COLLECTIVE RESPONSE TO CRISIS SITUATIONS:

THE EU, NATO, AND U.N., AND MORE EFFECTIVE INTERVENTION[1].

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I. *The legacy*

Proceeding in a top-down fashion, there are at least three problems, which have invariably emerged in concrete cases in recent years:

- The issue of principles and norms;
- The issue of decisionmaking, both upstream – the decision to intervene – and downstream – how to carry out and terminate the intervention once it is decided;
- The issue of available resources.

To a large extent, the three dimensions could be placed along a continuum, and indeed present important overlaps. The distinction is useful, however, because each dimension (or level) refers to a rather specific set of requirements: ethical and legal in the first case; political-diplomatic and functional in the second; operational and financial in the third case.

II. *Criteria for collective intervention*

The first dimension concerns the criteria which justify and call for collective intervention in a crisis situation.

A. *The problem*

Collective intervention has proven to be highly problematic because there has been a gradual change in the perception of what constitutes a threat to international peace and security, without a parallel arrangement – on this crucial point – among the relevant international actors. In other words, perceptions have been shifting almost everywhere, but often in different directions.

From the European point of view (as emerges from the EU Security Strategy approved in December 2003), a set of diverse challenges have been added to the more traditional "regional" conflicts:

- first, most of the post-Cold War conflicts have occurred within rather than between states, and are principally linked to state failure;
- second, humanitarian concerns have become part of international security policies;

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- third, transnational challenges – terrorism, proliferation of WMD, organized crime - have become key threats.

The first two challenges can be seen as part of the post-'89 agenda, and are linked to the legacy of engagements in the Balkans, Asia (East Timor) and Africa. The third one is part of the so-called post-9/11 agenda pressed by the US administration (Afghanistan, Iraq). Although Europeans and Americans are divided on how to manage the post-9/11 agenda, both sides recognize that these new challenges justify collective interventions.

B. *The response*

The main implication for the UN is a widening gap between what is considered legitimate by at least some international actors, and what is legal according to standing international law. The growing divide between legitimacy and legality was especially clear in the case of the Kosovo intervention.

For the UN, closing the gap is of crucial importance – so as to avoid a growing marginalization in crisis management.

There are two potential solutions:

- continue to consider instances of controversial intervention as "breaches" (Iraq) or as "exceptions" (Kosovo) to international rules;
- define new criteria for intervention precisely in order to reduce the gap between legitimacy and legality – legitimizing them within certain legal boundaries.

Our thesis is that the best option is to define a set of criteria in order to adapt the duty/right to intervention in light of the new security challenges. Such a process would not necessarily imply a modification of the UN Charter, but its pragmatic reinterpretation along the following lines:

- The legitimate use of force even without explicit UNSC approval needs to be broadened to include: striking terrorist groups operating in the territory of a state whose government has not complied with the legal obligation to combat their activity; preventing the transfer of WMD to terrorist groups
- A right of "humanitarian intervention" permits military action by the UN or regional organizations to prevent genocide or similar massive human rights violations– accelerating a process already under way.

On this basis, a sequence of steps should also be envisaged in advance, leading to the possible use of force only once the previous steps (sanctions, enhanced inspections etc) have been exhausted: in essence, a form of tightly controlled escalation should be made explicit (linking, in a sense, Chapter VI and Chapter VII provisions).

This approach would satisfy certain key European interests: since it is hard to imagine a European-only crisis response mission without a UN mandate, setting agreed criteria for intervention would greatly facilitate the political task for EU decision-makers in favor of more robust engagement in international missions. In addition, formulating new criteria would help reduce divisions across the Atlantic on the collective use of force, based on a more precise understanding of the right/duty of intervention comprising both its principles and limits.

The alternative – seeing controversial cases as exceptions – is not only rather ineffective but also damaging for the UN: a proliferation of exceptions will ultimately destroy the fabric of international legality.

III. *The UN and regional organizations: political mandate and operational control*

A second major obstacle to collective action is the decision making procedure prior to any form of direct intervention.

A. *The problem*

How are the form, specific goals, timing and duration of an intervention to be decided? How is the mission to be precisely defined (so as to allow adequate planning and command & control – including when possible a reliable exit strategy, on which more below)?

As experiences in the Balkans and in Afghanistan demonstrate, there is a consolidated, decade-old practice of NATO missions under UN mandate; however, these have been mostly stabilization missions, carried out after a conflict – or in any case after the early stage. The ensuing risk for the UN is to serve simply as a *post-facto* complement to crisis management, or a kind of fig leaf. We have thus observed on various occasions a (partial) "return to the UN" following a phase of marginalization.

A related aspect is how to organize the control and fine-tuning of the operation, as well as assess the mission's progress, once it starts. No amount of planning can ensure that adjustment will be unnecessary; thus, both operational control and political oversight remain just as essential after the mission's launch.

