To put it simply, while ethnic Macedonian politicians and business people tend to exploit the public sector and state-owned companies, their ethnic Albanian counterparts largely control the private sector, including black market activities.

Against the background of these unresolved problems, the situation for Macedonia changed in the period from 1999to 2001. Basically, three interrelated factors contributed to the recent crisis. First, the international concern Macedonia had attracted since the early 1990s decreased significantly. The post-conflict management in Kosovo and, later, the events in Belgrade (change of regime in October 2000) absorbed most of the international and European attention. Second, the most serious external problems for Macedonia had been resolved, in particular the relations to Greece and to post-Miloševic-Yugoslavia had improved; thus, the domestic interethnic conflict had no longer to be contained by the political elites because of potential threats from outside. Third, and most importantly, at the same time the end of the Kosovo war increased the opportunities for ethnic Albanian militants to act. Due to close ties, a significant number of Macedonian Albanians gained military experience by actively supporting the Kosovar UÇK (KLA). Moreover, since KFOR

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[40] This new South East European University opened in November 2001 after some delay.

largely failed in securing the borders in the Kosovo-southern Serbia-Macedonia triangle, the trade of small arms flourished and fostered the establishment of para-military groups in Albanian-dominated parts of Southern Serbia (PreševoValley) and of northern Macedonia, which aimed at following the example of the Kosovar UÇK. These groups started to control a number of villages in the border region and used this area frequently for their criminal wheelings and dealings. Macedonian authorities knew about these paramilitary activities as early as the beginning of 2000; in the summer of that year, border incidents with occasional shootings at Macedonian control points were reported, and in January 2001 for the first time a local police station was attacked (see International Crisis Group 2001a).

Two developments in February/March 2001, however, served as ultimate triggersfor escalating the conflict Both of them limited the manoeuvring space for Albanian extremists in the border triangle: first, joint NATO and EU efforts were eventually able to resolve the tense situation in southern Serbia, not least by allowing Yugoslav soldiers to gradually move into the so-called Ground Safety Zone.[41] Second, almost in parallel, the governments in Skopje and Belgrade finalized their negotiations about the boundary line and signed an agreement (23 February) which aimed at improving controls on both sides and restricting illegal border crossings. As a first measure, in early March the Macedonian security police in response to various incidents gained control of the border village Tanuševic, a stronghold of ethnic Albanian extremists. They, however, regrouped and moved on to the hilly area around Tetovo where they deliberately fired upon police and army units. This first peak of the conflict finally provoked EU crisis management.[42]

4.3. Phase One: March/April 2001

This initial phase is characterized by an intense "shuttle diplomacy" between Brussels and Skopje. Starting mid-March, EU officials frequently travelled to Skopje while, in turn, Macedonia's foreign minister held talks in Brussels with the EU and NATO. The

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[41] The Ground Safety Zone was set up by NATO at the end of the Kosovo war in order to prevent the return of the Yugoslav army into the province. The demilitarized zone, however, was misused by an increasing number of Albanian extremists (the so-called UCPMB) that attempted to annex the Albanian-dominated Preševo Valley to Kosovo.
[42] For the following, see International Crisis Group (2001a, 2001b), Daftary (2001a, 2002b), Schneckener (2001), Troebst (2001) as well as various press reports provided by the Macedonian news service OK.MK (www.ok.mk).

position of the EU can be summarized as follows: on the one hand, the EU condemned the use of violence by Albanian extremists and supported the government in combating terrorist acts, on the other hand, the EU urged the government to avoid further escalation through its large-scale counter-offensives and to start a dialogue on political reforms with the elected Albanian parties instead. This balanced view was more than once transmitted to the conflicting parties, most importantly by the European Council in Stockholm (24 March), which was attended by Macedonia's President Trajkovski. Following these guidelines, the EU crisis management was led by the SC/HR, Solana, who during the Tetovo crisis in March visited the region several times a week. He dispatched a diplomat from his Policy Unit as a permanent liaison person in Skopje as well as EUMM observer teams to northwestern Macedonia. Solana saw the EU's role in facilitating political dialogue, but not in mediating the conflict.[43] In other words: the EU wanted to provide a framework for negotiations, but did not intend to become an active part of the negotiation process itself.

