

Building conflict prevention into the future of Europe

EPLO Position Paper on the European Convention and Conflict Prevention

This position paper has been drafted by the EPLO working group on the European Convention and Conflict Prevention and adopted by the EPLO General Assembly in November 2002. The working group is composed of European Centre for Common Ground, Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP), International Alert, International Security Information Service (ISIS) Europe, Pax Christi International, Saferworld, World Vision.

EPLO

EPLO has been set up by 17 European NGOs active in conflict prevention and peacebuilding. With this office the EPLO members seek to promote peacebuilding policies among the decision-makers in Europe.

EPLO members:

ActionAid, Berghof Research Center for Constructive Conflict Management, European Centre for Common Ground, European Network for Civil Peace Services, European Centre for Conflict Prevention, Field Diplomacy Initiative, Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP), International Alert, International Security Information Service (ISIS) Europe, Oxfam International, Pax Christi International, Quaker Council for European Affairs, Peace Brigades International European Office, Quaker Pace and Social Witness, Saferworld, swisspeace, World Vision.

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The European Peacebuilding Liaison Office (EPLO) is a network of organisations known for their expertise in conflict prevention, both in the field and in relation to the European Union.

The Convention on the Future of Europe is critical for the role of the European Union in the promotion of a more peaceful world. We want the EU to be inclusive, democratically accountable, and committed to the long-term structural prevention of violent conflict. The EU should pursue the security of its members through cooperative processes of dialogue rather than competitive ones.

Drawing on its experience, EPLO presents this input to the debate on the Future of Europe, outlining our concerns and aspirations from the conflict prevention perspective.

The term *conflict prevention* is used throughout to mean long-term activities, which aim to reduce structural tensions or prevent the outbreak, escalation or recurrence of violence.

I. Conflict Prevention as an objective and priority

1. The prevention of violent conflicts as an objective of European Foreign and Security Policy

“Prevention is better than cure”. This phrase has become commonplace, yet, too often EU institutions fall back on crisis management activities to the detriment of long-term conflict prevention. Frequently, this means that resources are bound up by crisis management, thus limiting the resources available to prevent conflicts.

The EU was established as a conflict prevention organisation to prevent further wars in Western Europe. The EU now has a duty and self-interest in ensuring that it helps prevent violent conflict and promotes stability in other regions of the world. **The prevention of violent conflicts should therefore be made a stated objective of the CFSP.** This would help ensure that all of the EU’s external activities are coherent and consistent with this goal.

Recommendation:

- **To amend the Treaty of European Union (TEU) Title V Article 11 point 3 to read:**
“*To prevent violent conflict*, preserve peace and strengthen international security...”

2. Clear priority for conflict prevention

Violent conflicts may be prevented through specific conflict prevention activities and the complementary application of other policies that **address the root causes of conflict**. A foreign policy that aims to prevent violent conflict and to further peace should:

- Strengthen and promote adherence to **international law** (including humanitarian law) and the UN charter;
- Strengthen **democracy and the rule of law**;
- Strengthen **human rights and minority rights and protect human rights defenders**;
- **Eradicate poverty** and reduce socio-economic imbalances;
- Protect the **natural environment**.

The EU should **encourage and support third countries to attain these objectives**. The EU should simultaneously pursue these aims in its interaction with other governments and all international organisations.

Recommendations:

- **To amend TEU Title V Article 11 point 5 to read:**
“to develop and consolidate democracy and the rule of law, and respect for human rights, *minority rights* and fundamental freedoms *in accordance with international law, including humanitarian law, and through poverty elimination, the reduction of socio-economic imbalances and the protection of the natural environment.*”
- **To amend TEU Title V Article 19 point 1 to read:**
“ Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the common positions in such fora. *They shall work to promote the objectives as defined in Article 11 in their relations with third countries and international organisations.*”
- To help ensure that the prevention of violent conflicts remains a priority for EU action by obliging the Presidency to produce, in co-operation with the Commission, **annual reviews on the implementation of CFSP and ESDP on a regional basis and an annual Programme for future action.**
- **To protect and promote the role of human rights defenders** as stated in the 1998 United Nations Declaration on human rights defenders (UN General Assembly 53/144, 9 December 1998), which recognises the link between peace and international security on the one hand and human rights and fundamental freedoms on the other hand.

II. Ensuring Effective Delivery

1. Reform of the current pillar structure to improve coherence

The current pillar system is not conducive to coherent policy-making. The EU's foreign policy depends on multiple actors: the Commission (in which activity is divided between various directorates general), the Council and the Member States. The coherence of conflict prevention policy is undermined by this dispersal of powers; a situation exacerbated by the fact that the Member States remain the principal actors. The fast rotation of the Presidency system is also detrimental to continuity.