Obviously, interventions in crisis situations inevitably affect, one way or another, the post-crisis settlements on the ground. From a UN perspective, the question is thus how to combine the devolution of operational tasks in an intervention without losing the political control over crisis management. In particular, the "end state" needs to be clear to all parties involved as early as possible, since the desired point of arrival ought to determine the entire mission. An "exit strategy" is often a political necessity for the contributing governments, but in the larger scheme of things crisis response should be guided by a positive goal, not by the objective of terminating the intervention.

B. *The response*

There is now a vast consensus that the UN as such is not best suited to direct a military-civilian operation under harsh crisis conditions.

The oscillation between the advantages of institutions and the temptation to build ad hoc – thus extremely flexible – "coalitions of the willing" (and able) has been the hallmark of the 1990s.

In the abstract, there are only two options to more fully develop the UN's response capabilities:

- give practical application to the part of Chapter VII which has so far remained on paper only;
- develop the potential of Chapter VIII, i.e. the link between the UN and regional organizations.

We believe that the first option - including standing armies - is totally unrealistic. The only way to avoid UN's marginalization is to develop arrangements with regional organizations or multi-national efforts lead by a "framework" nation.

To overcome a purely ad hoc logic, it would be useful to develop reliable procedures, rules of behavior, and even best practices. The evolving relationship between the planned "rapid response" forces of NATO and the EU (the Nato Response Force and the EU Rapid Reaction Force, respectively) stands to demonstrate, in fact, how even very *convergent, complementary and partly overlapping* organizations (with a large majority of the same member states) have a hard time fully coordinating their doctrinal choices and resource allocation.

IV. *The resource conundrum*

The third general obstacle to effective rapid response has been the lack of adequate resources – human (both military and civilian), material, and financial.

A. *The problem*

Resources need to be sufficient both in quantity (beginning with manpower, transport and other logistics, etc.) and in quality (training and equipment – including interoperability – support in terms of intelligence, etc.). Recent crises have shown that the UN does not possess either the former or the latter type of capability, while the well-known concept of using a set of forces pre-assigned to the UN for crisis response continues to encounter major obstacles- mostly because potential contributors wish to maintain control over the operations and graduate their involvement.

B. *The response*

A major step would be a commitment by NATO and the EU to make available a pool of resources for crisis management under UN mandate, although under NATO or EU command. Such contingents would be pre-assigned, but they will never be standing forces. France and the UK – the two countries in the lead of the current EU defense plans – have already stated in principle their intention to assign part of the EU Rapid Reaction Force to UN missions. It has to be clear, however, that concrete decisions about committing soldiers to international missions will continue to be made on an "ad hoc" basis.

A de facto division of labour may already be emerging, if we look at recent missions (see Annex), in terms of the various phases of intervention, with a lead nation (the US), NATO, or the EU respectively, depending on the expected level of combat intensity. In fact, aspects of the evolving NATO-EU "strategic partnership" could be replicated in the UN context, along the lines of the arrangement whereby certain NATO assets are presumed to be accessible by the EU in case of need. This would be a political commitment, not a legally binding one; yet, its significance and potential for setting a virtuous precedent is evident.

In any event, the scheme of a UN mandate coupled with one of the two major regional organizations (or a lead nation) is a good combination, since it would theoretically ensure both the much desired UN legitimacy and centralized command and control over the operational process.

The option of pragmatic arrangements among "willing and able" participants has only been pursued when a framework or lead nation was available, and recognized as such. This path has been mostly chosen when tight national control over a mission was the overwhelming concern – more so than multilateral cohesion per se. However, the most effective solution is probably to have both an organization *and* a lead nation ready to act within a given institutional context. A standing organization facilitates the sharing of sensitive information, fosters standardized procedures, and potentially creates credible expectations among outside actors (thus enhancing the degree of influence on crisis situations). The lead nation ensures certain key assets that usually prove hard to provide in a strictly collective mode.

The tension between the two options would be reduced if the EU and NATO were to become more flexible in their respective internal workings (thanks to "constructive abstention" mechanisms).

In terms of "available resources", both NATO and the EU are already committed to develop more and better deployable forces for crisis management missions. Even when referring to different "hats" (NATO and the EU), it seems evident that the technical difficulty of developing the "right mix" of deployable forces can only be overcome through close NATO-EU cooperation.

There is not only a need for deployable forces- but rather a need for robust and sustainable deployable forces, capable of waging expeditionary warfare if called upon.
These and other (more political) considerations call for a continuous cooperation between the EU and NATO. On the other hand, Europe potentially has the credibility and the resources to deal with a large array of crises – in the Balkans and in Africa – also independently from NATO, that is the US. Complementarity among different organizations is often real, going beyond the rhetoric of "interlocking institutions". There was no interest by the US or NATO in pursuing an intervention in Congo, and it became rather natural for the EU to step in. Mature regional organizations have no penchant for "beauty contests" when international problems abound and resources are scarce.

