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Building Crisis Management Capacity in the EU

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Abstract <p>Several terrorist attacks and large-scale natural disasters have occurred in the last couple of years. These crises have resulted in EU agreements to enhance the union's and the member states' ability to handle future crises. Two aspects of these agreements are analysed in this report. First, what crisis management capacity are the member states willing to give the EU? Secondly, what role can military resources have within the framework of EU crisis management capacity?</p> <p>Member states agree on the principle of national responsibility for crisis management in relation to terrorism and natural disasters. The EU is given a role in some situations, especially when it comes to actions after a disaster or a crisis that has occurred outside the EU borders. Regarding the use of military resources, member states underline that civilian authorities have the main responsibility and that military support should be given as a last resort. Given these restrictions, military support after terrorist attacks and natural disasters may include resources for command and control, intelligence and transportation.</p> <p>A European approach to crisis management is developing. This approach includes a threat-based perspective including prevention of terrorism, as well as a capability-based perspective, focusing on comprehensive crisis management arrangements.</p>		
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Sammanfattning <p>De senaste åren har en rad terroristattacker och större naturkatastrofer inträffat runt om i världen. EU:s medlemsstater har inom ramen för unionens arbete kommit överens om olika typer av åtgärder för att i framtiden förebygga och hantera konsekvenserna av liknande katastrofer. Rapporten analyserar de beslut som har tagits på EU-nivå och relaterar dem dels till den krishanteringsförmåga medlemsstaterna vill ge EU när det gäller terrorism och naturkatastrofer, dels den roll man ser för militära resurser inom ramen för denna krishanteringsförmåga.</p> <p>Medlemsstaterna anser överlag att den nationella nivån är central när det gäller insatser kopplade till terroristattacker och naturkatastrofer. EU kan i vissa fall få en koordinerande roll, framför allt när det gäller åtgärder med anledning av kriser utanför unionens gränser. När det gäller användningen av militära resurser anser medlemsstaterna att detta endast kan ske som stöd till civila myndigheter och då som en sista utväg. Ett antal militära resurser kan dock vara relevanta i samband med såväl terroristattacker som naturkatastrofer, t.ex. resurser för ledning, underrättelser och information samt transport av humanitär hjälp.</p> <p>En europeisk syn på hur kriser skall bemötas är under utveckling. I EU:s arbete ingår såväl förebyggande åtgärder för att ge skydd mot de viktigaste hoten, som krishanteringsarrangemang som kan användas oberoende av vilken orsak en kris har.</p>		
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PREFACE

The FOI project ASEK (Atlantic Security - European Crisis Management) aims at analyzing the European Union and the European Security and Defence Policy (ESDP), the development of NATO, and U.S. foreign and security policy. ASEK is conducted on behalf of and financed by the Department for International and Security Affairs at the Swedish Ministry of Defence.

This report is intended to support the work of officials at the Ministry of Defence dealing with crisis management in the EU. This is an issue that is of growing importance for Swedish and other European decision makers. In addition, we hope that the findings of the report will be valuable also for a broader range of desk officers, analysts and others working with various aspects of crisis management. The report covers a number of aspects of European crisis management and thus also contributes to the growing number of multi-perspective studies of the security role of the EU.

Mike Winnerstig

Project leader

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ACRONYMS

ARGUS	Secure general rapid alert system
CIWIN	Critical Infrastructure Warning Information Network
CBRN	Chemical, Biological, Radiological and Nuclear
CFSP	Common Foreign and Security Policy
Coreper	Permanent Representatives Committee
CRT	Civilian Response Teams
DG	Directorate General
ECHO	European Commission Humanitarian Aid Office
ECURIE	European Community Urgent Radiological Information Exchange system
EPCIP	European Programme for Critical Infrastructure Protection
ESDP	European Security and Defence Policy
EU	European Union
EUMC	European Union Military Committee
EUMS	European Union Military Staff
Euratom	European Atomic Energy Community
Eurojust	The European Union's Judicial Cooperation Unit
Europol	European Police Office
EWRS	Early Warning and Response System
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member states of the European Union
ICMA	Integrated Crisis Management Arrangements
IMINT	Imagery intelligence
JHA	Justice and Home Affairs
MIC	Monitoring and Information Centre
NGO	Non-Governmental Organisation

NRBC	Nuclear, Radiological, Biological and Chemical
PSC	Political and Security Committee
RAS-BICHAT	Rapid Alert System for Biological and Chemical Attacks and Threats
SITCEN	Situation Centre
SATCEN	European Union Satellite Centre
SG/HR	Secretary General/High Representative
SIS	Schengen Information System
SSR	Security Sector Reform
UK	United Kingdom
UN	United Nations
UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs
WMD	Weapons of Mass Destruction

EXECUTIVE SUMMARY

Recent terrorist attacks and large-scale natural disasters have posed serious threats to Europe and its citizens. Traditionally, the management of these types of crises has been the sole responsibility of the nation state, but recent events have led to discussions on enhancing the EU capacity to deal with terrorism and natural disasters. The purpose of this report is to give an overview of the crisis management capacity of the European Union, including the role for military resources, and to provide a new framework for analysis of the EU as a crisis management actor.

The member states find the principle of subsidiarity, which underlines the importance of the nation state for the security of its citizens, fundamental when it comes to dealing with terrorist attacks and natural disasters. However, since the September 11 attacks, several agreements and decisions have aimed at enhancing the EU crisis management capacity related to terrorism. When it comes to internal actions, the EU has mainly developed a capacity to prevent and reduce the vulnerability to terrorism. Focus has been on police and judicial cooperation, but the EU has also elaborated common security standards and developed rapid alert systems in several policy areas in the first pillar. The EU has, however, not been regarded as having an important role for consequence management after terrorist attacks, which remains a national responsibility. For external actions in relation to terrorism, the development of crisis management capacity in the EU is less disputed. The terrorist threat has been integrated into the ongoing development of civil and military capabilities in the ESDP and technical assistance has been provided to enhance the capacity for counter terrorism in third countries.

Recent natural disasters, both inside and outside the EU borders, have also put focus on the EU crisis management capacity in relation to natural disasters. The member states take different views on the role of the EU in the area of civil protection and provision of mutual assistance when it comes to actions inside the Union. Some emphasise the national responsibility to build sufficient crisis management capacity, while others want the EU to be able to support national efforts in the event of large-scale disasters. Building crisis management capacity in the EU is, however, less sensitive when it comes to external actions after natural disasters. The agreements and decisions adopted after the earthquake and tsunamis in the Indian Ocean have emphasised the need to improve the coordination between different EU mechanisms for external assistance as well as the coordination of member states resources in relation to third countries and the UN.

In the member states, the use of military resources in support of civilian crisis management is seen as a last resort, which is guided by the principle of civilian lead of crisis management operations in situations other than war. Military resources are, in comparison to civilian resources for crisis management, regarded as expensive, slow to deploy and designed, trained and equipped for other tasks.

When it comes to counter terrorism inside the union borders, the EU has created a military database relevant to civil protection in order to facilitate mutual assistance

after a terrorist attack. However, due to the limited time available in the event of crises, the member states question the practical use of the database and believe that military assistance would rather take the form of bilateral support. Military resources are, on the other hand, considered to have an important role when it comes to external actions in relation to terrorism and the terrorist threat has been integrated into the ongoing process of developing ESDP capabilities. Within the ESDP, measures have mainly been directed at preventing and reducing the vulnerability to terrorism through capacity building in third countries and increasing the level of force protection in ESDP operations. Only a few consequence management tasks have been discussed.

The issue of using military resources in support of civil protection in the event of a natural disaster inside the union has not been much discussed in the EU. A few specialised military resources have, however, been offered as assistance after recent natural disasters. In some member states the financing of this type of support is problematic. In light of recent disasters, military resources have, on the other hand, been considered to constitute an important support to humanitarian assistance in the aftermath of natural disasters outside the EU. The main contribution of military resources, discussed in recent EU proposals, is to provide security and transportation for civil protection and humanitarian assistance, tasks which have been integrated into the process of developing ESDP capabilities. The civ-mil cell has further been tasked to prepare for the coordination of civil and military capabilities for disaster management. EU coordination of member states' military resources in relation to the UN is also developing.

To sum up, the recent threats from terrorism and natural disasters have created further incitements for cooperation between different EU institutions and between civilian and military mechanisms of different pillars. The increasing coordination of external crisis management actions in relation to terrorism and natural disasters implies that important steps are taken towards the creation of a common European foreign policy, which is in line with the agreements in the Treaty establishing a constitution for Europe. However, for sensitive issues relating to national security, such as managing terrorist threats in one's own country, the member states still disregard the EU level and there are no signs of the development of a "European homeland". Further, the member states have, in general, only been willing to grant the EU crisis management capacity in terms of coordination powers.

1 INTRODUCTION¹

1.1 Background

The last years have seen a number of terrorist attacks and natural disasters with massive and catastrophic effects. Some of these disasters have taken place within Europe or had a considerable number of European victims. Traditionally, the protection of citizens and consequence management after terrorist attacks and disasters have been the sole responsibility of the nation state. However, due to the unforeseen effects of the last years' events inside and outside Europe, nation states have discussed and dealt with some of these issues multilaterally. The latest events have also underlined the need to consider all available means, including military resources, to support crisis management efforts in case of a large-scale disaster.²

Within the European Union framework, member states and EU institutional actors have considered different ways of improving the European crisis management capacity in relation to terrorist attacks and natural disasters. The agreements adopted in the EU following the last years' events have to a large extent been reactive and have focused on the experiences of the last crisis. They have been geared at specific types of threats and involved actions either inside or outside the EU borders.

The terrorist attacks in the US and Spain triggered several agreements on counter terrorism in the EU. Right after the September 11 terrorist attacks in the US, the European Council drew up a Plan of Action to combat terrorism, which called for a coordinated and inter-disciplinary approach, covering all the union policies, to combat terrorism.³ This Plan of Action has been regularly revised and, in November 2005, it was complemented by an EU Counter-Terrorism Strategy, which was elaborated by the Council to create a more comprehensible framework for the work on counter terrorism in the EU.⁴

After the terrorist bombings in Madrid in March 2004, the European Council agreed on a Declaration on solidarity against terrorism, in the spirit of the solidarity clause of

¹ The authors would like to thank the EU officials and national officials who were interviewed for this report and generously shared their time and knowledge. The authors are also grateful for all help received from colleagues at FOI and at the Swedish MoD, who helped out with useful comments on an earlier draft of this report. Ph. D. Carolina Vendil Pallin provided valuable guidance through the report approval process. Dr. Magnus Ekengren, of the Swedish Defence College, was an excellent opponent and dialogue partner, who added important insights to this and – hopefully - coming reports.

² See for example for Sweden: Polisens behov av stöd i samband med terrorismbekämpning (SOU 2005:70), for the UK: Operations in the UK: The Defence Contribution to Resilience, Interim Joint Doctrine Publication 02, 2004, for Spain: Den spanska försvarsmaktens roll i terrorismbekämpningen, UD Telemeddelande, Mnr MADR/20050817-1.

³ Conclusions and plan of action of the extraordinary European Council meeting on 21 September 2001

⁴ Council of the European Union, The European Union Counter-Terrorism Strategy, 30 November 2005 (14469/4/05 REV 4)

the draft treaty establishing a Constitution for Europe.⁵ The Declaration calls for the mobilisation of all the instruments at the member states' disposal, including military resources, in the event of a terrorist attack. In addition, the European Council appointed a Counter-terrorism coordinator responsible for maintaining an overview of the EU counter-terrorism measures.

The earthquake and tsunamis in the Indian Ocean in December 2004 led to discussions in the EU on the need to protect EU citizens in third countries and to enhance civil-military coordination in disaster management. The Action Plan following the earthquake and tsunamis in the Indian Ocean, adopted by the Council in January 2005, called for a review of the EU capacity for disaster management and the potential role of military resources in responding to natural disasters.⁶

As a result of these agreements, different measures to enhance the European crisis management capacity are currently, to various extents, being implemented in the member states as well as in the EU institutions. Notably, several measures introduced in response to a specific type of crisis tend to be expanded in scope and thereby contribute to the development of a more general crisis management capacity. Many agreements also aim specifically at bridging the gaps between different policy areas of the EU and between internal and external security.

