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EU/WEU

EU - It is generally recognized that the common foreign and security policy (CFSP) of the EU suffers from a serious «credibility gap» since the Union has often been unable to substantiate its ambitions and declarations of intent in this field with effective policies. There is also a widespread awareness that on no other occasion has this fundamental deficiency been more evident than in the EU involvement in international crisis management in the former Yugoslavia.

It is worth noting, in particular, that the introduction of the new CFSP procedures following the ratification of the Maastricht Treaty did not result in more consistent or robust EU action in the Yugoslav context, although the latter was chosen in October 1993 as one of the areas for joint actions. On the contrary, the most active phase of the involvement of the EU in the management of the conflict took place in 1991-1993 before the introduction of the new CFSP procedures established by the Maastricht Treaty. Once the EU lost the initiative, it was unable to regain it for the reasons outlined above. The mechanisms activated by the EU in the 1991-1993 phase--such as the Peace Conference, the Badinter Commission and the European Community Monitoring Mission (ECMM)--were mostly *ad hoc* and as such quite far from the institutional ambitions of the Maastricht Treaty. They were the immediate response to a conflict for the management of which the EU clearly lacked the necessary experience and institutional basis.

On the other hand, the Yugoslav case highlighted the inadequacy of some mechanisms that the EU has continued to use for the conduct of its foreign policy. In particular, the Troika system, given its rotating and merely inter-governmental nature, did not allow the EU to speak with a single authoritative voice. Nor was it able to ensure the consistency and continuity required for EU action to be effective. More generally, the EU's bureaucratic mechanisms for the coordination of foreign policy initiatives proved largely insufficient.

It must, however, be noted that the EU countries made a constant effort to reach common positions and avoid unilateral moves even in the presence of significant divergencies of views. Even in the case of the recognition of the secessionist republics, it was above all the member countries' desire to avert a major crisis within the organization that eventually led to the adoption of a common decision. Although this attitude toward compromise very often has resulted in little more than a lowest-common-denominator strategy in the former Yugoslavia as well as in other areas, it still demonstrates that resorting to EU/WEU consultation and cooperation structures is key to avoiding a return to the old logic of balance of powers in such unstable regions as Southeastern Europe.

The experience of the EU's involvement in Southeastern Europe demonstrates that for the Union to become an effective crisis management actor in the region, it is essential that

it acquire instruments capable of ensuring regular and timely monitoring of the crisis situations as well as effective mechanisms for policy planning and the collective elaboration of the possible strategies of intervention. This appears to be a key pre-requisite for enabling the Union to develop pro-active policies and to avoid limiting itself, as has often happened, to reacting to events.

The various perceptions and interests of the member states with regard to the security problems in the Balkans should be a matter of constant collective consultation in view of the definition of common approaches. By the same token, the elaboration of the strategies for the joint actions require more continuous work and a larger amount of human and material resources. Once it is activated, the Early Warning and Policy Planning Unit (EWPPU) established by the Amsterdam Treaty could contribute significantly to the achievement of those objectives. To this end, however, the EWPPU should be allowed to involve independent advisers and to have access to confidential information. It is also important that its activity be integrated with that of the European Commission and the operational bodies of the WEU.

The High Representative for the CFSP, also created by the Amsterdam Treaty, could also help ensure a greater consistency of EU actions in Southeastern Europe. The fact that the EU, when faced with major crises erupting in the area was often unable to speak with a single voice has greatly undermined its credibility as a crisis manager. This fundamental deficiency has also complicated cooperation with the US and with other international actors. Furthermore, one cannot rule out that a deepening of the contradictions between the Western countries and Russia will result, sooner or later, in the paralysis or even the dissolution of the Contact Group as the central decision-making body for crisis management in the former Yugoslav area. In that case, the ability of the EU to play an even stronger and more effective diplomatic role would become even more essential.

As the Albanian case in particular demonstrates, the diversity of the national interests involved in the various crisis situations tends to prevent the EU from undertaking joint actions. What was missing was the EU's ability to arrive at a joint assessment of the situation and define common strategic objectives. In the light of national interests that were not convergent, but not diametrically opposed either, the EU countries were not able to put into action mechanisms which would have permitted the delegation of responsibility to a limited group of member states but within the institutional framework of the Union. It was not an exaggeration, when some European leaders defined the Albanian crisis as a «missed opportunity» for the EU/WEU. This suggests the need for the Union to quickly develop greater flexibility in the conduct of the CFSP. In this respect, the Amsterdam Treaty contains relevant innovations such as «constructive abstention» for CFSP decisions. The EU should be able to delegate the responsibility for the direction and conduct of joint actions, especially in the military field, to one or more member countries, while ensuring, at the same time, collective political solidarity. In order to avoid the systematic resort to ad hoc coalitions of the willing, which is hardly compatible with collective management of European security, mechanisms should be established to ensure the prompt use of available resources and, at the same time, a common political responsibility of the Union.