Turning more specifically to the EU, the recently approved EU Security Strategy recalls that "In the last decade European forces have been deployed abroad to places as distant as Afghanistan, East Timor and the DRC [Congo]", declaring an increasingly global outlook implying global responsibilities.

A widely noted statement captures the ongoing shift in attitude: "We need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention". Despite the well known deficiencies of the EU in long distance and "robust" crisis management, credibility can be gradually built, depending in part on self-confidence. The "framework nation" scheme is proving to be a good practical solution in this context, though not a panacea.

Some of the political difficulties constraining ESDP would be ameliorated, for the EU, through the UN connection: in a sense, the political legitimacy that only the UN can provide may well be an operational precondition for the effectiveness of the EURRF in global engagements.

The EU, in fact, seems to be moving fast on the road to an explicit link to the UN in short-term military engagements in support of UN-mandated military-civilian operations, as evidenced by the joint declaration (of 24 September 2003) between the European Union and the United Nations on cooperation in crisis management. Only a more organic relationship with the evolving EU's security and defense dimension could in fact improve the UN ability to act effectively in certain crisis, particularly in Africa.

Summing up, from a UN perspective, NATO and the EU remain better suited than any other organizations in terms of resources and capabilities to provide at least some key "enablers" for effective and rapid deployments of military-civilian contingents in trouble spots – even at considerable distance from the US or Europe.

One of their advantages is the tested ability to act as catalyzers of contributions from non-member countries: in this capacity NATO and the EU can serve as the core of broad coalitions, with other partners joining in the collective effort and bringing precious resources to the table.

Outreach, partnership and training activities can also be of great importance to facilitate the creation of other regional organizations capable of undertaking similar tasks over time, along the efforts now being pursued by the EU with regard to African multinational peacekeeping forces.

V. *Conclusions: a Coordination Forum*

The legacy of the last two decades indicates that today the UN has to be seen as *one of* the organizations providing the framework for crisis response missions – but not the only one and not necessarily the one with most influence on the missions. It is very likely that

some crisis response operations will be pursued within the UN framework, but others will be pursued in loose coordination with it, and yet others even outside it.
The UN will be the institution of choice to the extent that it serves not just as the provider of legality and legitimacy, but also as the nexus where general rules evolve and practical measures are developed to enforce these very rules.

- The ongoing efforts by the EU to define criteria for collective (i.e. EU-led) response to crises, while reiterating the centrality of the UN and simultaneously cultivating a strong link to the US and other non-EU allies through NATO, is an encouraging step forward which could be expanded. In particular, a coordinated UN-EU-NATO approach could significantly increase the effectiveness of crisis response – at least in the medium term – by developing better instruments, a more precise set of criteria for action, and (upstream) an updated risk and threat assessment paradigm. To this end, a "Coordination Forum" should be established for regular meetings of the three organizations on crisis management: the meetings would take place at the technical level – Secretary Generals or their representatives The proposed Coordination Forum could develop procedures to ensure rapid and early action (preventive whenever possible); in turn, these require an early warning system and, even more importantly, a common assessment system to evaluate the threat and formulate an appropriate intervention plan (ideally aiming at an explicit end state) complete with graduated options leading, if necessary, to a controlled escalation.

- Such a "Coordination Forum" might also have the side effect of encouraging other countries to join their own forces – not only figuratively but practically – and create additional regional and multilateral channels for crisis management. A geographical specialization is a logical choice, both for political and operational reasons (witness the role of Australia in East Timor); however, given the current reality of crisis management capabilities that are highly concentrated in the NATO and EU countries, these two organizations could serve as the "core" for the gradual dissemination of expertise and best practices, particularly in Africa and the Middle East. Assisting the efforts of countries in each region is a needed contribution, but so is a readiness to augment local contingents by providing ad hoc support when needed.

- As recent experience shows, the motivations behind a recourse to NATO or the EU vary widely – from practical support requirements (e.g. Polish troops currently in Iraq) to largely political/symbolic reasons (e.g. the EU "banner" in Bunia), and from burden-sharing (e.g. the gradual takeover of NATO in Kabul) to a progressive shift in the capabilities of organizations and the nature of the mission (e.g. the NATO-EU transfer underway across former Yugoslavia). Thus, a likely model is one in which a commitment is made to develop packages of capabilities to act in a crisis response mode with the highest possible level of legitimacy – explicitly UN-mandated in an ideal situation. The specific format can be defined ad hoc, provided it satisfies certain political and functional requirements that are crucial to getting the necessary contributions while preserving the centrality of the UN. Here is where the agreed criteria for international intervention come into play.