It is interesting to compare the common European security strategy⁷, where the threat from terrorism stands out, and the American security strategy. In the latter, homeland security is an important concept, defined as "a concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur".⁸ The work on homeland security is the responsibility of the Department of Homeland Security, which also deals with prevention and response to major disasters and emergencies.

Within the EU framework, homeland security has been discussed only recently and mainly as an academic issue. This lack of a conceptual framework is an obvious result of the EU being something different from a state with distinct borders. The question of whether there is a "European homeland" or not, is disputable. At the same time, research on the last years' development of the EU as a security actor often points out that economic policy, judicial cooperation and the development of the crisis management capacity in the foreign and security policy framework increasingly form different parts of a new security policy emerging within the EU framework.

⁵ Declaration on Combating Terrorism, 25 March 2004

⁶ Council of the European Union, Follow-up to the extraordinary meeting of the GAERC on 7 January 2005 on the earthquake and tsunamis in the Indian Ocean – European Union Action Plan, 28 January 2005 (5788/05)

⁷ A secure Europe in a better world – European Security Strategy, Brussels, 12 December 2003

⁸ Strategy for Homeland Defense and Civil Support, Department of Defense, Washington D.C., June 2005, p. 5

1.2 Purpose and research questions

This report will examine the measures taken by the EU following the last years' terrorist attacks and natural disasters. The purpose is to give an overview of the crisis management capacity of the EU and to provide a new framework for analysis of the EU as a crisis management actor.

The report will focus on two main research questions:

1. What kind of crisis management capacity are the member states willing to give the EU?
2. What role can be foreseen for military resources within the framework of EU crisis management?

1.3 Reading guide

Following this introduction, chapter 2 takes a research method approach. The aim of the second chapter is to define the main research objects and outline a framework for analysis, as well as to present the demarcations of and the material used in the report.

Chapters 3, 4 and 5 list agreements and decisions relating to different policy areas in the three so-called pillars of the EU and discuss these in terms of their relevance to the research questions. These sections serve the purpose of providing a comprehensive overview of the recent development of crisis management capacity in the EU. A reader with a good knowledge of the decisions and policy areas may read these chapters selectively, as may a reader with a limited interest in the specific characteristics of the crisis management capacity of the listed policy areas.

In Chapter 6 the analytical framework of the report is used to analyse the crisis management capacity of the EU, as well as the role for military resources within the EU framework. This chapter takes into account the views of some of the EU member states and aims at answering the research questions stated above. The final chapter 7 concludes with a discussion on the EU as a security actor and suggests a few issues for further research.

2 METHOD

2.1 Definitions

The main object of analysis in this report is the crisis management capacity of the EU. A **crisis** is, in this report, defined as a situation when central decision makers perceive that basic values are threatened, there is limited time available and there is a considerable degree of uncertainty.⁹ In the report, **crisis management** is considered to encompass the whole spectra of measures taken in relation to a crisis, i.e. both civil and military measures in different policy areas. Relevant to the EU, crisis management is thus not limited to actions in the framework of the European Security and Defence Policy (ESDP), but includes measures in all the three pillars of the EU. Crisis management is also said to entail all the different types of action that can be taken in relation to a crisis. This ranges from actions taken before a crisis to prevent and reduce the vulnerability to the crisis, to actions taken to avert a crisis, manage its consequences and reconstruct what has been damaged.¹⁰ Crisis management **capacity** further refers to the mechanisms, procedures, and institutions that can perform crisis management tasks.¹¹

The EU is, in this report, defined as the EU institutions (the Commission, the Council, the European Parliament etc.) and their administrations as well as the collective of the member states. When studying the crisis management capacity of the EU, it is important to remember that the member states still have the main capacity for crisis management. This report will use three different options put forward by Prof. Klaus Brummer to describe the **relationship between the member states and the EU** when it comes to crisis management capacity. The first option, labelled *EU in the lead*, represents a situation where the EU is a major player that strongly influences the measures taken in the member states. In the second option, *Disregarding the EU*, the member states rely on their national crisis management capacity or bilateral support and neglect the European level. In between these situations, the third option, *Enabling the member states*, is used to describe a situation where the EU contributes to the strengthening of the member states' capacity for crisis management. This can be done

⁹ This definition is based on the work of Sundelius, B., E. K. Stern and F. Bynander, 1997, *Krishantering på svenska: Teori och Praktik [Crisis Management the Swedish Way: Theory and Practice]* (Stockholm: Nerenius och Santérus förlag AB)

¹⁰ This broad definition of crisis management is in line with the definition of crisis management used in the Swedish crisis-management system. See for example En strategi för Sveriges säkerhet – Försvarsberedningens förslag till reformer (Ds 2006:1), pp. 18-21. In the UK, the notion of resilience is used to describe the ability “at every relevant level to detect, prevent, and if necessary to handle and recover from disruptive challenges”. The notions of civil protection and integrated emergency planning are further used to describe measures taken to enhance resilience in the UK. See for example Dealing with disaster, Revised Third Edition, Cabinet Office and Emergency Preparedness, Guidance on Part 1 of the Civil Contingencies Act 2004, its associated Regulations and non-statutory arrangements, HM Government 2005.

¹¹ The EU crisis management capacity is also discussed in Boin, A., M. Ekengren and M. Rhinard, 2005, *Functional security and crisis management capacity in the European Union, Setting the research agenda* [Draft report] (Leiden University and Swedish National Defence College), pp. 1-10.

by facilitating cooperation, developing standard setting on the European level or building collective capacity.¹²

In addition to these examples on how the EU may strengthen the crisis management capacity of the member states, the EU has a **capacity to coordinate** the actions of the member states. This report uses a broad definition of EU coordination, which is said to prevail when the member states perceive that the EU level has an added value and agree to discuss measures relating to crisis management in the EU framework.

Another important research object of this report is the role of military resources within the framework of EU crisis management. In many instances, the military resources that can be used for crisis management are national capabilities and the EU framework is mainly used to coordinate the member states' capabilities. Consequently, the **military resources** studied in this report, include both ESDP institutional assets (SATCEN, EUMS, the civ-mil cell) and member states military assets and capabilities (troops, special forces, transport resources etc.). In this context, it should be noted that the scope of the notion of military resources differs between the EU member states. In addition to the armed forces, some member states have paramilitary gendarmerie forces that are considered to be military resources. In some member states the fire services also constitute military resources.

It is also important to define the different types of crises that are studied in this report. The report focuses on crises emanating from two types of threats, namely terrorism and natural disasters. **Terrorism** is in general defined as an actor-based antagonistic threat. The EU member states have further agreed on a common definition of terrorism, which will be used in this report. According to the Council Framework Decision on combating terrorism, terrorist offences are defined as intentional acts which constitute offences under national law and are "committed with the aim of seriously intimidating a population, unduly compelling a Government or international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation".¹³ On the other hand, a **natural disaster** is not actor related and emanates from serious natural or weather conditions.

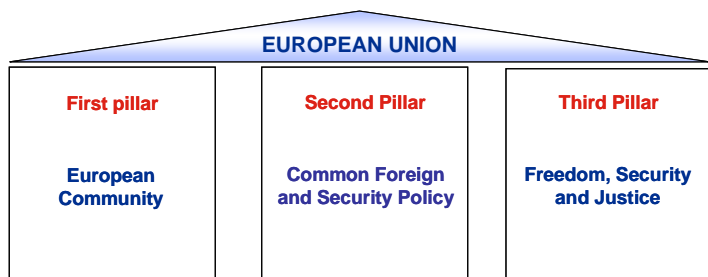
2.2 Framework for analysis

The crisis management capacity of the EU involves different types of mechanisms in many different policy areas. When analysing this capacity, different analytical models might be used to illustrate the character of the EU crisis management capacity. First, the crisis management capacity might be analysed according to the legal framework of the European Union. On the basis of the Treaty on the European Union, the EU is said to consist of three pillars: the European Community (first pillar), the Common Foreign

¹² For an elaboration of these three options see Brummer K., 2005, "Concluding Remarks" in Bertelsmann Stiftung (ed.), *Securing the European homeland: The EU, terrorism and homeland security* (Gütersloh: Bertelsmann Stiftung), pp. 40-41.

¹³ Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA)

and Security Policy (CFSP) (second pillar) and the area of freedom, security and justice (third pillar).



Model 1. The three pillars of the EU

The strength of this model is that it illustrates that the legal base of a specific policy area to a large extent determines the EU responsibility and consequently the kind of crisis

management capacity that can be developed in that specific policy area. The sharing of power between the member states and the EU varies between the three pillars. The EU treaties lay down provisions on the right of initiative, the decision-making procedures and the principles for implementation of decisions in the three pillars.¹⁴ This treaty-based pillar model is, however, problematic since the recent EU agreements and decisions have specifically aimed at bridging the gaps between the different pillars of the EU and between internal and external security.

Secondly, the crisis management capacity of the EU might be analysed in relation to the threats that it is supposed to address. Recent EU agreements have to a large extent been reactive and have focused on measures to enhance the capacity to manage specific threats, such as terrorism and natural disasters. The measures taken after the recent events have also been developed for a certain arena, which means that they have focused on actions either inside or outside the EU borders.

Model 2. Type of threat and arenas for action

	Internal actions	External actions
Terrorism		
Natural disasters		

¹⁴ The policy areas covered by the Treaty establishing the European Community (first pillar) are characterised by supra-national decision making, where the Commission has the right of initiative, the Council and the European Parliament share the decision-making power and adopted decisions constitute European Community law. On the other hand, the cooperation in the CFSP (second pillar) and the area of freedom, security and justice (third pillar) has an intergovernmental character. In the CFSP, the member states have the right of initiative together with the High Representative, the Council has the decision-making power and the member states are responsible for the implementation of decisions. In the area of freedom, security and justice, the member states and the Commission share the right of initiative, the Council has the decision-making power and the member states are responsible for the implementation of decisions. There are, however, also some differences in the degree of EU responsibility within the pillars (mainly in the first and third pillars). For an introduction to decision making in the EU see for example McCormick, J., 1999, *Understanding the European Union: A Concise Introduction* (London: Macmillan Press).

The advantage of using this analytical model is that it reveals the initial aim of the respective initiatives and shows how the crisis management capacities of the member states and the EU relate to each other. As such, it captures the sensitivities of the member states and their willingness or unwillingness to develop an EU crisis management capacity for certain types of threats and arenas for action. The disadvantage of the model is, however, that it misses that mechanisms developed to enhance the capacity to manage a specific threat with time tend to be expanded in scope so that they can be relevant also for other types of threats and arenas for action.

Thirdly, the crisis management capacity of the EU can be analysed on the basis of the type of capacity that is put in place. The literature on crisis management divides crisis management capacity into different categories depending on the timing of the actions in relation to the crisis. Before a crisis, actions can be aimed at preventing the causes of the crisis or reducing the vulnerability to the crisis. During and directly after the crisis, actions can be directed at averting the threat and managing the crisis and its consequences. In the longer-term after a crisis, actions can be aimed at reconstruction and rehabilitation.¹⁵

Model 3. Type of capacity and arenas for action

	Internal actions	External actions
Prevention		
Reduction of vulnerability		
Consequence management		
Rehabilitation and reconstruction		

The strength of this analytical model is, similarly to the second model, that it can be used to illustrate where the member states find that the building of crisis management capacity in the EU has an added value. Which types of capacity are relevant to develop on the EU level and which types of capacity should remain the responsibility of the national level? It should be noted that although this model separates between internal and external actions, the development of these aspects are to a large extent intertwined when it comes to meeting the new types of threats to the EU.

In this report, the first model representing the treaty-based structure of the three pillars will initially be used to present the crisis management capacity of the EU in chapters 3, 4 and 5. Elements of the second and third models focusing on the type of threat and type of capacity and arenas for action will, however, be considered in these chapters and will lay the ground for the analysis at the end of each of these chapters. In the

¹⁵ The different categories of crisis management measures are illustrated in Jarlsvik H., 2003, *Internationaliseringen och Sveriges civila krishanteringssystem [The Internationalization and the Swedish Civilian Crisis Management System]* [FOI-R-0899-SE] (Stockholm: FOI), p. 16.

concluding analysis of the crisis management capacity of the EU in chapter 6, the second model on the type of threat and arenas for action will be used to structure the discussion on the two research questions of the report. Elements of the first and third models will, however, also be considered.