Indeed, by the end of March, it was possible, not least thanks to the efforts of Solana and others, to establish roundtable talks under the auspices of the President with all parties represented in the Macedonian parliament, including the two ethnic Albanian parties. Moreover, the Albanian DPA could be convinced to stay in the government coalition and the Albanian opposition party PDP no longer boycotted parliamentary sessions. As a framework for dialogue, the EU attempted to promote the SAA, which was finally signed by Macedonia on 9 April. In the context of a necessary adaptation of EU standards in democracy, human rights and the rule of law, as agreed by the SAA, the parties had to resolve their interethnic problems. This formula was also used as a face-saving strategy towards Slav-Macedonian politicians who did not want to appear as making any concessions to the Albanian extremists. By the same token, the EU Commission offered enhanced financial and technical assistance in the course of the process; EuropeAid and ECHO started to evaluate the situation on the ground in order to launch projects as well as provide humanitarian aid, in particular with regard to the Albanian-dominated areas around Tetovo.[44] Thus, the EU aimed at combining

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[43] At a press conference in Skopje (2 April), Solana expressed his position: "The European Union is here to help, not to be a mediator in this dialogue (...) This dialogue will bring Macedonia closer to the European Union."

[44] For the first time, the EU Commission used the new Rapid Reaction Mechanism for allocating financial resources; however it still took about a month before the money was available.

various instruments at its disposal by linking crisis management with long-term measures. By early April, the situation had eased considerably: The Albanian extremists returned into the mountain area close to the Kosovo border, the Macedonian army stopped its counter-actions, KFOR finally improved its border control and the EU-brokered political dialogue was put on track. However, what seemed like a quick success for EU crisis management, turned out to be only a short break before the next round of violence.

4.4. Phase Two: May/June 2001

By the end of April, after eight Macedonian soldiers had been killed by Albanian militants, the fighting between the UÇK and the Macedonian army resumed, now accompanied for the first time by civilian riots against Albanian and other minority shop-owners, which added a new dimension to the conflict (see International Crisis Group 2001b: 14-16). At the same time, the political dialogue was making no significant progress. On the contrary, political leaders blamed the other side for not being prepared to compromise; moreover, in both camps two large parties competed with each other and the moderates were coming under increasing pressure from hardliners, which further complicated the situation. This radicalization process did not stop at the highest ranks of government: while President Trajkovski still seemed to be committed to the dialogue, Prime Minister Georgievski moved into the direction of Macedonian-nationalist hardliners within the government who were convinced that the army could win militarily against the UÇK and who blamed "the West" for supporting Albanian (i.e. UÇK) demands.

In response to the escalation, the EU teamed up with NATO, which now became more involved in the Macedonian crisis than during the first phase. In Brussels as well as in Skopje, EU and NATO established intense working relations, which did not exist before. More than once, Solana and NATO Secretary General Robertson met jointly with the Slav-Macedonian and Albanian leaders, thereby moving de facto into the position of (unofficial) mediators. Solana and Robertson managed to convince the parties to establish an all-party government ("government of national unity", 13 May), including the two biggest opposition parties, in order to make all major political forces accountable for the peace process. They prevented the Prime Minister from declaring a "state of war" (6 June), which would have meant the end of the already faltering dialogue. Finally, they largely supported the five-stage plan of President

Trajkovski (14 June) for resolving the military confrontation. The plan foresaw as a last step the disarmament of the UÇK, monitored by NATO, KFOR or EU observers. In a similar way, UÇK spokesmen offered to give up arms if, in turn, a NATO peacekeeping force were deployed in Macedonia. This proposal was, however, rejected by the hardliners in the government; instead, the interior minister preferred to arm Slav-Macedonian civilians for "self-defence" which certainly increased the danger of spreading paramilitary groups.[45]

On the ground, several cease-fires, mainly brokered by NATO envoys, failed and a series of tit-for-tat escalations continued, causing ten thousands of refugees in northwestern Macedonia. Another peak was reached when in early June UÇK rebels moved closer to Skopje by occupying the village of Aracinovo from where they threatened to shell the capital. NATO was finally able to broker a deal which allowed the extremists to withdraw freely from the village with their weapons (25 June). This incident was portrayed by Macedonian nationalists as a confirmation of their "conspiracy theory" that NATO and especially the US government support the Albanian side. This theory had already been fuelled by the activities of the OSCE special envoy, the American diplomat Frowick, who in May advocated direct contacts with the UÇK, an amnesty for the rebels in return for an immediate cease-fire and the introduction of various confidence-building measures (see International Crisis Group 2001b: 10-12). His approach was not only strongly opposed by the Slav-Macedonian side, but also contradicted to some extent the EU position rejecting any official negotiations with the UÇK. Frowick's mission highlighted a considerable lack of coordination among the various international mediators and envoys. But more importantly, while EU-NATO cooperation worked relatively well, the role of the US government and, in particular, its influence on ethnic Albanian extremists remained unclear. Washington's ambiguity served more than once as a source of irritation among Macedonian politicians as well as among European actors and, thus, threatened to undermine international crisis management.