The experience of crisis management in Southeastern Europe has also underlined the key importance of effective co-ordination between the civilian and military component of the peace missions. As an organization with both political and economic capacities, the EU has

the potential to make an important contribution in this field. This would be facilitated by a greater involvement of the European Commission in the development of the CFSP as well as by the establishment of closer institutional links between the EU and the WEU.

The crucial test case for the EU's role in Southeastern Europe will certainly continue to be its contribution to the international action in Bosnia and Herzegovina and Kosovo. The IFOR/SFOR arrangement has proved an effective model for cooperation between the US and the European allies for the implementation of the military aspects of the Dayton agreement. Its flexibility has also facilitated the accommodation of different US and European interests. There seems to be no similarly effective mechanism in place in Kosovo. In general, the US is expected to gradually reduce its ground troops deployed in the hot spots of South-East Europe, which will result in a progressive Europeanization of the peace operations. In the longer run, therefore, the Europeans will probably be confronted with the challenge of taking the lead in the military arena in South-East Europe. This could require the establishment of a new European-led CJTF mission under the aegis of NATO or the WEU.

Structural elements will continue to prevent a rapid integration of Southeastern Europe into the EU institutional framework in the foreseeable future. It is against this backgroud that the EU's general policy aimed at fostering regional cooperation in Southeastern Europe appear particularly important as a way for facilitating the integration process as well as for promoting the stabilization of the area. The initiatives so far undertaken by the EU in this field have achieved very limited results. These initiatives have, however, introduced some innovative elements whose importance should not be underestimated. First, the effort to create geographically more circumscribed spheres of cooperation can be particularly useful for dealing with the border and minority problems of Southeastern Europe. Second, the effort to combine the pre-accession strategy of the EU with the norm-setting and monitoring activity of the OSCE is also worth pursuing. The cooperation between the two institutions can contribute to ensuring a truly comprehensive approach to the security issues of Southeastern Europe. The EU enlargement process and the OSCE's action in support of fundamental norms in the human rights and security dimensions should increasingly become mutually reinforcing processes. Third, the use of EU resources for the support of security-related agreements can be an effective policy, provided that additional funds are actually made available.

WEU - In the last few years, the activation of the WEU for the conduct of major operations in Southeastern Europe and elsewhere has been considered several times. Political differences among the member states have prevented the realization of these options. But the still uncertain relationship between the WEU and other Euro-Atlantic institutions and the persistent structural weaknesses of the WEU itself have also represented important obstacles to the WEU assuming greater responsibility for peace support operations. The incorporation of the so-called Petersberg tasks in the Amsterdam Treaty was certainly a major step forward. This should, however, be coupled with a more precise identification of the primary tasks to be assigned to the WEU – which is doomed to become an integral part of the EU - in the field of peace-keeping and, more generally, crisis management.

The WEU – even after its absorption in the EU - is unlikely to acquire soon the capabilities in the field of intelligence, logistics, transportation of troops etc. that are necessary to undertake large-scale interventions in non-permissive environments. The WEU

seems instead much more suited to operations of a smaller scale in situations where there is a solid consent of the conflicting parties or the hosting state. A good example is provided by Operation Alba in Albania in 1997, which was carried out by an ad hoc coalition of states, but could well have been directed by the WEU, as requested by some member states. This is not to say that the WEU should have the exclusive competence for such operations. In some cases, even for operations of smaller scale, the presence of US troops and the activation of NATO can be preferrable, especially if the deployment of the troops is designed to have a deterrent effect. When there are significant risks of escalation or of a spillover of the conflict to critical neighboring areas, US involvement is advisable. A certain division of labor between the WEU and NATO could be realized by assigning the WEU primary responsibility for more limited conflicts and NATO primary responsibility for those which have the greatest potential for escalation and spillover.

Given its institutional link with the EU, the WEU appears the most suitable instrument for the conduct of military or police interventions in the context of a wider international action entailing a robust civilian component. The WEU involvement seems quite natural, in particular, in situations where the EU coordinates the international activities in the civilian field. In general, a more efficient institutional link between the EU and the WEU would allow a greater consistency of the Union's crisis management action.

The WEU has gained considerable experience, especially in the conduct of civilian police missions. This may represent a major field of specialization for the WEU. It is essential, however, that improvements be made in such crucial aspects as the recruitment of personnel, the integration between the various national contingents and the coordination with other civilian and military missions on the ground.