2.3 Demarcations

Although this report attempts to give a broad overview of the crisis management capacity of the EU, the report has some important demarcations. When it comes to the different types of crisis management capacity that can be developed in relation to a crisis, the report will focus on capacities to prevent, reduce vulnerabilities and manage consequences. Although they may be equally important for prevention, some of the more indirect and longer-term preventive measures developed in the EU will not be analysed. This means that measures taken to combat radicalisation and recruitment into terrorism as well as general development assistance, crisis management and conflict prevention will not be included in the report. Neither will the report analyse the capacity for rehabilitation and reconstruction in the longer term after a crisis.

In order to answer the two research questions, the report will analyse both the developments in the EU and the views of a few member states. However, due to time constraints, the report will only study the views of a limited number of member states, which includes France and the UK and to some extent Spain and Sweden. Although this narrow selection of member states will influence the results of the report, the chosen member states represent different views on the crisis management capacity of the EU and the role of military resources within the framework of EU crisis management.

In analysing the role of military resources within the framework of EU crisis management, the report will focus on new tasks for military resources. Although traditional ESDP operations can have an indirect role in preventing terrorism, they will not be examined in this report. Instead, the report will focus on new tasks in ESDP operations and areas where the ESDP institutional assets can have a role in crisis management outside the ESDP framework. It is, however, important to remember that many EU member states are members of NATO and might prefer to use military resources in the framework of NATO rather than the EU, especially when it comes to averting terrorist threats.

The report will also focus on crises emanating from two types of threats, i.e. terrorism and natural disasters. It will thus leave aside other important actor-related threats such as organised crime and failed states and non-actor related threats such as pandemics or technical accidents.

2.4 Research material

The research material used in this report to a large extent consists of primary EU sources. EU documents relevant to crisis management issued by the European Council, the Commission and the Council of the European Union have been examined. The report studies EU agreements and decisions since 2001 and has a particular focus on developments in 2004 and 2005. When analysing EU documents, it is important to remember that there are different types of documents ranging from proposals and action plans to Council conclusions and decisions, directives and regulations. This report will focus on proposals which have led to further decisions in the EU. When a proposal, which have not been followed-up, is discussed, the report will indicate this.

The study of these official documents has been complemented by some secondary sources analysing recent EU developments. However, when it comes to terrorism, most research focus on analysing the threat and how to prevent terrorism, whereas consequence management after terrorist attacks is less studied.

Structured interviews have also been held with Commission and Council officials, both civilian and military, to discuss the crisis management capacity of the EU and possible future developments. In order to understand the member states' views on the crisis management capacity of the EU and the role of military resources in crisis management, the report has further examined the national systems for crisis management of a limited number of member states. The main source when it comes to the member states, their systems and views on EU developments, are structured interviews. These have been held with representatives from the UK, France, and to some extent Spain and Sweden, having strategic, civil and military perspectives on crisis management. The interviews typically lasted for an hour, were based on the same set of questions, focused on a number of broad issues and often involved several officials from the one or more units in the same department or directorate.

3 CRISIS MANAGEMENT IN THE EUROPEAN COMMUNITY

The Treaty establishing the European Community gives the EU competence to develop common policy in a number of policy areas which together constitute the first pillar of the EU. The treaty originates from the Treaty of Rome establishing a European Economic Community, which mainly contained provisions for the internal market. However, the treaty has been significantly altered by the Treaty of Maastricht and the Treaty of Amsterdam, which expanded the scope of the EU competence to include several new policy areas. Relevant to this report, the treaty contains provisions for EU competence in the fields of visas and asylum, transport, public health and development cooperation. These policy areas will be analysed in this section, with the exception of cooperation relating to visas and asylum which will be discussed in the section on border control in chapter 5 on the third pillar.

In general, the policy areas covered by the Treaty establishing the European Community are characterised by supra-national decision making, where the Commission has the right of initiative, the Council and the European Parliament share the decision-making power and adopted decisions constitute European Community law. However, this decision-making principle only applies to specific measures mentioned in the treaty, while other parts of the policy areas may have other decision-making principles.

3.1 Civil protection

Although civil protection is not mentioned in the Treaty establishing the European Community, the cooperation in this field has been established in the first pillar. The policy area has an intergovernmental character and the Community responsibility is limited to actions to support, coordinate or complement the work of the member states. Civil protection is handled by the DG Environment of the Commission.¹⁶

Within the field of civil protection, the EU has established a Community Mechanism for Civil Protection to facilitate and support the participating states' civil protection assistance to countries affected by a disaster.¹⁷ The mechanism consists of a rapid alert system, which links the Monitoring and Information Centre (MIC) in the Commission and national contact points in the participating states. Within the mechanism, a database listing the national civil protection experts and capabilities available for assistance interventions has also been established. In the event of a disaster, any country inside or outside the EU can make a request for assistance through the MIC, who forwards the request to the national contact points in the participating states. The participating states thereafter offer bilateral civil protection assistance to the requesting

¹⁶ The cooperation in the field of civil protection has been based on the flexible Article 308 in the Treaty establishing the European Community. In the new constitutional treaty, civil protection is mentioned in Article I-17 and Article III-284. Treaty establishing a Constitution for Europe, 16 December 2004

¹⁷ Apart from the EU member states, the EU candidate countries as well as Iceland, Liechtenstein and Norway, participate in the Civil Protection Mechanism.

state. The MIC can also dispatch assessment and coordination teams of national experts to assess specific needs on site, coordinate assistance and liaise with local authorities and international organisations. In addition, a training programme has been set up to improve the preparedness of the experts and team leaders included in the civil protection database.¹⁸

The intergovernmental character of the EU cooperation on civil protection guides the decision making for assistance interventions. Decisions regarding the use of civil protection capabilities are made by each participating state and capabilities reported in the database on civil protection are subject to confirmation on a case-by-case basis. For interventions inside the EU, the requesting state selects the intervention teams to be used, directs the intervention and bears the costs of the assistance provided by the participating states.¹⁹ For interventions outside the EU, the Presidency together with the MIC coordinates the member states' civil protection resources. In most instances the support is further coordinated with the UN, which constitutes the main coordinating body for international civil protection assistance in third countries.

The last years' terrorist attacks and natural disasters inside and outside the EU have highlighted the need to enhance the EU capacity for crisis management in the field of civil protection. In order to enhance the capacity to manage terrorist attacks, the Commission and the member states have elaborated a scenario based approach to identify the civil protection capabilities and assets required to handle the consequences of major terrorist attacks. After the tsunami emergency, the Commission suggested that the scenario based approach should be expanded to cover also natural and other disasters.²⁰

In the proposals following the earthquake and tsunamis in the Indian Ocean, both the Commission and the Council have identified the need to develop a European Union rapid response capability based on national civil protection modules. According to this modular approach, the participating states should in advance identify rapidly deployable and self sufficient modules to be included in the database on civil protection capabilities. The Commission and the European Parliament have further

¹⁸ The components of the Community Mechanism on Civil Protection are specified in the Commission Decision of 29 December 2003 laying down rules for the implementation of Council Decision 2001/792/EC, Euratom establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions (2004/277/EC, Euratom)

¹⁹ However, since the participating states usually provide the teams and equipment for free, the requesting state only has to pay for the transport cost of these teams and equipment.

²⁰ In March 2004 the Commission concluded that the database of the Mechanism had proved to be fairly basic in the context of previous disasters. It had lacked information on available resources, technical specifications and costs for supplying equipment. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Reinforcing the Civil Protection Capacity of the European Union, 25 March 2004 (COM (2004)200), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Improving the Community Civil Protection Mechanism, 20 April 2005 (COM(2005)137)

proposed that, in the longer term, the member states could keep a small number of key modules on standby for civil protection assistance.²¹

The Commission currently lacks a budget for civil protection interventions carried out in the framework of the mechanism. However, in view of the new financial perspective, the Commission has proposed a new legal instrument for granting financial support to civil protection assistance interventions. The instrument is proposed to finance, among other, the dispatch of experts to assist an affected country, the transportation of and associated logistical support for civil protection assistance and the mobilisation of means and equipment, such as fire-fighting airplanes, at short notice. The Commission has also made several proposals to increase the operational capacity of the MIC. According to the proposals, the MIC should reinforce its links with other early warning systems in the EU and the UN, create a genuine around-the-clock duty system and improve its capacity for needs assessment and operational planning.²²

3.2 CBRN protection

CBRN protection is not mentioned as a specific policy area in the Treaty establishing the European Community. Instead, the EU capacity for CBRN protection has been developed in several policy areas. Before the September 11 attacks, the EU measures related to CBRN protection mainly focused on industrial safety, prevention and handling of accidents as well as export control, which in many instances can be relevant also for crisis management in relation to CBRN terrorism. After the attacks, the EU has elaborated more direct measures to increase the security against CBRN terrorism. This section will provide an overview of measures relevant for CBRN protection taken in different policy areas.

The Euratom treaty of 1957 established the EU cooperation in the field of nuclear power, which includes common safety standards to protect the general public and staff from the effects of radiation. Having to a large extent focused on improving the safety of nuclear installations in the candidate countries, the Commission in 2003 proposed a directive laying down basic obligations and general principles to improve the safety of nuclear installations in the EU member states. In the event of nuclear accidents or radiological emergencies, a rapid alert system, called ECURIE, provides a link between the Commission and the competent authorities of the participating states. It

²¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Improving the Community Civil Protection Mechanism, 20 April 2005 (COM(2005)137), Council of the European Union, Adoption of Council conclusions on improving the European Civil Protection Capabilities, 27 June 2005 (10576/05)

²² European Commission, Proposal for a Council Regulation establishing a Rapid Response and Preparedness Instrument for major emergencies, 6 April 2005 (COM(2005)113), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Improving the Community Civil Protection Mechanism, 20 April 2005 (COM(2005)137)

also constitutes an information exchange mechanism on the status of the accident, meteorological conditions and national counter measures.²³

In the area of chemical substances, the EU developed measures to prevent and limit the consequences of chemical accidents in the 1980s following a major chemical accident in Italy. The current directive lays down common rules for industries dealing with dangerous substances, which need to put in place safety systems, preventive policies and plans to handle accidents.²⁴

In the area of public health, the EU, in the late 1990s, elaborated measures to improve the prevention and control of a number of serious communicable diseases. A rapid alert system, called EWRS, linking the Commission and the public health authorities in the member states, was established in order to communicate outbreaks of diseases and coordinate EU action. The European Centre for Disease Prevention and Control has, after its establishment in 2005, taken over the operational management of the rapid alert system.²⁵

After the September 11 attacks and the following spread of anthrax letters, the EU initiated cooperation in the field of health security in order to improve the preparedness and response capacity of the member states in the event of a biological or chemical agent attack. A Health Security Committee and a rapid alert system, called RAS-BICHAT, were set up to exchange information and coordinate member state action. In addition, the EU aimed at developing a capability for rapid detection and identification of biological and chemical agents and cases, which has resulted in the establishment of a network of laboratory facilities in the EU. The availability and stockpiling of medicines, vaccines and sera in the EU have also been discussed in the field of health security, as has the need to include other policy areas, such as food, animal, plant and water safety, to prevent terrorist acts and manage their consequences.²⁶

In addition, the control of exports of dual-use items and technology is important to prevent CBRN terrorist attacks. The EU control regime contains a list of radiological, nuclear, biological and chemical agents for which strict provisions linked to international non-proliferation and export control arrangements apply.