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[45] According to International Crisis Group (2001b: 9), at least four Slav-Macedonian para-military groups were formed.

4.5. Phase Three: July/August 2001

By the end of June, the EU intensified its efforts by announcing substantial financial aid packages for Macedonia in case of a peaceful resolution of the crisis[46] and by appointing the former French Defence Minister, *François Léotard*, as special representative for Macedonia (25 June). At the same time, the US government sent former ambassador *James Pardew* as special envoy to Skopje and thereby committed itself to contribute to a political solution. During the following weeks, Léotard and Pardew acted as a joint EU-US-mediation team which was later complemented by *Max van der Stoel*, the former OSCE High Commissioner, who had replaced Frowick as OSCE special envoy. In parallel, NATO deepened its so-called "technical contacts" with the UÇK in order to establish an indirect channel between the extremists and the Macedonian government, leading to a new cease-fire (5 July).[47] In other words: the international actors were finally able to combine their efforts and to develop a common language. They, thus, minimized the danger of being played off against each other by the warring sides. Furthermore, the international mediators no longer left the negotiation process to the parties, but tabled their own proposals in order to achieve some progress. Here, the EU-US mediation team was supported by legal experts, most notably by the Frenchman *Robert Badinter* who in the early 1990s had chaired the EU commission of experts on the former Yugoslavia. Based on his work, the international mediators were able to propose a *Framework Document* (7 July) to the conflicting parties, which then was further specified by annexes and amendments during the negotiations. The document comprised of both general principles and suggestions for solving concrete interethnic problems, including decentralization, non-discrimination in the public service, special parliamentary procedures for changing the constitution and other major laws, education and language matters as well as the expression of identity. The offered package, in particular its proposed measures on language regulation and police reform, provoked heavy criticism by the Macedonian Prime

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[46] On the basis of the SAA, Macedonia would receive 42 Mio. EURO and a special macro-financial assistance of 50 Mio. EURO. As a matter of urgency, the EU would spend another 30 Mio. EURO, including 2.5 Mio. EURO for immediate reconstruction efforts transmitted by the RRM, see *Süddeutsche Zeitung*, 26 June 2001. In addition, ECHO announced 3.15 Mio. EURO in order to help refugees and displaced persons, see ECHO press statement, 21 June 2001. On the involvement of ECHO in Macedonia, see also International Crisis Group (2001c: 14-15).
[47] These contacts were mainly held by NATO special envoy, the Dutch diplomat *Pieter Feidh*, supported by the Austrian diplomat *Stefan Lehne*, a member of Solana's Policy Unit. Both were already acting jointly during the crisis in Southern Serbia (Preševo Valley).

Minister, again blaming the Western diplomats for supporting Albanian ideas.[48] President Trajkovski, however, stated that the political dialogue as well as the EU-US mediation should continue. Indeed, despite political set-backs and on-going local fighting, the dynamics of the negotiations increased significantly, in particular after the leaders of all parties agreed to meet for peace talks outside of Skopje; the president invited them to Ohrid in southwestern Macedonia.[49] External involvement proved still to be necessary to prevent a failure which seemed to be always possible. During the final stage, once again, Solana and Robertson had to be present in order to achieve an agreement. Step-by-step, disputed issues were resolved, most importantly the questions of the public use of the Albanian language and of the Albanian representation within the police.[50] Finally, the parties concluded and signed a *Framework Agreement* (13 August) which included constitutional amendments, legislative modifications as well as measures for implementation and confidence-building (see Daftary 2001b: 301-305). Structure and content of the agreement are in fact largely inspired by the international proposals of early July, but the document is now much more detailed and concrete in addressing the various problems. Concerning the security aspect, the political agreement was accompanied by an agreement on voluntary disarmament of the UÇK between NATO and the UÇK leadership, in which the number of weapons to be destroyed was fixed (3,300). As long as both sides respected the cease-fire, NATO was prepared to send 3,500 soldiers for collecting and destroying the weapons (operation "Essential Harvest") within 30 days and, subsequently, for observing the general situation and in particular the keeping of the cease-fire. This operation was indeed completed by the end of September 2001 with