OSCE

The OSCE's involvement in crisis management in the Balkan region, which has been constantly growing since 1991, provides some important lessons concerning its competitive advantages but also some basic shortcomings in the organization's instruments of intervention.

Since the outbreak of the Yugoslav wars in 1991 the OSCE has played a relatively prominent role in practically all areas of Southeastern Europe where conflict prevention or crisis management efforts have been undertaken. Each of the OSCE's major instruments and bodies created at the beginning of 1990s--in particular at the 1992 Helsinki II Summit--has been repeatedly used in the region, albeit with mixed and sometimes controversial results.

The OSCE has established several missions of long duration or sent ad-hoc missions to critical countries with varying mandates, ranging from early warning to the use of its good offices and mediation, to the monitoring and promotion of the respect for human rights. Security-related ethnic issues in the Balkans have been also extensively addressed by the OSCE especially through the action of the High Commissioner on National Minorities (HCNM), whose role within the organization has gained increasing importance. Finally, the OSCE has been the central actor involved in the international supervision of the elections which took place in Southeast European countries in the last few years.

In performing these tasks, the OSCE has had to interact, often very closely, with a variety of other international actors. Although its involvement has been a crucial part of the international response to the crisis situations which have erupted in the region, in no case has it been assigned the actual leading institutional role in decision-making or in the direction of the international efforts. This is hardly surprising since by the mid-1990s even the most ardent advocates of the idea of transforming the OSCE into the central pillar of the institutional system of European security had dismissed such an idea as impractical.

It is also worth noting, that, contrary to the expectations of some experts, in Southeastern Europe, as in other areas, the OSCE has played mostly, if not exclusively, an operational rather than a legitimizing role. A typical example is the Multinational Protection Force (MPF) in Albania whose establishment was formally requested by the Tirana government. The MPF was endorsed by the OSCE Permanent Council but actually received its ultimate legitimization from the UN Security Council. The same applies to the OSCE Kosovo Verification Mission (KVM)

In the last few years the OSCE has undergone a promising evolution, with some of its bodies acquiring an increasing capacity for greater action. This is, in particular, the case for the OSCE Chairman-in-Office (CiO) whose authority and capacity for initiative have grown considerably in the last few years. The OSCE missions themselves have been able to act with a remarkable degree of autonomy, at least for an organization such as the OSCE, which is strongly consensus-based. Both the CiO and the heads of missions are permitted to take important decisions and have sometimes had considerable influence on decisions taken by the Permanent Council, the highest decision-making body of the organization. For instance, such a crucial decision as the certification of the conditions for holding the first post-conflict general elections in Bosnia and Herzegovina was left to the CiO upon the advice of the head of the local mission. The long-term missions are today usually given a longer mandate than previously--one year instead of six months--which has further enlarged their room for action.

These improvements nothwithstanding, the consensus rule remains a major obstacle to the development of a greater security role for the OSCE. After all, any one of the 54 member states may prevent the dispatch of a long-term mission by using its veto power. For the same reason, on some crucial occasions the OSCE has not been able to develop an effective declaratory policy. At the 1994 Budapest Summit, for example, the member states failed to agree on a firm position on the conflict in Bosnia and Herzegovina, which was a serious blow to the OSCE's prestige.

Generally speaking, the OSCE is likely to focus mainly on operational tasks because its role as a legitimizing institution has proved difficult to develop. As a matter of fact, the international actors that undertake major crisis management initiatives tend to seek endorsement above all from the UN Security Council. In any case, the OSCE could hardly provide an alternative source of legitimization if the Security Coucil should again become paralyzed by the veto power. First, the OSCE cannot legitimize enforcement action. Second, a veto by a permanent member of the Security Council would block the action by the OSCE as well as the UN.

The primary competence of the OSCE in certain operational areas--especially supervision of the electoral processes--is now widely recognized. In others, however, such as early warning and the monitoring of human rights, its action continues to be

complementary and partly overlaps with that of other international organizations, sometimes causing undue duplication or inter-institutional rivalries. A case in point is the somewhat unclear division of responsibilities between the OSCE Spillover Mission and UNPREDEP in Macedonia. The idea, which gained some currency in the early 1990s, to assign the OSCE the primary responsibility for crisis management interventions in Europe not entailing enforcement action has proved unworkable, but there remains the need to better define the respective roles of the various organizations that undertake such types of interventions, clarifying in particular the division of labour between the OSCE and the UN. In any case, at the operational level the OSCE is likely to continue to concentrate mostly on fact-finding, monitoring activities, early warning and preventive diplomacy where it has proved most successful. It has become increasingly evident that the OSCE has significant difficulties in developing its own peace-keeping role. This was demonstrated, for example, by the fact that the possibility of sending an OSCE-led military mission to Albania during the 1997 crisis was never seriously considered, largely due to the structural deficiencies of the organization. Indeed, the overambitious program unveiled at the Helsinki II Summit, which mandated the organization to deal with all aspects of crisis management, except for enforcement, has remained largely on paper.