²³ Jarlsvik H. and Castenfors K., 2004, *Säkerhet och beredskap I Europeiska unionen* [KBM:s Temaserie 2004:3] (Stockholm: Krisberedskapsmyndigheten), p. 43-44

²⁴ Ibid, p. 48-49

²⁵ European Parliament and Council Decision No. 2119/98/EC of 24 September 1998 creating a network for the epidemiological surveillance and control of communicable diseases in the European Community, Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control

²⁶ European Commission, Programme of cooperation on preparedness and response to biological and chemical agents attacks [Health Security], 17 December 2001, Communication from the Commission to the Council and the European Parliament on Cooperation in the European Union on preparedness and response to biological and chemical agents attacks (health security), 2 June 2003 (COM(2003)320)

The civil protection mechanism can further be used when it comes to consequence management after CBRN terrorist attacks. The database on national civil protection capabilities, established in the mechanism, has been expanded to include assets and capabilities relevant for CBRN protection. Similarly, the military database relevant to the protection of civilian populations, administered by the EU Military Staff, includes assets and capabilities relevant for CBRN protection.

3.3 Transport security

The field of transport policy is linked to the creation of the internal market and constitutes an area where the EU responsibility is important. The policy area covers both safety and security measures for air, maritime and land transport. This section will focus on security measures, which aim at the prevention of unlawful acts, such as terrorist attacks, whereas safety measures, for example, relate to the construction and operation of aircraft and ships and the prevention of accidents.

After the September 11 attacks, the European Council called for the strengthening of air and maritime security in order to prevent terrorist attacks. Since then, the EU has adopted new regulations on common security standards in both sectors, which constitute a codification of international security standards. The regulations also contain provisions for the development of security plans and the designation of national authorities responsible for monitoring the security of airports, ships and port facilities respectively. In addition, the Commission is entitled to carry out unannounced inspections to monitor the implementation of the security standards.²⁷

In the area of maritime security, the Commission has further proposed a port security directive, which seeks to widen security measures from the ship/port interface to cover all port areas. In addition, the EU and the US have reached an agreement to improve cargo security and apply the US Container Security Initiative in all the ports in the EU meeting the requirements.²⁸

3.4 Critical infrastructure protection

The threat posed by terrorism has raised the issue of critical infrastructure protection in the EU. Although important security measures have been adopted in several policy areas of the first pillar, the European Council in June 2004 stressed the need for an overall strategy to enhance critical infrastructure protection in the EU. As a response to

²⁷ Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security, Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

²⁸ European Commission, Proposal for a Directive of the European Parliament and of the Council on enhancing port security, 10 February 2004 (COM(2004) 76), Council Decision of 30 March 2004 concerning the conclusion of the Agreement between the European Community and the United States of America on intensifying and broadening the scope of the Agreement on customs cooperation and mutual assistance in customs matters to include cooperation on container security and related matters (2004/634/EC)

this request, the Commission proposed the development of a European programme for critical infrastructure protection.

The Council has also, in principle, agreed to develop a European programme for critical infrastructure protection and establish a rapid alert system, called CIWIN, which would link the Commission and member states critical infrastructure protection specialists. Applying the subsidiarity principle, the European programme would concentrate on the protection of infrastructures having trans-boundary effects and let the others remain under the responsibility of the member states.

However, the member states have had difficulties to agree on the content of the European programme and it is still under development. In November 2005 the Commission presented a green paper outlining the important policy options for the programme, which is accompanied by a consultation phase until February 2006.²⁹

3.5 Humanitarian aid

In the area of development cooperation the EU has a significant responsibility and the Commission has its own funds for granting development assistance, which is complementary to the assistance given by the member states. The EU humanitarian aid is delivered through the European Commission Humanitarian Aid Office (ECHO), which provides emergency assistance and relief to victims of natural disasters and armed conflicts outside the EU. The assistance is primarily channelled through other organisations, such as the special agencies of the United Nations, the Red Cross family and European NGOs. The aid is delivered according to international humanitarian law and applies the principles of neutrality, impartiality and non-discrimination.

In the follow-up process of the earthquake and tsunamis in the Indian Ocean, the Commission has made several proposals to enhance the preparedness and rapid assessment capacity of ECHO and its partners in view of future disasters. In this process, the Commission has stressed the lead role of the UN OCHA in coordinating disaster relief. The Commission has also recognised the value of military logistical assets to complement and support humanitarian organisations, but has at the same time emphasised the need to retain the civilian and impartial nature of humanitarian operations. The recent natural disasters have also initiated discussions in the EU on the

²⁹ For an in-depth analysis of the development of EPCIP see Eriksson P. and Barck-Holst S., 2005, *Politik för skydd av kritisk infrastruktur i EU och i Sverige - en jämförande analys [Critical Infrastructure Protection Policy in the EU and in Sweden – a Comparative Analysis]* [FOI-R-1793-SE] (Stockholm: FOI). Communication from the Commission to the Council and the European Parliament, Critical Infrastructure Protection in the fight against terrorism, 20 October 2004 (COM(2004)702), Council of the European Union, EU Solidarity Programme on the consequences of terrorist threats and attacks (revised/widened CBRN Programme) – Adoption, 1 December 2004 (15480/04), European Commission, Green Paper on a European Programme for Critical Infrastructure Protection, 17 November 2005 (COM(2005) 576)

relationship between humanitarian aid delivered through ECHO and civil protection assistance delivered through the MIC.³⁰

3.6 Coordinated crisis management in the Commission

After the Madrid bombings, the Commission proposed the establishment of coordinated crisis management arrangements within the Commission as a step to improve the capacity to prevent and manage the consequences of terrorist attacks. First, the Commission proposed the creation of a general rapid alert system, called ARGUS, which would link all the specialised rapid alert systems established in the Commission. The existing rapid alert systems, which have been developed in different policy areas to facilitate information exchange between the Commission and the member states, would, however, continue to carry out their current functions in parallel with the new system. The Commission further proposed to establish two new rapid alert systems in the fields of law enforcement and critical infrastructure protection.

Secondly, the Commission proposed the establishment of a central Crisis Centre, which would bring together all the relevant Commission services during an emergency. In practice, it has been proposed that the Crisis Centre would gather the Commission representatives of the different rapid alert systems and be chaired by the Directorate General having the main responsibility for managing the crisis. The Crisis Centre would be tasked to coordinate the Commission efforts and decide on appropriate crisis management measures. Linked to this, the Commission proposed the development of a uniform approach to risk analysis, including assessments, security levels and response actions.³¹

These proposals were in line with the Hague Programme on strengthening freedom, security and justice in the European Union which called on the Commission and the Council to set up coordinated crisis management arrangements for crises with cross-border effects within the EU.³²

3.7 Conclusions

After the recent terrorist attacks, the EU has taken several measures within the first pillar to enhance the capacity for crisis management in relation to terrorism inside the union borders. The EU has developed security measures to reduce the vulnerability to

³⁰ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Reinforcing EU Disaster and Crisis Response in third countries, 20 April 2005 (COM(2005) 153), interview at the Permanent Representation of Sweden to the European Union, 2005-11-11

³¹ Communication from the Commission to the Council and the European Parliament, Preparedness and consequence management in the fight against terrorism, 20 October 2004 (COM(2004)701), interview at the Commission DG Justice, Freedom and Security, 2005-11-10

³² For an analysis of the Council proposal for coordinated crisis-management arrangements see the section on Coordinated crisis management arrangements in chapter 5 on the third pillar.

terrorism in different policy areas. In several policy areas, the Commission also administers rapid alert systems, which link the Commission and the member states' contact points. Although the member states have the main responsibility for crisis management, these rapid alert systems constitute a tool for early notification of crises in the EU and can be used to coordinate the member states' consequence management efforts. The Commission proposal to enhance sector-wide coordination through the establishment of a general rapid alert system and a Crisis Centre is another important step to increase the EU capacity for coordinated crisis management.

Within the first pillar, the EU has also developed a capacity for crisis management after natural disasters, which focuses on consequence management. The civil protection mechanism has been utilised after several natural disasters both inside and outside the EU. The EU humanitarian aid plays an important role for assistance after natural disasters outside the EU.

The EU responsibility and consequently the EU role in crisis management vary between different policy areas in the first pillar. The EU is in the lead in the area of transport security, where enforcing legislation on security standards has been adopted. In the field of humanitarian aid the Commission can independently disburse EU funds for assistance. In other areas, the EU role is limited to a capacity to coordinate the member states crisis management efforts. Recognising that many types of crises do not stop at the national borders, rapid alert systems have been established to exchange information and provide a tool for coordinating the member states crisis management measures. In the civil protection mechanism, the recent events have led to calls for the development of more effective and visible EU civil protection assistance. Proposals have been made to enhance the civil protection capabilities of the member states and grant EU funding for transportation of civil protection assistance and for hiring of specialised equipment.

However, in many instances the member states have had difficulties to agree on developing the coordinating capacity of the EU. When it comes to the civil protection mechanism, the member states have different views on the recent proposals and the role of the EU. The member states also find it difficult to discuss EU stockpiling of medicines, vaccines and sera to be used against CBRN terrorist threats. Although the member states recognise the value of a common approach to critical infrastructure protection in the EU, they have not been able to agree on the content of a common policy.

Within the first pillar, the use of military resources has only been discussed in policy areas involved in consequence management. Within the civil protection mechanism, specialised military resources, such as fire fighting airplanes, have been used in assistance interventions inside the EU. When it comes to external actions, proposals have been made to use military transportation resources for civil protection assistance interventions. The earthquake and tsunamis in the Indian Ocean have also spurred discussions on the value of military logistical assets in support of humanitarian aid. In this context, the Commission has, however, emphasised the importance of keeping the civilian and impartial nature of humanitarian assistance.

4 CRISIS MANAGEMENT IN THE COMMON FOREIGN AND SECURITY POLICY

The Common Foreign and Security Policy (CFSP) was established by the Treaty of Maastricht as the second pillar of the EU. The Treaty of Amsterdam reinforced the instruments of the CFSP and laid the ground for the development of the European Security and Defence Policy (ESDP), whereas the Treaty of Nice established the institutional arrangements for ESDP. These arrangements include the Council Secretary General/High Representative Javier Solana as a front figure, backed by the Council secretariat including a military staff (EUMS) and a small police unit. Cooperation with NATO has been fundamental for the military aspects of the operational crisis management capacity to support the CFSP. In principle, the EU has not had any planning or command and control resources on its own. Over time, however, administrative and planning capacity has been added to the secretariat, including a so called civil-military cell staffed with military personnel as well as civil servants from the secretariat and the Commission.

In addition to the Brussels structures, the ESDP relies of the EU member states military and civilian capabilities to be used for the so-called Petersberg tasks, which are humanitarian and rescue tasks, peacekeeping tasks and tasks of combat force in crisis management, including peace enforcement. The ESDP also contains measures for conflict prevention. In the negotiations on the new constitutional treaty for the EU, the crisis management tasks were proposed to be developed to include, in addition to the current tasks, joint disarmament operations, military advice and assistance tasks, post-conflict stabilisation tasks and support to third countries in combating terrorism in their territories.³³ New targets have also been agreed to strengthen the military and civilian crisis management capabilities (Headline Goal 2010 and Civilian Headline Goal 2008).

All crisis management operations carried out in the ESDP framework to some extent constitute long term measures for stability and conflict resolution, and can therefore be said to contribute to the prevention of terrorism. This section will, however, focus on new tasks for the ESDP and member states military resources, which have been discussed as a result of recent terrorist attacks and natural disasters.