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[48] Prime Minister Georgievski said in a statement (18 July): "Not only the offered package, but also the international envoys' approach by which they are attempting to underestimate the Macedonian institutions is rather concerning (...) Now, we practically have 95per cent of Ali Ahmeti's [UÇK-leader] document on the table. It is clear that the international community decided on its position beforehand, and now is trying to realize it in Macedonia."

[49] First it was planned to hold the negotiations in Tetovo, but for security reasons the talks took finally place in Ohrid.

[50] According to the agreement, Macedonian remains the only official language. But the parties agreed that in areas where a certain minority make up over 20per cent of the population, the language of that community shall be also used as an official language in addition to Macedonian. Any person living in such an area may use the minority language to communicate with the regional office of the central government and any other central authorities which are obliged in this case to use the minority language as well. With regard to the police, the parties concluded a timetable which shall guarantee that until 2004 the police will reflect the ethnic composition of Macedonia. As a first step until July 2002, 500 new police officers from the minorities shall be hired and trained.

more than 3,800 weapons had been handed over to NATO.[51] Concerning economic aspects, the international community promised to host a donor conference, organized by the EU Commission, following the ratification of the agreement by the Macedonian parliament, which should have happened within 45 days of signature – a time table which proved to be too optimistic.[52]

4.6. Assessment of the EU Involvement

A critical assessment of the EU involvement in the Macedonian crisis has to state that throughout the last two years the EU – along with other international actors – missed the opportunity to prevent the crisis from emerging. Most importantly, many early warning signs were overlooked, underestimated or simply not transformed into actions, including reports about increased arms trade in the Kosovo-Southern Serbia-Macedonia triangle, about the radicalization of Albanian extremists and about the shaky internal arrangements between Slav-Macedonian and ethnic Albanian elites. In other words, measures such as endorsing all-party negotiations on political reforms which were later introduced under rather difficult circumstances could have been applied much earlier. However, in comparison to all other Balkan crises, the EU crisis management has considerably improved, if even it was not entirely successful. After the outbreak of violence, EU responded fairly quickly and on the basis of a unified position, i.e. the Member States acted jointly and were not split by unilateral actions. For ensuring this common policy, the SC/HR and his staff proved to be very important. Moreover, for the first time, via the SC/HR the EU could become active at very short notice and on different levels. The SC/HR, later supported by the special representative, served as "trouble-shooter", frequently travelling to the region and establishing high-level contacts; at the same time, the EU Commission was prepared to organize mid-term and long-term commitments. The EU made use of most of the instruments at its disposal, ranging from the SC/HR, the appointment of a special envoy, the dispatching of observers and other experts to financial and economic cooperation, including the prospect of EU integration for Macedonia. The EU, thus, linked short-term measures with long-term perspectives in a coordinated manner. The

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[51] On 27 September, the UÇK leader Ali Ahmeti officially declared the dissolution of his organization; however, militant Albanian fringe groups were still operating.
[52] Due to several setbacks, delays and re-negotiations the constitutional reform package was finally approved by the Macedonian Parliament on 16 November2001.

Macedonian crisis, nevertheless, showed that the EU has to act in concert with other actors, most notably with NATO, the OSCE and the US. Without these combined efforts which significantly increased the external pressure upon the local parties, the settlement and the implementation of the agreement would not have been possible. Here again, the course of the crisis highlighted the serious dangers if these actors are not willing to cooperate, to share information and resources as well as to develop a common platform for action.