The first two pillars of the EU should be brought closer. Whilst both the Council and the Commission should stay involved in conflict prevention and crisis management, a mechanism is required to ensure better coordination between the pillars. **The posts of High Representative for CFSP and Commissioner for External Relations should be merged**, with the new High Representative holding the office of Vice President of the Commission and made responsible for the coordination of all EU external actions.

The anticipation and prevention of violent conflicts could be strengthened by this single position for Foreign Affairs, presenting a coherent voice for CFSP. In recognition, however, that crisis management and conflict prevention are distinct but overlapping issues covering a range of policy response instruments the High Representative/Commissioner for external relations should be supported by two Deputies, one responsible for crisis management and the other for conflict prevention.

To ensure democratic accountability of the new High Representative/Vice President of the Commission, the person should be nominated by the member states by common accord. The nomination shall be approved by the European Parliament.

The Commission should **guarantee better coordination** between Directorates General (DG) with a view to mainstreaming conflict prevention. To this end the External Relations DG should be responsible for co-ordinating all external policies of the Community.

Recommendations:

- **Amend TEU Title V Article 18 point 3 to read:**

“The Presidency shall be assisted by the Secretary General of the Council who shall exercise the *functions of High Representative for common foreign and security policy, Commissioner for External Relations, and Vice President of the Commission.*”

- **Amend TEU Title V Article 26 to read:**

“The Secretary General of the Council, High Representative of the common foreign and security policy, *Commissioner for External Relations and Vice President of the Commission*, shall assist the Council in matters.....third parties. *The Secretary General shall be responsible for ensuring the coherence of EU external action.*”

- Amend Art 214 of the Treaty establishing the European Community point 2 to read:

“The governments of the Member States shall nominate by common accord the person they intend to appoint as President of the Commission **and the person they intend to appoint as Vice President of the Commission; both nominations shall be separately approved by the European Parliament.**

2. Effective decision-making

EU Member States have often not been willing to make the compromises necessary to ensure the effective decision-making necessary to help take action to prevent violent conflicts. Decision-making by consensus is therefore already proving a problem in the General Affairs Council and there is a clear danger that this will increase with the forthcoming enlargement of the Union. **A more effective method of decision-making is needed to ensure that an enlarged EU is able to act decisively in CFSP matters.**

Recommendations:

- **Qualified Majority Voting** in the Council should be **extended to all non-military areas of CFSP.**
- **Amend TEU Title V Article 2 to read:**
 1. *“Decisions under this Title shall be taken by the Council acting unanimously when the decision involves the use of military force.....”*
 2. *“By way of derogation from the provisions of paragraph 1, the Council shall act by qualified majority when adopting common strategies, common positions or joint actions and decisions on how to implement them with non-military means....”*

3. Mainstreaming conflict prevention

All external policies of the EU, especially trade and development policy, can contribute to the overall goal of the prevention of violent conflicts.

The external dimension of all the policies of the EU should take into consideration the issues of the prevention of violent conflicts. Particularly, the new treaty should include **conflict prevention as one of the objectives of development cooperation.**

The External Relations DG must ensure that **conflict prevention policy is better mainstreamed into trade policy**, which should be flexible and adaptable in relation to countries experiencing political instability.

Recommendations:

- **Amend Article 177 of the Treaty establishing the European Community point 1 to read:**
“ Community policy in the sphere of development cooperation, (...)shall foster:
 - the sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them;
 - the smooth and gradual integration of the developing countries into the world economy;
 - the campaign against poverty in the developing countries
 - the prevention of violent conflicts.”**
- The Commission should integrate **Conflict Impact Assessments** into all aspects of its external policies.

4. Early warning

Early warning is an essential pre-requisite for the formulation and implementation of EU policies and actions aimed at preventing the outbreak, escalation or resurgence of violent conflicts. The EU's early warning capacities should therefore be strengthened by improving the exchange of information between Member States and the ability of the EU to draw on public and civil-society sources of information. **The on-going reform of the EU's decision-making structures must be supported to ensure that early warning information is translated into recommendations to the General Affairs Council** for concrete preventive actions.

Recommendation:

- To **strengthen and increase the early warning** and conflict prevention capacity of the EU and to refine decision-making processes so that early warning can be translated into early action.