After the September 11 attacks in the US, the European Council called for the integration of the fight against terrorism in the CFSP. This was followed by a declaration in Seville 2002 on the contribution of the CFSP, including the ESDP, to the fight against terrorism. The declaration emphasised the need to strengthen the international coalition in the fight against terrorism and to prevent and contain regional conflicts,

³³ For an analysis of the developed Petersberg tasks, see Lindell M., 2005, *Krishanteringsinsatser inom ramen för ESFP, En analys av de utvecklade Petersbergsuppgifterna [Crisis Management Missions within ESDP, An Analysis of the Developed Petersberg Tasks]* [FOI-R-1556-SE] (Stockholm: FOI).

and noted the importance of the development of an operational capability of the ESDP to achieve this end.³⁴

The role of the CFSP in the fight against terrorism was further elaborated in the European Security Strategy adopted in 2003. The strategy mapped out the security challenges and the key threats facing Europe, which were identified as terrorism, proliferation of Weapons of Mass Destruction (WMD), regional conflicts, state failure and organised crime, which in many cases are mutually reinforcing. In order to counter these threats, the CFSP and the ESDP should, according to the strategy, become more active in crisis management and conflict prevention using a broad spectrum of activities, enhance the capabilities to address the new threats, increase the coordination of different instruments and promote international cooperation.³⁵

In the aftermath of the Madrid bombings and the step up of activities to combat terrorism, the European Council in November 2004 adopted a Conceptual framework on the ESDP dimension of the fight against terrorism, to once more underline that also the external dimension of EU cooperation contributes to the counter-terrorism work. According to this document, the ESDP can contribute to the fight against terrorism in four main areas; prevention, protection, response/consequence management and other actions in third countries. The Conceptual framework specifically called for the development of effective intelligence and force protection in ESDP operations, the use of ESDP and member states military resources for civil protection in response to terrorist attacks, actions to counter terrorism in third countries and the development of consular cooperation to protect EU citizens in third countries.³⁶

The earthquake and tsunamis in the Indian Ocean have further highlighted new dimensions for external crisis management, such as the role of military resources in responding to natural disasters and the need to protect EU citizens in third states. Relevant to the second pillar, the tsunami Action Plan called for the examination of the contribution that could be made by the political-military structures and in particular the civ-mil cell to reinforce the Union's crisis management capacity. The Action Plan also initiated work on improving the cooperation on consular assistance. As a start for further work on these issues, SG/HR Solana in December 2005 suggested how the ESDP could contribute to the EU crisis management capacity in relation to natural disasters, especially by using the civil-military competence of the policy area.³⁷

³⁴ Council of the European Union, Presidency conclusions – Seville, 21 and 22 June 2002 (13463/02)

³⁵ A secure Europe in a better world – European Security Strategy, Brussels, 12 December 2003

³⁶ Council of the European Union, Conceptual Framework on the ESDP dimension in the fight against terrorism, 18 November 2004 (14797/04)

³⁷ Letter of Javier Solana to Mr. Tony Blair, 14 December 2005

4.1 Intelligence cooperation

The need for an EU capacity for intelligence analysis in support of the crisis management process has been debated ever since the start of the ESDP. Member states are in general hesitant to share their intelligence information, especially primary data of a certain level of detail. This makes it difficult for the actors on the EU level to provide assessments of added value. Nevertheless, member states have agreed that there is a strong need for intelligence cooperation to support the crisis management functions of CFSP.³⁸ This cooperation needs to take into account the needs of both civilian and military actors.

The main second pillar actors for intelligence functions are vested within the Council Secretariat and include the Policy Unit, Situation Centre (SITCEN) and the intelligence branch of the Military Staff. They all rely heavily on member state intelligence that is shared on the EU level. In addition, the EU Satellite Centre (SATCEN) in Spain provide image analysis for the different actors in Brussels, and the Commission offices in different parts of the world as well as reports from on-going ESDP crisis management operations provide useful information, which is taken into account in the assessments of SITCEN and others. The cooperation between the intelligence actors of ESDP and the equivalent in the third pillar, i.e. Europol, was until recently virtually non existent due to the different aims of the policy areas (crisis management versus police cooperation) as well as the different characteristics of intelligence in the different areas.³⁹

After the last years' terrorist attacks, the intelligence cooperation aspects of the CFSP and the ESDP have been underlined. SITCEN has, as an example, created a counter-terrorism unit. More than a further push to enhance the EU analysis capacity, enforced second and third pillar coordination in this area has been on the agenda. As a result, since January 2005, SITCEN receives additional information and criminal intelligence from Europol to enhance the EU capacity for comprehensive threat analysis.⁴⁰

Although intelligence cooperation as such has no role for the prevention of natural disasters, it has been stressed that IMINT obtained by military actors for crisis management purposes can be equally relevant to civilian actors working for example in search and rescue missions requiring detailed information on a disaster area.⁴¹ In that respect, SATCEN could be seen as a resource potentially useful for actors also outside the ESDP framework.

³⁸ This is for example expressed in the European Security Strategy.

³⁹ Müller-Wille B., 2004, *For our eyes only? Shaping an intelligence community within the EU* [Occasional Papers, No. 50] (Paris: EUISS), p. 35-36

⁴⁰ Keohane D., 2005, *The EU and counter-terrorism* [Working paper, May 2005] (London: Centre for European Reform), p. 31

⁴¹ Høstbeck L. and Oredsson M., 2005, *Rymdstrategi för försvar och säkerhet [Space Strategy for Defence and Security]* [FOI-R-1772-SE] (Stockholm: FOI)

4.2 ESDP resources relevant for the protection of civilian populations

The recent documents on the role of the ESDP in the fight against terrorism and the follow-up to the tsunami emergency have identified several areas where ESDP resources can contribute to the protection of civilian populations.⁴²

First, force protection constitutes an important part of any crisis management operation and the need to protect EU personnel, materiel and assets against terrorist threats has been recognised in the ESDP. The Conceptual framework on the ESDP dimension in the fight against terrorism further proposes that an EU crisis management operation could protect key civilian targets, such as critical infrastructure, in the area of operations. The establishment of a civilian-military NRBC Centre of Competence to reinforce the EU capabilities for protection has also been discussed.

Secondly, military and civilian capabilities engaged in an EU crisis management operation can be used to respond to a terrorist attack or a natural disaster in the area of operation to bridge the gap before international civil protection assistance arrives. As a consequence, the conceptual framework proposes that a rapid response protection capability should be included in EU-led crisis management operations.

Thirdly, the terrorist threat has been incorporated in the process of developing military capabilities for crisis management. In the context of Headline Goal 2010, the terrorist threat has been integrated into the illustrative scenarios and the Requirements Catalogue 05 and will consequently influence the Force Catalogue. In practise, this does not entail the development of special capabilities to avert terrorist threats. Instead, the terrorist threat has been added to scenarios focusing on other crisis management tasks and the new tasks mainly consist of force protection measures. However, evacuation operations and maritime and air-space control type operations have been discussed to counter specific terrorist threats. When it comes to crisis management in relation to natural disasters, the scenario on Assistance to humanitarian operations constitutes a basis for military support to civilian consequence management operations.

Fourthly, civilian ESDP capabilities, such as police and rule of law, civilian administration and civil protection resources, can be important to prevent terrorist threats by strengthening local institutions through advice, training and monitoring. The scenarios and the list of required capabilities developed in the context of Civilian Headline Goal 2008, identify several operations where civilian ESDP capabilities can be used for crisis management in relation to terrorism and natural disasters. As part of an ESDP stabilisation and reconstruction operation, the civil protection component can temporarily provide emergency assistance to civilian populations and train local authorities to build up a civil protection capability. Civilian ESDP capabilities can also

⁴² This section is largely based on Council of the European Union, Conceptual Framework on the ESDP dimension in the fight against terrorism, 18 November 2004 (14797/04) and Council of the European Union, Earthquake and tsunamis in the Indian Ocean – follow-up to the EU Action Plan, 17 November 2005 (14620/05).

give support to humanitarian operations in coordination with military resources. In addition, work has been initiated to develop Civilian Response Teams (CRTs), which should be rapidly deployable and able to carry out assessment and fact finding missions, set up an initial presence to prepare for a civilian crisis-management operation and reinforce an existing EU crisis management operation.⁴³

Finally, the Conceptual framework on the ESDP dimension of the fight against terrorism identified the need to improve the interoperability between military and civilian capabilities in the protection of civilian populations following a terrorist attack. This was proposed to be achieved through exercises, research, adoption of shared UN concepts and the collection of best practices among member states. The follow-up to the earthquake and tsunamis in the Indian Ocean has further emphasised the need for coordination between civil and military resources, which will be described below.

4.3 The military database relevant to the protection of civilian populations

Since the ESDP traditionally has not been considered to have an internal dimension, the potential of using military resources inside the EU has been created outside the regular ESDP framework. Although it was already possible to register military resources relevant to the protection of civilian populations in the Community civil protection mechanism, a database of military assets and capabilities relevant to civil protection in the event of terrorist attacks, including CBRN attacks, was established in 2003 by the EUMS.⁴⁴

The modalities and procedures for using the military database were established in 2004, when the database was made available to the Community civil protection mechanism. The use of the military resources registered in the database follows the same procedures as for the civil protection resources of the mechanism. A member state affected by a crisis can request assistance through the MIC, who forwards the request to the other member states, who offer assistance on a case by case basis. The decision to accept the member states assistance lies with the requesting state. In practice, the national civil protection contact points of the mechanism should be able to include the assets and capabilities of the military database in their response to requests. The military database can be used for interventions both inside and outside the EU.

⁴³ Council of the European Union, CRT Generic Terms of Reference, 5 December 2005 (15406/05)

⁴⁴ The database will hereafter be called the military database or the military database relevant to the protection of civilian populations, which is in line with a recent proposal to change the name of the database. This section is largely based on Council of the European Union, PSC Report to the Council on modalities, procedures and criteria for making available to the Community Civil Protection Mechanism the content of the database of military assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks, including CBRN, 11 May 2004 (6644/4/04 REV 4) and Council of the European Union, Draft report on the database of military assets and capabilities relevant to the protection of civilian populations, 11 November 2005 (13446/05).

Since its creation, the military database has been continuously updated and has been altered to correspond to the structure of the civil protection database. Currently, 12 member states have submitted information to the database, which contains, among other, resources in the areas of CBRN detection and decontamination, transport, medical evacuation and medical personnel and material. As a follow-up to the earthquake and tsunami in the Indian Ocean, the database has been proposed to be expanded to cover all man-made and natural disasters. It has further been proposed that the database should be renamed the database of military assets and capabilities relevant to the protection of civilian populations.

Linking the military database to the community civil protection mechanism has required the development of procedures for contact between the EUMS and the MIC. The EUMS continuously informs the MIC on updates of the military database. In the event of a crisis, the MIC contacts the EUMS through SITCEN. The military database has not yet been activated in a crisis, but should resources registered in the military database be used through the Mechanism, the member states and the Commission shall inform the Political and Security Committee (PSC) and the EU Military Committee (EUMC) through the EUMS. Recently, the link between the military database and the Force Catalogue developed in the context of the Headline Goal 2010 has been discussed, but this link has been judged difficult to establish due to the different nature of the databases.

4.4 EU coordination of military resources used in response to natural disasters

After the earthquake and tsunamis in the Indian Ocean and the earthquake in Kashmir, military resources were offered as a part of the support to the affected states. In the tsunami disaster, several EU member states provided national military resources in support of the UN efforts in the region. In order to coordinate the member states military resources rendered bilaterally, the EUMS posted two liaison officers to the UN OCHA offices in Bangkok and Rome. The EUMS also produced a document compiling the national military resources rendered by the Member states.

In the follow-up to the tsunami Action Plan, several proposals have been made on the use of military resources for disaster management.⁴⁵ All the documents have recognised the central role played by the UN in disaster management and the importance of coordinating the EU actions in relation to the UN OCHA. The Council General Secretariat and the UN OCHA are discussing working and cooperation

⁴⁵ This section is based on the following documents: Council of the European Union, Follow-up to the EU Action Plan following the earthquake and tsunamis in the Indian Ocean, 20 April 2005 (8204/05), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Reinforcing EU Disaster and Crisis Response in third countries, 20 April 2005 (COM(2005)153), Council of the European Union, Earthquake and tsunamis in the Indian Ocean – follow-up to the European Union Action Plan, 20 May 2005 (8961/1/05 REV 1), Council of the European Union, Earthquake and tsunamis in the Indian Ocean – follow-up to the EU Action Plan, 17 November 2005 (14620/05).

methods and EUMS personnel have been participating in the UN Civil-Military Coordination training programme in order to improve the ability to coordinate the member states military resources in relation to the UN.

Suggestions have also been made on the military capabilities that would be useful for crisis management in relation to natural disasters. According to the SG/HR tsunami follow-up report, military resources should mainly be used for rescue operations and for transportation of humanitarian aid to the affected population.⁴⁶ In order to improve the EU rapid reaction capability, the development of pre-structured, rapidly deployable, modules of member states military capabilities has been proposed. Work relating to these capabilities has been incorporated in the Headline Goal process, in the framework of the scenario on Assistance to humanitarian operations. A specific area where military capabilities can support member states civilian capabilities is transportation. The possibility to use the multinational planning, coordinating and chartering facilities for air and maritime transport that already exist in Eindhoven and Athens has been discussed.