In its involvement in Southeastern Europe, however, the OSCE has shown a remarkable flexibility, by taking over a wide range of tasks related to security and human rights issues. Its missions, especially the long term ones, have been assigned increasingly large mandates. In many critical areas they are today a crucial component of the international action. The OSCE's involvement was often essential to ensure the necessary comprehensiveness of the international action. Moreover, even in places, like Macedonia, where the OSCE missions have a rather marginal role, they at least contribute to providing timely information on the evolution of the security and human rights situation and to keeping international attention focused on it.

Practice also shows that OSCE missions can be dispatched and have some positive impact even in situations of armed conflict, as illustrated by the first OSCE mission to Sarajevo and, to use an example from another region, by the OSCE mission to Chechnya. More recently, the OSCE was assigned a demanding verification role in Kosovo at the time when a stable cease-fire was absent and when there was a serious risk of a resumption of the hostilities on a large scale.

Monitoring activities such as those assigned to the OSCE's Verification Mission in Kosovo requires that the organization become involved extensively in the military dimension of a crisis and may also imply that it should act in close coordination with military organizations such as NATO. The OSCE does not appear to be particularly well equipped to do this relatively new job, although, at this point, it is still too early to draw any definitive conclusions from the Kosovo experience.

As noted above, some long-term missions have found it hard to accomplish the many tasks assigned to them in an equally effective way. As demonstrated by the case of the OSCE mission in Bosnia and Herzegovina mentioned above, these missions are sometimes required to achieve objectives which are not easily reconcilable. In other cases, when they are also entrusted with various functions, it is their small size that, above all, prevents them from achieving substantial results. Another evident weakness of the OSCE missions lies in the

fact that they are composed of seconded officials whose professional skills do not match the tasks they are supposed to carry out on the ground.

The OSCE has also proved a valuable conflict prevention instrument through the initiatives undertaken by the High Commissioner on National Minorities (HCNM) in situations where ethnic disputes might give rise to violent conflicts. In some countries, the HCNM has been able to promote a substantial improvement in legislation concerning the rights of ethnic minorities and to regularly follow its implementation. On the basis of a wide interpretation of the mandate conferred to it at the Helsinki II summit, the HCNM has also been involved in mediation activities. More consistently than other actors, it has tried to have a moderating influence on minorities by encouraging them to focus on requests such as acquisition of citizenship, access to state Administration or parliamentary representation. These claims, unlike more radical ones, such as territorial autonomy, can hardly be seen as a first step toward secession and are compatible with a long-term strategy aimed at integrating minority groups while granting them basic individual and collective rights. Furthermore, given their particularly confidential and impartial character, the HCNM's preventive diplomacy initiatives are most likely to be accepted by the concerned parties even in the very early stages of the development of a conflict. For the same reason, the HCNM is generally able to interact more easily than other international bodies with NGOs and opposition groups. Finally, unlike the establishment of the OSCE missions, the interventions of the HCNM do not require a formal decision by the OSCE Permanent Council nor the consent of the host country. This has also enabled the HCNM to intervene in countries where an OSCE mission is not present as well as to deal with some crisis situations in a particularly timely fashion. The fact remains, however, that the HCNM can only marginally deal with security issues. It may intervene only in situations involving minorities and that have not yet escalated to the point of an armed conflict.

Practice also shows that the OSCE provides a valuable instrument for allowing or facilitating the involvement of key international actors in crisis management efforts undertaken in Southeastern Europe. In the case of the 1997 Albania crisis, for example, it was the U.S. in particular that insisted that the OSCE should play a prominent role, since it was seen by Washington--which had refused to participate in the military mission--as an instrument for maintaining some influence over developments on the ground. In a similar way, the Russian participation in the OSCE structure ensures Moscow's involvement in the implementation of the civilian aspects of the Dayton agreement. On the other hand, the interest of the US in promoting the role of the OSCE has also been evident in situations--such as Bosnia and Herzegovina and Kosovo--where the US is also widely involved in the military field. In this respect, it is worth noting that the heads of the OSCE missions in Albania, Bosnia and Herzegovina and Kosovo are all high-level US officials.