5. Conclusion

Looking beyond the Macedonian crisis, the future development and application of EU crisis management will largely depend on improvements in four major areas. The key terms are political will, coherence, capabilities and partnerships:

(a) *political will of the Member States*: It is of crucial importance that the EU Member States speak with "one voice"; otherwise any attempt to prevent violent conflicts will fail. Indeed, since the end of the 1990s, the CFSP has more than ever become the focal point for shaping the political will of the Member States. The space for unilateral action has been considerably reduced. Consultation, coordination and common decision-making have become a routine procedure that affect the national foreign policies more and more, albeit with varying degrees depending on the country. European foreign policy may thus become more than just pulling individual foreign policies together or adding a sixteenth policy to fifteen already existing ones. The danger of agreeing on the lowest common denominator has not yet been excluded, but, as past experience shows, the more the Member States have learned to cooperate on single issues, the easier consensus could be achieved. In cases of crisis, however a common position and policy have to be adopted rapidly and cannot rely on lengthy consultations. At this point, the establishment of the SC/HR seems a major improvement, since he can, in cooperation with the acting EU Presidency, table proposals and, thus, put some pressure upon the Member States to compromise and to act more rapidly.

(b) *coherence within the EU*: Another issue debated at greater length refers to the matter of coherence among the EU institutions and services as well as between the Member states' policies and EU policy. The notion of coherence or consistency has basically three dimensions (Nuttall 2000: 25, see also Missiroli 2001): "requirement of non-contradiction", "interaction in the service of a common and overriding purpose" as well as "demand for some bureaucratic and political hierarchization". In all these areas, the EU is still struggling, most notably when it comes to the question of hierarchization which seems to be virtually impossible in a system characterized by horizontal coordination. One major source of incoherence is the three-pillar structure of the EU. Conflict prevention and crisis management are in fact cross-pillar issues, involving a variety of actors and their competencies, which are, however, regulated in different ways. Thus, for example, measures taken by the EU Council and by the EU Commission may not be linked, may follow different purposes, budget lines or timetables or, at worst, may even contradict each other. However, as the Macedonian crisis has highlighted, coherence can best be ensured if the SC/HR and the EU Commissioner for External Relations, including their staff, work closely together, develop a joint policy and establish regular institutional links.

(c) *building capacities*: The EU has not only to be prepared or willing to act, but must also be able to respond to crises. In the area of long-term or structural prevention, by the mid- 1990s the EU already had a wide range of measures in place, most notably by reforming its development aid, by supporting human rights activities around the world, by setting up cooperation programmes and by starting the process of enlargement. The same applied to certain post-conflict activities such as reconstruction, financial aid, election observation or relief measures. The missing link, however, has been civilian and military instruments for short-term crisis management. In this field, despite its enormous economic and political potential the EU has in fact been a rather "weak" actor. The establishment of the CFSP, therefore, created a considerable "capabilities-expectation gap" (Hill 1993), i.e. expectations in the outside world about the EU as a global actor were increased, but the capabilities necessary to act according to the self-proclaimed goals, including crisis management, were not provided. In other words: increasing demands by others were not met by adequate supply. The main reason for this gap

was the long-standing rivalry between the national and the European levels in foreign policy matters. Most capacities and powers remained in the national domain before they were transferred only in small steps to Brussels. This situation was hardly changed by the Amsterdam Treaty; only during 2000 and 2001 the EU started to close this gap by the setting up new structures and instruments. These are still very much "work in progress", in particular with regard to the establishment of the Rapid Reaction Force, the police force and civilian capacities which will include major efforts in recruiting and training personnel. In future, as the Macedonian crisis showed, one main challenge for the EU will be to systematically link both levels of conflict prevention in order to be more effective.

(d) *cooperation and partnership with other actors*: Whatever the EU will do in conflict prevention and crisis management, it will always need to cooperate with other actors, in particular with other international organizations. This cooperation has to take place at various levels, between headquarters as well as on the ground. At the former level, it may include the regular exchange of information and early warning signs on crisis situations and potential conflicts, the exchange and joint training of personnel, studies of common "lessons learned" and, most importantly, the development of joint political approaches to a crisis. At the latter level, it is necessary to share resources and information, to develop a fair distribution of labour and to appoint a lead agency. The Macedonian crisis supported the conclusions drawn from experiences in Bosnia and Kosovo: international actors have to adopt a coherent platform, coordinate their efforts and combine their comparative advantages in order to enhance the opportunities for success.

In all four areas significant changes have been made during the 1990s, especially since 1999. The EU, thus, slowly moved from rhetoric to substance, but is still at the very beginning of achieving a comprehensive approach in crisis management. As recent experience in Macedonia has again shown, this approach will certainly be shaped more by events on the ground than by Council declarations.

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European Union Crisis Management Structure

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