The role of the civ-mil cell in coordinating civilian and military capabilities for disaster management has been underlined in the tsunami follow-up. The main contribution of the civ-mil cell would be to carry out preparatory work, which could include the development of generic plans, generic modules of military resources, simplified templates for planning documents and potentially a concept for disaster management. The posting of Commission officials to the cell will encourage coordination between the first and second pillar measures.

In the follow up to the Action Plan, the links between the alert mechanisms of the Commission and the Council have also been strengthened, leading to regular exchanges of information during emergencies between the MIC and the SITCEN.

4.5 Consular cooperation

The need to protect EU citizens in third countries has been discussed both in the Conceptual framework on the contribution of the ESDP to the fight against terrorism and in the follow up to the tsunami Action Plan. The cooperation on consular affairs is intergovernmental in character and was established by the Treaty of Maastricht. An important part of consular cooperation consists of the provisions that EU citizens are entitled to the protection of the diplomatic and consular authorities of any member state in third countries where their own member state is not represented. The member states have also agreed to cooperate in the event of major crises or disasters where individual member states do not have enough resources. This cooperation can be activated by any member state and the actions are coordinated by the Presidency.⁴⁷

⁴⁶ Council of the European Union, Follow-up to the EU Action Plan following the earthquake and tsunamis in the Indian Ocean, 20 April 2005 (8204/05)

⁴⁷ Sverige och Tsunamin – granskning och förslag (SOU 2005:104), p. 392-3

The recent events have, however, resulted in proposals to further develop consular cooperation. New instruments for the evacuation of EU citizens, when their safety is endangered in third countries, have been discussed. In relation to terrorist threats, the development of military capabilities for evacuation operations has been included in Headline Goal 2010.

In the aftermath of the tsunami emergency, the importance of exchange of information during a crisis has been emphasised and procedures for daily EU consular teleconferences during crises have been established. Proposals to establish consular assistance teams, which would be created on an ad hoc basis in the event of a crisis, have also been discussed. The need to increase the EU forensic capabilities has also been identified. A practical exercise on consular coordination has further been carried out and a consular brochure has been prepared. The member states have, however, so far failed to reach agreement on several other proposals to increase consular cooperation, identified after the tsunamis in the Indian Ocean. This includes the creation of an EU database on disaster victims, a database on common definitions for warnings to travellers and the establishment of procedures to communicate with travel agencies or third countries to obtain passenger lists or entry cards respectively.⁴⁸

4.6 Support to third countries in the fight against terrorism

Support to counter-terrorism in third countries was a specific measure identified in the Conceptual framework on the ESDP dimension in the fight against terrorism. As already mentioned both civilian and military crisis management operations may contribute to the development and strengthening of capacities in third countries to counter terrorism. When it comes to specific missions to support third countries in the fight against terrorism, the EU has initiated technical assistance programmes in the African Union, Morocco and Algeria to build capacity for counter-terrorism. Security sector reform (SSR) constitutes another example where an ESDP operation can support a third country to ensure security in its territory, including against terrorism.

4.7 Conclusions

Very soon after the September 11 attacks in the US, the member states recognised the importance of the CFSP including the ESDP in the fight against terrorism. The main efforts have been on adding capability well within the framework of the ongoing development of crisis management capacity. That means, on one hand, that focus is still mainly on preventive work and protective measures, by using member state resources relevant to crisis management missions in third countries. On the other hand, in conceptual terms, terrorism has been mainstreamed into almost all aspects of the work on building a crisis management capacity within ESDP. Additionally, the work that has followed has established the ESDP area as an important contribution to the

⁴⁸ Council of the European Union, Earthquake and tsunamis in the Indian Ocean – follow-up to the EU Action Plan, 17 November 2005 (14620/05)

overall European defence to one of the most serious threats, terrorism. The cooperation between SITCEN and Europol to create comprehensive threat analysis shows that the division between internal and external security is indeed less relevant.

The establishment and development of the military database is a manifestation of the will of the member states to be able to use also available military resources for support of civil protection missions after a terrorist attack. However, the possibility to list military resources relevant for consequence management was already given in the Community Civil Protection Mechanism, giving the military database on its own less value.

The natural disasters that have taken place in third countries have also had some relevance for recent developments in the policy area. The interest was manifested after the earthquake in Kashmir, when the humanitarian disaster became an item on the Political and Security Committee (PSC) agenda. More importantly, the tsunami emergency in 2004 has influenced developments. More than triggering the need for support of military resources for transportation etc., the disaster led to a role for the EUMS in coordinating member state military resources. Follow-up discussions on this role have underlined the principle of UN lead of relief missions, giving the EU a supportive role only.

Apart from the military database, no suggestions have been made regarding ESDP military resources when it comes to crisis management inside the union. The military support that is foreseen in the Declaration on solidarity against terrorism would, based on available structures, therefore be distributed bilaterally to the affected country and coordinated by that country.

5 CRISIS MANAGEMENT IN THE AREA OF FREEDOM, SECURITY AND JUSTICE

The policy area was introduced in the Treaty of Maastricht, when a third pillar was created, as an area for member states intergovernmental cooperation in justice and home affairs, JHA. In the Treaty of Amsterdam, the concept of freedom, security and justice replaced JHA. At the same time some areas, for example the Schengen cooperation, were transferred to the European Community.

At present, the cooperation in the area of freedom, security and justice is based on the agreement on the so called Hague Programme.⁴⁹ This programme is a continuation of the general framework programme that has guided the work in the Justice and Home Affairs area since the Tampere European Council in 1999. The discussions on a new constitutional treaty for the Union led to comparatively large changes regarding the third pillar cooperation. When the Hague Programme was adopted in December 2004, it was taking into account the agreement regarding the policy area within the framework of the new constitutional treaty. The Commission and the Council now have a shared responsibility for the general policy and a shared right of initiative. The European Council is still responsible by unanimous decision-making. The policy area includes agreement in four areas; freedom, security, justice and external relations.

The Commission presented an Action Plan in June 2005, which laid down the framework for Council and Commission actions to implement the Hague Programme the next five years. The Action plan will be updated at the end of 2006.⁵⁰

Regarding terrorism, the European states agree on treating terrorism as a criminal act and applying a judicial perspective. This means that terrorism is handled primarily by authorities in the judicial system, i.e. police and other law enforcement agencies, in contrast to the military authorities that deal with the defence of national integrity and carry out combat operations. Within the EU framework, the fact that the Council for freedom, security and justice has the overall responsibility for the cooperation on counter terrorism confirms the judicial perspective on terrorism. Under the Treaty of the European Union, prevention of and combating terrorism is one of the main goals in the areas of police and judicial cooperation.⁵¹ The guiding principles for the work on combating terrorism in the EU, applicable also to member state legislation, were laid down in the Council Framework Decision on Combating Terrorism, which was adopted after the September 11 attacks.⁵²

⁴⁹ Council of the European Union, The Hague Programme: strengthening freedom, security and justice in the European Union, 13 December 2004 (16054/04)

⁵⁰ Council of the European Union, Council and Commission Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union, 10 June 2005 (9778/2/05 REV 2)

⁵¹ Consolidated version of the Treaty on the European Union, 24 December 2002, article 29

⁵² Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA)

5.1 Criminal intelligence and police cooperation

Most of the work relating to police cooperation is influenced by the intergovernmental character of the policy area. Many of the proposals following the recent terrorist attacks have focused on increased information exchange. The Hague Programme sets out conditions for exchange of law-enforcement information, that are to be put in effect in January 2008. In order to achieve effective prevention as well as combating of terrorism, member states are, for example, to use their national intelligence and security services to counter threats and to protect the internal security of all member states. In addition, SITCEN has been given a role also when assessing the terrorist threats, relying on information from Europol as well as member states.

Regarding police cooperation, Europol plays an important role for coordination. One of the aims of its work is to help establish a methodology for intelligence-led law enforcement on EU level.⁵³ Beside Europol, the operational aspects of police cooperation have been highlighted on some occasions. So far, this has been done partly as an aspect of the development of the work of the EU Chiefs of Police Task Force, which aims at creating informal contacts between the heads of the national police forces. The concept of Joint Investigation Teams is one example of operational cooperation to deal with different kinds of cross-border crimes. Such Teams are considered being an instrument for cross-border investigations. The principle of availability of law enforcement information, mutual recognition of judicial decisions as well as exchange of best practices etc, are also supposed to enhance police cooperation.⁵⁴ Several of these measures are closely related to the work on judicial cooperation and border control, presented below.

5.2 Judicial cooperation

The judicial cooperation in the EU is intimately linked to the police cooperation area and handles civil as well as criminal matters. In 2002, Eurojust was created with the mission to enhance and stimulate cooperation between member states authorities. Cross-border crimes and organised crime have been essential areas for the work of Eurojust.⁵⁵ Given the judicial perspective on terrorism that the member states share, the transnational cooperation of judicial authorities is vital in order to prevent and respond to terrorism.

Activities relating to criminal justice in general have so far focused on approximation of legislation, instruments based on the principle of mutual recognition, improvement of judicial cooperation mechanisms and building relationships with third countries. In the terrorism follow-up programmes, the importance of confidence building, including mutual recognition of judicial decisions in the member states have been further under-

⁵³ Council of the European Union, The Hague Programme: strengthening freedom, security and justice in the European Union, 13 December 2004 (16054/04)

⁵⁴ Council of the European Union, The European Union Counter-Terrorism Strategy, 30 November 2005 (14469/4/05 REV 4)

⁵⁵ Eurojust homepage, <http://www.eurojust.eu.int/index.htm>, 2005-12-07

lined. In this respect, the adoption of the European Arrest Warrant and the European Evidence Warrant is considered important.⁵⁶ The Council Framework Decision on Combating Terrorism, mentioned above, is furthermore a specific instrument to approximate member state legislation on terrorism. The Framework decision defines terrorist offences, including offences related to terrorist groups and lays out principles for penalties against terrorist offences etc.⁵⁷

5.3 Border control

The EU cooperation on border control is carried out in the framework of the Schengen cooperation aiming at the free movement of persons, the abolition of internal borders between member states and the creation of a single external border. In order to maintain security, the free movement of persons is accompanied by compensatory measures, such as common rules on visas, asylum rights and checks at the external borders. An information system, called SIS II, has been established to exchange data on persons' identities and lost or stolen objects. A European Agency for the Management of Operational Cooperation at the External Borders of the Member states of the European Union (FRONTEX) was further established in 2005.

In the Hague Programme, proposals were made to further improve the control and surveillance of the external borders. One proposal included the establishment of teams of national experts that can provide rapid technical and operational assistance upon request from member states. A second proposal was for a Community border management fund, to share the unequal burden of external border management between the member states. Thirdly, the European Council called for the establishment of a supervisory mechanism, including unannounced inspections.

5.4 Coordinated crisis management arrangements

One of the new institutional arrangements that was foreseen for the freedom, security and justice area in the draft Constitutional Treaty was a standing committee to deal with operational cooperation on internal security.⁵⁸ The committee was to have a role in case of action invoked because of the solidarity clause. In the Hague programme, the Council called for preparations for the setting up of this committee. In addition, the Council and Commission were given the task to set up "integrated and coordinated crisis-management arrangements for crisis with cross-border effects within the EU, to be implemented at the latest by 1 July 2006."⁵⁹ In 2005, Austria, Luxemburg, the Netherlands and the UK put forward an initiative to implement such arrangements,

⁵⁶ E.g. Council of the European Union, The European Union Counter-Terrorism Strategy, 30 November 2005 (14469/4/05 REV 4)

⁵⁷ Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA)

⁵⁸ Treaty establishing a Constitution for Europe, 16 December 2004, Chapter IV, Art III-257

⁵⁹ Council of the European Union, The Hague Programme: strengthening freedom, security and justice in the European Union, 13 December 2004 (16054/04)

abbreviated ICMA. The aim is to “develop working procedures for the coordination of the response to any crisis with an EU dimension, including terrorist attacks.”⁶⁰

In addition to this process, the Council launched a new initiative after the terrorist bombings in London. The London attacks, adding to the experiences of the tsunami disaster, once again underlined the need for cross-pillar coordination.