Finally, in the future the OSCE could play an important role as a facilitator of the democratization of the Federal Republic of Yugoslavia (FRY), which could become possible in the wake of another crisis or following the collapse of the Milosevic regime. This would be an important task for the OSCE, which, as a result especially of its action during the internal crisis in the FRY in 1996, has gained considerable prestige in the FRY. Indeed, recent developments in the Balkans have further demonstrated that the stabilization of the region will be extremely difficult without a democratization of the Yugoslav state.

The United Nations

The UN central role in the international efforts undertaken in the first half of 1990s to manage the Yugoslav wars can be seen as a result of the EU failure. Yet, it was also prompted, to a substantial degree, by the comparative advantage enjoyed by the UN as an organization that was – and still continues to be - widely perceived as ensuring a relatively greater level of impartiality. However, the UN inability to put the Bosnian war to an end, coupled with similar negative experiences outside the European context, dashed the hope that the UN can offer effective operational instruments for conflict resolution when a coercive action is required. This reflected in the activation of NATO in Bosnia-Herzegovina, which progressively reduced the UN military role in the area – but also its ability to exercise a real political control on the military action authorized by the Security Council.

The case of the international action in Albania in 1997 came to confirm the marginalization of the UN in the management of Balkan affairs. The possibility of a UN-directed intervention never came under serious consideration and the UN Secretary-General bluntly characterized it as irrealistic due to the UN inability to mount a military response in a timely fashion. The gradual disengagement of the UN from the Balkan area seemed to receive a further confirmation following the termination of the UNPREDEP mission in Macedonia which took place in parallel to a growing role of NATO in the country and, more generally, in the southern Balkans. Moreover, as a matter of fact, the UN was almost absent from the peace-making action undertaken to solve the Kosovo conflict before the NATO air campaign. The decision of the Western allies to engage in a forceful military action without authorization from the Security Council has set a highly controversial precedent that has made even more problematic the UN role in a region where other bloody ethnic conflicts may occur in the future.

The outcome of the Kosovo conflict has, however, resulted in a renewed involvement of the UN. The UN Security Council's backing was indeed a key component of the process that led to the cessation of hostilities. Practically all major international actors actively sought a wayout that made it possible to restore a pattern of cooperation within the Security Council. As noted above there seems to be substantial obstacles to establish a source of legitimation of international intervention other than the UN Security Council that can receive a wide support among the governments and public opinions even of the Western countries. For a variety of reasons, undermining the UN role in the Balkans through unilateralism can have substantial adverse effects on the peace-making efforts in the region. The thorny dilemma between recourse to unilateral action and the passivity that may result from the inability of the UN Security Council to take decisions is most likely to continue to trouble the Western decision-makers.

The UN was also assigned the overall guidance and coordination of the civilian international missions in Kosovo, while the same task is performed in Bosnia-Herzegovina by a High Representative who only acts under a UN mandate. No doubt, the UN overarching role in Kosovo is quite loose and so are the coordination mechanisms among the various civilian missions. Once more, the relative importance of the UN role is coupled with a lack of a clear blueprint for the resolution of fundamental institutional questions - which, in turn, are closely connected with the still unsolved problem of the final status of the region - as

happened in the first phases of the international intervention in Bosnia-Herzegovina (before the signing of the Dayton agreement). A pattern seems to be emerging by which the resort to the UN takes place especially in crisis situations where there is the need to concentrate on the impelling needs of the local population while an agreement on how to address the root causes of the conflict is still lacking. In the case of Kosovo, however, the main political rationale of assigning the UN an overarching role was clearly to provide the Belgrade governments and the Serbs with some more reassurance about the impartiality of the international missions. Generally speaking, however, the UN is ill-equipped to ensure an effective integration between the various civilian aspects of an international intervention in a post-conflict situation. Apart from the political considerations just mentioned, the EU appears more suitable for that role given its economic power.

A much more evident trend is the decreasing role of the UN in the mediation activity in the Balkans. Even in the most acute phase of the recent Kosovo conflict the peace-making activity remains in other hands, i.e. the countries of the Contact Group and of the G-8 and the EU. These bodies appear capable of conducting diplomatic efforts in a more flexible and hence effective way. More important, they often have more direct and substantial leverage on the conflicting parties.

While the specialized agencies of the UN system continue to perform essential tasks especially in post-conflict situations, the operational role of the UN in the Balkan area is likely to continue to lose importance. This is particularly clear not only for peacekeeping but also for all activities related to the respect of human rights and the promotion of democracy, which, as outlined above, has increasingly become a OSCE realm. The UN blessing will instead continue to be crucial for the legitimation of the initiatives aimed at ensuring international justice that have assumed a growing importance in the Balkan area.