5. Budgetary provision

In order for the EU to respond to emerging crises without reducing long-term engagements in areas of instability, **the EU must have adequate budgetary provisions for both long-term and short-term preventive action.** This includes increasing funding allocations in the CFSP budget and the Rapid Reaction Mechanism as well as resources for long-term structural prevention through increasing the Development Co-operation budget.

Recommendation:

- The annual conflict prevention programme of the EU must be linked to the **budgetary debate to secure adequate financing** for the foreseen preventive activities, separate from funds available for response to crises.

6. EU-NGO partnerships

NGOs and other civil society actors play a key role in all aspects of conflict prevention. **The EU should increase its engagement with civil society** and NGOs in the formulation and implementation of policies and programmes in conflict-affected regions.

Recommendation:

- The European Union should **actively engage with civil society** at local, national and international levels to increase its capacity to prevent violent conflicts.

III. Building an integrated approach to crisis management

Crisis management is used here to mean the coordinated and timely application of specific political, diplomatic, economic and/or security related measures and activities taken in response to a situation threatening peace. The aim of which is to defuse tension, prevent escalation and contribute towards an environment in which a peaceful settlement of violent conflict or potential conflict is more likely to occur.

Crisis management is distinct from long-term, structural approaches to preventing conflict. Crisis management alone cannot bring about a lasting solution to violent conflict, nor can it prevent the outbreak or escalation of violence in the medium to long term. **However, both short-term crisis management and longer-term conflict prevention activities may be made more effective if the two approaches are better integrated.** In the short term, crisis management can provide the stability for long-term conflict prevention work to take root and is, in turn, dependant on such local capacity building (to prevent the recurrence of conflict) for its success.

To this end, **ESDP must be subordinated to CFSP** to ensure firstly that the military and civilian instruments of the EU are utilised to further the goals of CFSP. The goals of ESDP in general, and the definition of the Petersberg Tasks in particular, should be more clearly elaborated to ensure that they are consistent with the overarching objective of the prevention of violent conflicts.

Recommendations:

- The implementation of the **ESDP should support the goals of CFSP.** This should be reflected in the annual report and CFSP programme for the year ahead. The question of how and under what circumstances instruments of ESDP should be used in the future should be the subject of on-going review and public debate.
- Crisis management must be **integrated with and serve to strengthen the EU's conflict prevention capacities.** To this end, **civilian and military planning** in

the EU should be more integrated and the Commission should be more involved in these processes.

- The **civilian dimension** of ESDP should enjoy **at least equal political attention** as the military. Its development, in terms of human and financial resources, should be proportionate to that of the military dimension. The **capacity for civilian crisis management should be increased in the governmental and non-governmental sectors**. The EU should strengthen these capacities in areas such as human rights, mediation, independent media, reintegration, reconciliation and psycho-social support.
- **Non-governmental actors should be given a greater role** in EU civilian crisis management and the EU should improve its mechanisms for cooperation with them. This includes work in the areas listed above, improved mechanisms to support local civil society initiatives to build peace in areas of conflict; and the realisation of new developments such as the European Parliament's recommendation to establish a European civilian peace corps.
- The EU should **improve its co-operation with other international organisations** engaged in crisis management and conflict prevention, including the UN, OSCE and Council of Europe. It should **promote and support the development of conflict prevention capacity** in these and other regional organisations (including the African Union, Arab League, etc.)

IV. Strengthening the parliamentary dimension of conflict prevention, including CFSP and ESDP

The responsibility for executing EU crisis management and conflict prevention is shared between Member States, the Council and the Commission. The ESDP, including all military aspects, is intergovernmental and the prerogative for its scrutiny therefore lies principally with the national parliaments. Many aspects of civilian crisis management and conflict prevention, however, fall under the competence of the Community (first pillar), and the European Parliament is responsible for their oversight and budgetary control.

Neither the national parliaments, nor the European Parliament, currently have sufficient capacities to perform their respective scrutinizing roles effectively. The **level of transparency of ESDP must be improved**, and the **capacities of the European and national parliaments enhanced** in the following ways:

1. Increasing transparency

The level of transparency with regards to CFSP and ESDP is extremely limited. Public access to documents in ESDP is restricted to Council decisions and relevant Commission communications and there is no automatic provision that even these documents are transferred to the national parliaments or the European Parliament.