Following previous initiatives, the UK and the following Austrian Presidency as well as the Commission, cooperating with the counter-terrorism coordinator, in November 2005 brought together the work in different areas to create EU emergency and crisis coordination arrangements, abbreviated CCA.⁶¹ These arrangements are an example of the creation of arrangements relevant to both external crisis and crisis within the EU borders as well as to all types of disasters, man-made or not. Leading principles are subsidiarity and added value instead of unnecessary delay of member state response to a crisis. No new institutional arrangements are foreseen. The initiative focuses on coordinated strategic response to a crisis, in terms of common understanding of any crisis, the development of options for response and a common communication strategy. Coreper is foreseen to have a central decision-making role supported by an ad-hoc Crisis Steering Group.

5.5 Conclusions

While the dealing with natural disasters has very limited relevance for the area of freedom, security and justice, cooperation within this area has essential effects for counter-terrorism. The relatively quick and far-reaching action of the JHA ministers after the attacks of September 11 in the US is manifested in the Council Framework Decision on Combating Terrorism, which provided a multinational agreement on a definition on terrorism.

Ever since the introduction of a JHA area in the EU framework, very little of the police cooperation has been “operational”, in other words it has not focused on common policing activities. (Such activities have instead taken place within institutional arrangements outside of the EU.) This must be seen as a consequence of the fact that police authorities are vested on the national level in a similar fashion as the military authorities. Instead, cooperation within the EU framework is focused on developing systems for exchange of best practice as well as mutual recognition of law enforcement systems of the member states.

The work on enhanced information and intelligence exchange is of a more operational character, but inevitably strained by national constraints for this sensitive area. However, information exchange is the area where most focus has been put when it comes to counter-terrorism follow-up and also an area where police and military coordination can be seen. For example, the SITCEN is highlighted as an important agency

⁶⁰ EU-Integrated Crisis Management Arrangements (EU-ICMA), draft 19 October 2005

⁶¹ Council of the European Union, EU emergency and crisis management arrangements, 18 November 2005 (14707/05)

for cross-pillar situation assessment and civil-military dual use, working on the basis of different kinds of information from member states, Europol and others. Both the SITCEN and Europol can be seen as arrangements for giving the EU a facilitating role and building common capacity, for example by providing combined analysis. SITCEN reports relevant to police actions could be useful not only for preventive measures but also in the aftermath of a terrorist attack, when a criminal investigation perspective is needed.

The internal security committee in the constitutional treaty also had an operational role as it was meant to be a committee dealing with internal security issues relating to e.g. terrorism. The Hague programme and even more so the initiatives on coordinated crisis management arrangements have been related to the issue of an operational function at the EU level, relevant also to consequence management after terrorism.

The work on freedom, security and justice in the EU has, when it comes to counter-terrorism work, a preventive perspective in mainly an internal dimension. However, the external dimension that has been enhanced lately has potentially an equally important role for the prevention of terrorism. The external dimension is closely related to the common foreign and security policy, implying that the policy areas are indeed merging both in purpose and instruments. At the same time, neither the internal nor the external dimensions of the third pillar police and judicial cooperation have highlighted the issue of explicit support from military resources, especially not member state resources.

6 ANALYSIS OF EU CRISIS MANAGEMENT CAPACITY

The previous chapters introduced EU agreements and decisions in a pillar-based model. In order to give a new framework for the following analysis, this chapter will be based on the second model introduced in the method chapter, taking into account the type of threat and arenas for action that have been most prominent in these agreements. The third model introduced earlier shows the type and timing of action that is foreseen for EU crisis management capacity. These aspects will be added to the analysis of the second model, contributing to the analytical framework. Based on the conclusions of the previous chapters, the third model in itself can be completed as follows:

Model 4: Type of EU crisis management capacity and arenas for actions

	Internal actions	External actions
Prevention	Integration Promotion of equal opportunities Promotion of inter-cultural dialogue Intelligence gathering Police cooperation Judicial cooperation Border control	Development assistance Conflict prevention Crisis management Support to anti-terrorism in third countries
Reduction of vulnerability	Critical infrastructure protection Transport security Export control of CBRN agents	Force protection Protection of critical infrastructure in the area of operation
Consequence management	Civil protection CBRN detection and decontamination Health security The military database relevant to the protection of civilian populations	Humanitarian aid Civil protection ESDP resources used for civil protection EU coordination of member states military resources used for civil protection Consular cooperation
Rehabilitation and reconstruction		Reconstruction

6.1 EU crisis management capacity

Research question 1: What kind of crisis management capacity are the member states willing to give the EU?

The interviews held with member states' representatives reveal that the member states in general still find the principle of subsidiarity fundamental when it comes to dealing with terrorist attacks or natural disasters. This principle is consistent with an approach to national security that underlines the importance of the nation state for the security of its citizens. It also lays the responsibility for developing actual crisis management capacity on the lowest possible level within each member state.

However, recent events have highlighted the fact that large-scale disasters can have consequences that the national systems are unfamiliar with. Not only is the scale in itself a new phenomenon, but also the fact that crisis management capacity might be requested for events outside Europe that require for example time-consuming and expensive transport of consequence management resources. These "new" factors may in the long term redesign the national crisis management systems. In the immediate aftermath of recent events, however, the EU member states have used the multinational platform of the union to discuss common solutions – in some cases to be implemented on a national level – to developing crisis management capacity.

The member states' representatives interviewed for this report underline the primacy of national police and civil protection resources for **internal actions in relation to terrorism**. However, since the September 11 attacks, several agreements and decisions have aimed at enhancing the EU capacity for internal action in relation to terrorism. The common definition of terrorism as a criminal act, which is shared by the member states and the EU, leads to the prominence of law enforcement actions to counter terrorism. Consequently, the EU capacity for internal actions in relation to terrorism has mainly been developed in the third pillar. Within this policy area, the EU has focused on developing a capacity to prevent terrorism through police and judicial cooperation. This has mainly taken the form of facilitating cooperation between the member states through approximation of legislation, exchange of best practises and mutual recognition. However, the situation assessment capacity of SITCEN and Europol are intended to enable the crisis management capacity of the member states through the build up of common capacity.

The EU has also developed capacity for internal actions in relation to terrorism in the first pillar. In several policy areas, the EU has elaborated common security standards to reduce the vulnerability to terrorism. In some areas, the EU has developed rapid alert systems linking the Commission and the member states, to enable early notification of crises and operational coordination in the event of a crisis. In most of these sectors the EU has only developed a capacity for coordination in relation to the member states, but in the area of transport security the EU has been in the lead in developing security standards.

In contrast, the member states tend to disregard the EU when it comes to consequence management after terrorist attacks, which is viewed as a national responsibility. On the other hand, a Commission official, interviewed for this report, pointed out that even the largest member states may have insufficient resources in the event of large-scale or multiple attacks, which is a reason to develop cooperation in the EU framework in order to strengthen the member states capacity for consequence management.

When it comes to mutual assistance after terrorist attacks, all the interviewed member states' representatives recognise the principle of mutual assistance, expressed in the Declaration on solidarity, in the event of large-scale attacks that in fact leads to a request for assistance. However, based on the experiences of the Madrid and London bombings and with regard to national pride, some interviewees found it unlikely that another member state would in fact ask for assistance. When it comes to their own state, the member states' representatives also had difficulties to envision a scenario that would trigger a request for assistance and none of the member states studied in this report have included the offering or receiving of mutual assistance in their national contingency plans.

Since support to consequence management needs to be provided very quickly, many interviewees, both from the EU institutions and the member states, point to the fact that such assistance would most probably take the form of bilateral support and that the EU level would not be involved in coordinating the member states assistance. In addition, the representatives of one member state raised the problem that the deployment of resources in another member state would leave their own country less protected and therefore more vulnerable to terrorist attacks.

When it comes to **external actions in relation to terrorism**, the member states seem to agree on the value of an EU crisis management capacity. The terrorist threat has for example been mainstreamed into almost all aspects of the already ongoing work on building crisis management capacity within the ESDP.

Immediately after the September 11 attacks, the EU heads of state stressed the importance of external action to enhance the capacity for counter terrorism. Initially, the role foreseen for the CFSP in the fight against terrorism was to promote international cooperation and to prevent terrorism by containing regional conflicts. However, after the Madrid bombings, decisions were taken to enhance the capacity to prevent, reduce the vulnerability to and to some extent manage the consequences of terrorism in the framework of the ESDP. In addition, the EU has initiated technical assistance programmes to build up the capacity for counter-terrorism in third countries. When it comes to consular cooperation, procedures are being developed to facilitate information sharing and coordination between member states in the event of a crisis.

Although the member states support the building of crisis management capacity in the EU for external actions in relation to terrorism, it is important to remember that the EU is not the only channel for the member states crisis management capabilities. The member states can, in parallel, act bilaterally or through NATO. A representative of one member state interviewed for this report also pointed out that the lack of an EU

Foreign Minister prevents the development of an effective external crisis management capacity in the EU.

The civil protection mechanism, established in the first pillar, constitutes an important EU capacity for **internal actions in relation to natural disasters**. The mechanism consists of member states capabilities which are listed in databases administered by the Commission and the EU role is limited to a capacity to forward information and requests for assistance in the event of a disaster. In the aftermath of recent disasters the Commission has however presented several proposals to strengthen the EU role in the mechanism.

The member states, however, differ in their views on these proposals and the role of the EU when it comes to internal actions in response to natural disasters. The interviews revealed that some member states tend to emphasize the national responsibility to build up sufficient crisis management capacity while others want the EU to be able to support national efforts in the event of large-scale disasters.

When it comes to **external actions in relation to natural disasters**, the member states tend to support a stronger role for the EU than in relation to internal actions. The EU has its own funds for humanitarian aid, which the Commission can disburse in the event of natural disasters outside the EU borders. When the civil protection mechanism is used for external actions, the MIC of the Commission can be involved in on site assessment and coordination together with the Presidency.

Relating to this, the member states' representatives take divergent views on the purpose of the EU civil protection assistance. Some believe that civil protection should be an integral part of humanitarian assistance, focusing on persons in need, while others find it important to promote visible EU action after a disaster. In addition, the issue of transportation of assistance has been much discussed when it comes to external civil protection assistance. Some interviewees believe that the EU could have an important role to coordinate the member states' transportation resources or finance the transportation of civil protection assistance, while others believe that transportation should be an integral part of the national civil protection assistance and are reluctant to increase the EU responsibility.

Many of the proposals issued in the follow-up to the tsunami emergency have further aimed at improved coordination between different EU mechanisms, for example between civil and military capabilities and between the civil protection mechanism of the first pillar and SITCEN and the civ-mil cell of the second pillar. Discussions have also focused on improved EU coordination in relation to the UN, which has the overall responsibility for disaster management.

In general, external actions in relation to natural disasters seems to be an area where the development of an EU crisis management capacity is less sensitive and where further development can be discerned. The promotion of an EU capacity to coordinate the member states assistance in the aftermath of a disaster can be seen as a step in the direction of a common foreign policy, at least in the sense to provide third states or the UN with a single dialogue partner in times of crisis.

Building crisis management capacity in the EU is, however, less politically sensitive after a natural disaster than in a situation where traditional security policy issues are at stake. In other words, the member states are more willing to promote EU visibility in a disaster response scenario than in a scenario where national state security, in narrow terms, is threatened, for example after a terrorist attack.

6.2 Use of military resources

Research question 2: What role can be foreseen for military resources within the framework of EU crisis management capacity?

Security policy issues are still strongly vested at the national level. Every member state has its own system to deal with terrorist attacks and natural disasters, not necessarily easily comparable to that of other states. History and tradition seem to be two important factors that have shaped the respective systems. These factors also matter for the role that military resources are given within the national systems. In a few states, the paramilitary Gendarmerie or Carabinieri are fundamental parts of the national crisis management systems and can for example have an important role when it comes to counter-terrorism measures. Other states have different experiences from using military resources when dealing with domestic separatist movement.