In conclusion, the UN need to engage in a continuing dialogue with both NATO and the EU, if only because both comprise countries that are likely to be essential to any sizable crisis response operation, whatever its "hatting". Therefore, the effectiveness of the international system as a whole largely depends on how the UN can "anchor" NATO, the EU, and other countries or regional organizations to an evolving but shared concept of intervention in crisis prevention and management. In a context of "multilayered multilateralism" (comprising the level of ad hoc coalitions or groupings, the level of regional organizations, the global level), the unique position of the UN will be safeguarded only by allowing and actually prodding other institutions to do what they do best.

ANNEX

Macedonia, Congo, Afghanistan: harbingers of the future(s)?

The great diversity among these three post-2001 missions – which immediately meets the eye – stand as a testimony to the wide spectrum of contingencies that a generic crisis response capability would need to anticipate.

Operation Concordia in the FYROM followed three successive NATO missions (August 2001-March 2003), which in turn were requested by the Macedonian government, backed by UNSC Resolution 1371, and charged with disarmament, international observers' protection and stabilization tasks. As the first-ever EU mission under the "Berlin plus" agreement with NATO, Concordia is a numerically limited deployment (less than 1,000 people), carried out in a region where the EU has an unmistakable political and strategic stake, in the wake of a limited (less than 4,000 troops) but successful NATO engagement. The background of Operation Concordia is clearly a UNSC Resolution (1371 of 2001) supporting the creation of a multinational security presence, and a specific request by the host government. In such a context of strong legitimacy, the role of NATO, as well as the insertion of monitors and observers in the country since early on, ensured a kind of "soft landing" for the EU. These relatively favorable conditions may also have eased the transition from an initial Force Headquarters based on a framework nation (with France serving in that capacity) to a truly multinational Force Headquarters (EUROFOR) in October 2003.

It is also important to note that the original FYROM deployment under UN mandate (the United Nations Preventive Deployment Force – UNPREDEP) was unique in one crucial respect: it was the first mission in the history of United Nations peacekeeping to have a preventive mandate.

Operation Artemis in the Democratic Republic of Congo was the first-ever EU-only military mission of crisis management (involving around 2,000 troops deployed), conducted in the African heartland and thus implying a significant logistical challenge. The mission was based on UNSC Resolution 1484 (of May 30, 2003), explicitly under Chapter VII, and aimed at improving the humanitarian conditions and overall stability in the city of Bunia, while a pre-existing UN deployment (MONUC) was being reinforced. The Resolution called specifically for "the swift deployment in Bunia of the Interim Emergency Multinational Force" – thus setting a clear framework of rapid and temporary response. Beside the availability of a framework nation (France, which contributed a large majority of the troops and assets), the Bunia deployment benefited from a sort of guaranteed exit strategy thanks to the planned insertion of a larger UN force – a great plus from the perspective of any contributing nation or organization such as the EU.

One of the facilitating factors for this particular mission was the pre-positioning of some French troops in the region, as well as the fact that the French government was already preparing a national operation when the EU Council officially seized the matter. Perhaps equally important, the EU as a whole has a legacy of close involvement (through development assistance and diplomatic activity, formalized with the designation of a special envoy) in the Great Lakes region – a level of priority confirmed by a specific mention in the EU Security Strategy, alongside three major global hot spots: Kashmir, the Korean Peninsula, and the Middle East . In any case, it seems clear that the mission enjoyed vast approval from the EU members, as 16 of them made contributions (some only in the form of equipment).

NATO's engagement in Afghanistan (ISAF 4) is what the Alliance itself describes as its first mission "beyond the Euro-Atlantic area" – rightly referring to a major breakthrough in the history and internal debates of NATO. The original ISAF mission was based on UNSC Resolution 1386 (of December 2001) designed to assist the Afghan Transitional Authority in maintaining security in and around Kabul; this mission did not involve NATO as such and was led by the UK. But NATO's role had begun as support for ISAF 3 (under joint German-Dutch command).

ISAF came at a delicate and dangerous time, in the wake of an essentially non-contested but strongly US-led and high-intensity military operation against the Taliban regime and the Al Qaeda network on the ground – Operation Enduring Freedom. Strong political support in Europe (and elsewhere) for the Afghanistan mission rested to a significant extent on the early psychological effect of September 11, 2001, and the unusually direct link between a single terrorist episode and a regime harboring a terrorist organization. In the wake of the Taliban's fall, the need for a stabilization force at least in the capital was widely felt to avoid anarchy and a resurgence of factional fighting. In fact, as the anti-Taliban campaign proved longer than hoped for, providing a modicum of stability for at least partial reconstruction efforts has become more, not less, crucial to the survival of the Karzai government.

Taken together, the cases just recalled confirm that in various formats the three organizations – NATO, EU, UN – are bound to closely cooperate on the ground at successive (but sometimes overlapping) stages of a crisis, thus accumulating a wealth of common experiences in different configurations.