Recommendations:

- The rules on public access to documents should be revised in accordance with Article 255 of the Amsterdam Treaty: The new decision must be made using the co-decision procedure and **public access to ESDP documents should be decided on a case by case basis.**
- The Protocol (No. 9) on the role of National Parliaments to the TEU should be revised to **include the clear obligation on the Council to transmit all public documents in the fields of CFSP and ESDP to the EU Affairs, Foreign Affairs and Defence committees in all Member States.**
- **Council deliberations on matters requiring co-decision must be made public.** This includes decisions on development co-operation and civilian crisis management under the first pillar.
- The Presidency should produce, in co-operation with the Commission, **public reports** of how the Union's external relations instruments, including CFSP and ESDP, have been used in the Balkans, the Mediterranean, the Middle East, Africa, Central Asia, Asia and the Americas respectively. **These reports should include a report on the financial implications of these actions for the Community budget.**
- The Presidency should produce, in co-operation with the Commission, **a public annual consolidated programme for future priorities in the areas of CFSP, ESDP and conflict prevention.**

2. Enhancing the capacity of the European and national parliaments

While the European Parliament has important co-decision rights in civilian crisis management and conflict prevention, especially as regards budgetary questions, its right to be informed and consulted on matters of CFSP is limited under Article 21 of the TEU. If the European Parliament is to effectively scrutinise the development, coherence and implementation of EU conflict prevention and crisis management policies, these rights should be strengthened and set out in the TEU as follows.

Recommendations:

- **Amend TEU Article 21** to read:
'...The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign security *and defence* policy *and its contribution to the Union's conflict prevention objectives. The Presidency and the Commission shall submit annual reports on the regional implementation of these policies and a programme for future action to the European Parliament. ...*

...[The European Parliament] shall hold annual, *regional debates* on progress in implementing *the Union's external relations instruments*, including *its* common foreign security *and defence* policy, *in pursuit of the Union's conflict prevention objectives*.

- **The resources of the European Parliament and the Foreign Affairs Committee in particular should be increased to enable it to hold more hearings and inquiries on the implementation of the Union's conflict prevention policy**, including its foreign, security and defence policies. This should include resources for the Foreign Affairs Committee to commission experts to provide written and oral evidence, and conduct independent studies evaluating the implementation of EU policy.
- To improve the European Parliament's budgetary scrutiny of civilian crisis management, **all civilian crisis management funding should be under the first pillar and subject to co-decision**. The use of the CFSP budget line (second pillar) should be limited to expenditure for diplomatic actions. The Commission's mechanisms for funding civilian crisis management should be revised so that they are more flexible and rapid.
- **Co-operation between the European Parliament and OSCE, Council of Europe and NATO parliamentary assemblies should be enhanced** through cross-representation and through the European Parliament soliciting the opinion of these parliamentary assemblies on European Parliamentary reports on the implementation of CFSP and ESDP.
- **Interparliamentary co-operation should be improved** through the adoption of **a joint annual report** reviewing the development and implementation of CFSP and ESDP and the Presidency's programme of action with a view to strengthening the conflict prevention capacities of the Union. This could be drafted by the parliament of the country holding the Presidency of the Union together with the European Parliament. All parliaments would be invited to submit amendments and the final draft would be approved (by a majority) at an annual conference of the chairs of the foreign affairs and defence committees of national parliaments and the European Parliament.

V Conclusion

The Convention on the Future of Europe is a unique opportunity to send a clear message to people, organisations and governments, inside and outside the European Union that the Union will develop its capacities to contribute to peace and security in the 21st century. In order to achieve this, the amended TEU should:

1. **Adopt the prevention of violent conflicts as a stated objective of CFSP ;**

2. **State that its CFSP objectives, including the consolidation of democracy, the rule of law and respect for human and minority rights, will be realised in accordance with international law, including humanitarian law, and through poverty elimination, the reduction of socio-economic imbalances and the protection of the natural environment.**

In order to enhance **effective delivery**, the EU could:

3. **Institutionalise an early warning regime and mainstream conflict prevention mechanisms across all areas of external policy;**
4. **Improve coherence across the pillars by merging the roles of High Representative and Vice-President of the Commission and making this position responsible for ensuring coherence in EU external action;**
5. **Extend qualified majority voting in the Council to all non-military aspects of CFSP and ESDP;**
6. **Build an integrated approach to crisis management, emphasising the development of civilian capacities as much as military aspects;**
7. **Strengthen the role of non-governmental actors in civilian crisis management and long-term conflict prevention.**

To ensure **democratic control**, the EU should:

8. **Improve transparency of conflict prevention policies, especially in the areas of CFSP and ESDP, by *inter alia* obliging the Presidency to produce, in co-operation with the Commission, public annual reports on the implementation of CFSP and ESDP on a regional basis and an annual Programme outlining priorities for future action;**
9. **Enhance the role of the European Parliament and national parliaments through increasing their capacities to scrutinise CFSP and ESDP and their co-operation.**