Regardless of these differences, the use of military resources in support of civilian crisis management, especially consequence management, is by and large guided by the same principles in the different EU member states. The most important principle is that of civilian lead of all crisis management relating to terrorism and natural disasters.

The use of military resources in an EU framework is based on national decision-making in each particular case and the member states clearly let the principles for the use of military resources within their own borders influence their position in EU discussions. The interviewees for this report all underlined the important restraints when it comes to the use of national military resources generally and considered these being a “last resort”. Military resources are, in comparison to civilian resources for crisis management, expensive, comparatively slow to deploy, and designed, trained and equipped for primarily other tasks than supporting civil authorities when needed.

This being said, several examples were given where national military resources (other than gendarmerie, which also is a military resource) had made important contributions to crisis management efforts after terrorist attacks and natural disasters. In particular, the military capacity when it comes to planning and command and control was underlined. Other military resources that were mentioned as useful both inside and outside the EU, with different limitations, include intelligence, security support for civilian operations, transportation (especially for air and sea), specialist resources, including CBRN protection, and protection of critical infrastructure.

When it comes to the use of military resources in support of **internal actions in relation to terrorism**, the member states disregard the EU. Although the Declaration on solidarity explicitly calls for the use of all available instruments, including military

resources, in the fight against terrorism, there have been no preparations in the EU framework for the use of military resources as a result of an operational use of the Declaration on solidarity. ESDP is the only policy area in the EU that has military capacity, such as EUMS military personnel, but since ESDP is an instrument for external action, there are no procedures or arrangements for using this capacity for a crisis inside the EU. This is in line with the UK view of a strictly external perspective on ESDP, whereas some French representatives claim to be open for discussions on the use of ESDP as an instrument for internal action.

When the issue of support from military resources in relation to terrorism inside the union has been discussed, it has been in the context of consequence management. For example, the military database relevant to the protection of civilian populations was mentioned in the documents on the role of the CFSP and the ESDP in the fight against terrorism. The military database has, however, been created separately from the military ESDP capabilities and the use of the database has been linked to the civil protection mechanism. Proposals to link the military database to the ESDP Force Catalogue have so far been met with resistance.

The member states clearly question the use of the database in times of crisis. While several of the interviewees for this report could see a value for the database as an indicator of possible supportive resources, member states tend to agree that if they were to send military resources to a member state that had been the victim of a terrorist attack, this support would, due to the need for very short response time, have to be of a bilateral nature. At the same time, the Commission underlined that resources listed in different databases might be easier for a state in need to “claim”, as the database listing in itself manifests a political commitment. Few, if any, of the member states, however, share this view.

In the on-going processes of developing ESDP capabilities, military resources have been considered to have an important role to play for **external actions in relation to terrorism**. In the context of ongoing ESDP operations, the importance of intelligence, force protection and protection of civilian populations and critical infrastructure in the area of operation has been stressed. In the process of long-term development of ESDP capabilities, the terrorist threat has been incorporated in both the civilian and the military Headline Goals.

In most instances, the EU has developed a capacity to prevent terrorism through peace support and support to capacity building in third countries. The member states in principle agree on the use of military resources for prevention, and the EU level including the relevant ESDP arrangements has been set at enabling the member states to strengthen their national capabilities, including military resources. A few areas of concrete actions to counter terrorist threats have been suggested, such as maritime and airspace control-type operations with military resources. So far, however, these types of operations are much more controversial for a number of member states, for various reasons. For several member states, NATO would be the most relevant organisation for such tasks, if they should be done in a multilateral context at all.

When it comes to **internal actions in relation to natural disasters**, support for consequence management would be the most probable task for military resources. However, the issue of using military resources in support of civil protection in an EU framework has not been much discussed. In interviews, member states underlined that, in general, military resources rarely have an added value to civil protection capacity.

The military database relevant to the protection of civilian populations has, nevertheless, been linked to the civil protection mechanism, which can be used for consequence management after natural disasters. In the aftermath of the earthquake and tsunamis in the Indian Ocean the scope of the military database has been proposed to be expanded so that it could be used also in relation to natural disasters, both inside and outside the EU borders. Member states have also offered a few specialised military resources, such as fire fighting airplanes and maritime resources as assistance after recent natural disasters in the EU. Bilateral assistance has been given between Germany and France after floodings and forest fires and military resources led actions in the UK during the foot and mouth crisis.

Again, interviews confirmed that the member states have different approaches to military support. In France, new equipment, such as helicopters, is developed that can be used for both civil and military purposes. In the UK on the other hand, the basic principle is to structure resources in such a way that civil authorities will not need to depend on support from the military structures. In addition, the system for financing military support is an important factor for deciding whether to help a neighbouring state or not. In the British system, aid and assistance outside of the UK is paid on the basis of needs of the people of an affected state, whether inside the EU or not. Most European states will often be in a less pressing need for support than third countries stricken by disaster.

More discussions on the potential role of military resources have been initiated regarding **external actions in relation to natural disasters**. Military resources have for example been considered to provide important support to humanitarian assistance in the follow-up process of the tsunami Action Plan. The main contribution of military resources that has been discussed is to provide security and transportation resources for consequence management by civil protection and humanitarian assistance. These tasks have been included in the development of military ESDP capabilities. The civil-mil cell has also been given an important role to prepare for the coordination of civilian and military capabilities used for disaster response.

The main argument for expanding the use of military resources in an external disaster scenario is the higher risk of lack of infrastructure, operational resources or logistic resources in an affected third state. Member states have underlined, in policy discussions and again during interviews, that in the aftermath of the tsunami disaster the EUMS provided valuable coordination in relation to UN OCHA. In other words, the member states have supported an operational role for ESDP resources, EUMS, under certain circumstances after a natural disaster.

7 CONCLUDING REMARKS

7.1 The EU as a security actor

The EU has developed new or enhanced crisis management capacity in a number of different areas in the last couple of years. In most cases it has been aiming at, in Klaus Brummer's words, *enabling the member states* by supporting their crisis management capacity. Specifically, the EU has developed a capacity to coordinate member state efforts and facilitate a more efficient and combined European effort to manage crises. The EU level has been used to administer member states agreements and provide an arena for further development of national capabilities.

The only obvious examples of where the *EU* is *in the lead* are development assistance, where the Commission has its own financial and institutional capacity to act, and transport security, where the EU is responsible for common standard setting and inspections. On the other extreme, the member states tend to *disregard the EU* when managing the consequences of a crisis inside the union, especially in case of a terrorist attack where national security is perceived as threatened.

Applying an approach based on the threat and the type of capacity in question, other conclusions can be drawn. The work on counter terrorism has touched upon all types of crisis management capacity, namely prevention, reduction of vulnerability and consequence management. However, as indicated above, consequence management after terrorist attacks inside the union borders is an area where the member states have been reluctant to give the EU crisis management capacity. When it comes to natural disasters on the other hand, most focus has been on consequence management. For obvious reasons, natural disasters are difficult to prevent, at least with short-term measures. The member states also point to the importance of visible and coordinated external crisis management in the EU.

The main crisis management capacity when it comes to military resources is still obtained by the member states armed forces used for prevention in traditional peace support operations. As a consequence of the will to use all EU instruments to counter terrorism, tasks related to the threat from terrorism has been included in the ESDP framework. However, there is no political consensus on including military resources in the counter- terrorism work in other areas. Military resources in terms of EU institutional crisis management capacity have, as discussed above, been given a limited but potentially important role outside the traditional ESDP framework, mainly relating to consequence management after natural disasters, but in the case of intelligence also for prevention of terrorism.

Some factors in particular shape the EU crisis management capacity. The national crisis management systems of the member states strongly influence the positions of the states within the intergovernmental cooperation in the EU and thereby EU consensus decisions. The national systems also set the role for military resources within a wider security approach of the union, meaning that these resources are considered to be of

secondary use in time of crisis. Beside the organisation of national crisis management capacity, a variety of previous national experiences with terrorism, natural disasters and the use of military resources determine how the respective member states stand in relation to crisis management capacity in the EU as well as to the role for military assets.

The EU approach to tackling the present threats is still far from resembling the US system of homeland security, presented in the introduction. The potential concept of a European homeland in terms of an area with distinct borders to be safeguarded has had little relevance for developments so far. There is no embryo of a European equivalent to a Department for Homeland Defence with a comprehensive security approach, and no such equivalent was foreseen in the Constitutional Treaty.

Another comparison that can be made between the European and the American systems regards the way the European states and the US interpret and manage threats. It has been suggested that European states traditionally apply a threat-based approach where threats are managed as they arise, usually in a law enforcement framework. In comparison, the US is said to apply a capabilities-based approach on security issues, emphasizing the development of capabilities that may be used for a variety of plausible threats.⁶²

The analysis of the previous chapters shows that EU as well as the collective of the member states rely on both a threat-based and a capabilities-based approach on security. The threat-based perspective is manifested by the focus on prevention. This includes long-term measures such as action against money laundering, ESDP crisis management action and support to third states' law enforcement authorities as well as short-term measures to improve intelligence cooperation. A capabilities-based approach is visible in recent initiatives for critical infrastructure protection, the development of coordinated crisis management arrangements and the enhanced coordination of Commission early warning systems – all arrangements that, furthermore, illustrate the intertwining of actors and policy areas in the building of EU crisis management capacity.

The analysis has also shown that member states agree on the need to strengthen the coordination of external actions. The work in the freedom, security and justice area to enhance third state cooperation is a case in point, as is the development of consular cooperation. Altogether, these measures imply that important steps are taken towards the creation of a common European foreign policy with common institutional arrangements, which is in line with the agreements that were made in relation to the Constitutional Treaty.

⁶² Clarke J, "European Homeland Security: Promises, Progress and Pitfalls" i Bertelsmann Stiftung (ed.), *Securing the European homeland: The EU, terrorism and homeland security*, 2005, 25-26 and O'Hanlon M, *Defence Strategy for the Post-Saddam Era*, (Brookings Institution Press, Washington, D.C.) 2005, 98

The broad security vision of the union and the member states is confirmed by the many different possibilities for crisis management actions, where the military instrument is only occasionally needed. This report has not compared the EU to other security actors but it has shown that the threat from terrorism and natural disasters clearly and quickly have been mainstreamed into all relevant policy areas of the union. Terrorism in particular, has created new incitements for cooperation between different institutional actors within the EU.

At the same time, the primacy of national crisis management systems, underlines that the EU as a security actor on its own still has few instruments that can be said to be operative. Equally important, the difference between success and failure of EU crisis management capacity and the scope of its coordinating role is still in the implementation in all 25 member states of the agreements that have been made. So far, delays are seen in several policy areas, but many measures are long-term and require substantial adjustments in the member states. The obstacles when it comes to creating a working system for the sharing of intelligence is a good example of this.

7.2 Future research

This report used the type of threat and the type of capacity as well as the arena for action foreseen, to analyse the crisis management capacity of the EU. Other perspectives can be added with time. One option is to explore more types of crisis beside terrorism and natural disasters and add to the picture of the EU as a security actor. Another option is to further explore the conclusion that the EU has no homeland concept and go on with exploring whether alternative concepts drive the security work in the EU. If the EU does not protect a homeland, then what does it protect? What is its main drive for developing crisis management capacity?

Coming back to Brummer's model, it is obvious that the category *Enabling the member states* is the most useful for exploring the relationship between the EU and the member states when it comes to the development of crisis management capacity. In order to add more dimensions to future analysis, however, the model will need further elaboration. In this report, coordination of member state efforts stands out as the most obvious crisis management capacity of the EU. To support the discussion on the coordination capacity and to make it possible to elaborate on more alternatives for the relationship between the member states and the union, a more differentiated model would be needed.

Since the effects of developments at the EU level depend on the will for implementation in the member states, coming analyses will need to focus on how the member states rely on and use the EU crisis management capacity next time a crisis occurs. Obviously, many of the Council declarations after last years' disasters put pressure on all member states to be able to support a common EU solution to a crisis and to be able to send and receive help from other EU states or third states.

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