



Five years after Göteborg: the EU and its conflict prevention potential

Conflict Prevention Partnership Report



Five years after Göteborg: The EU and its conflict prevention potential



September 2006

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EPLO

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Foreword By Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy

Opening keynote speech at the Conflict Prevention Partnership dialogue on "Five years after Göteborg: the European Union and its conflict prevention potential", Brussels, 12 September 2006

Ladies and Gentlemen,

I will break with keynote speaker tradition by not launching into a meta-analysis of conflict prevention challenges, after all, as one of my hosts put it in a recent article "big overarching theories about conflict may be good for keynote speeches, and certainly good for royalties ... but they never seem to work very well in practice."!

So I will stick to practicalities.

As you know, the report being presented today is one of the last in the series by the Conflict Prevention Partnership (CPP). We in the Commission are pleased with our support for the CPP. It has been a successful part of our pilot project for a Conflict Prevention Network, an important step to achieving the Göteborg objective of improving our cooperation with civil society actors.

The CPP has provided us with valuable opportunities for dialogue and analytical input to the process of developing the Commission's policy and strategies.

Now we want to build on this experience and continue our work with civil society actors in the future. So let me preface my remarks by congratulating all the participants in CPP, and thank you for contributing to our common goal: a more effective EU approach to conflict prevention.

The report on "Five years after Göteborg", which Dr Beger will present to you in a moment, is a very interesting assessment of the EU's achievements and defects since 2001. I don't want to pre-empt his remarks by going into detail, let me just say that the report makes some very valid and insightful comments, which we will study carefully.

Instead let me give you my own perspective on achievements since Göteborg.

I remember clearly the importance we attached to the Göteborg programme when we adopted it. We regarded it as a milestone in the development of coherent EU action on the international stage. Although, as CPP's report rightly points out, the long-term approach involved in conflict prevention is frequently knocked off course by the imperatives of short-term crisis management, Göteborg did mark a new departure in a more rigorous and effective approach to conflict prevention. Crisis management and conflict prevention are in any case complementary activities, and both deserve our full political commitment.

This audience will be familiar with the role the EU has been playing in tackling some of the more high-profile conflicts around the world, such as Sudan and Lebanon. But let me illustrate how our conflict prevention activities have evolved since Göteborg with our work on conflicts that don't always get the media attention they deserve.

1) Aceh

Effective conflict prevention requires close coordination between the short-term crisis management instruments and the longer term measures to tackle the root causes and prevent the re-emergence of conflict. In our work to support peace and reconstruction in Aceh we have made great strides in achieving that coordination.

The Commission financed President Ahtisaari's peace negotiations using our Rapid Reaction Mechanism. The EU launched the Aceh Monitoring Mission to monitor compliance with the Peace Agreement. And at the same time the Commission and Member States, working with the international community, put in place a package of long term measures to support the peace process. This addresses the structural issues: reintegration of Free Aceh Movement combatants and prisoners; reforms of the local administration and promoting the rule of law, human rights and democracy.

2) Transnistria

Speed is of the essence in conflict prevention, yet it has traditionally not been the Commission's strong point. Now however, with the introduction of the Rapid Reaction Mechanism (RRM), we are able to react speedily and bridge the gap between crisis and long-term peacebuilding.

Thanks to RRM we were able to respond quickly to a political opening between Moldova and Ukraine and mobilise a monitoring mission to their border late last year. By helping prevent trafficking of people, smuggling of goods, proliferation of weapons and customs fraud we expect the mission will contribute to a peaceful resolution of the Transnistrian conflict.

3) DRC

Our skill in using the EU's different conflict prevention instruments to complement each other is increasing. In the Democratic Republic of Congo we are financing security sector reform, an essential prerequisite for both the internal and external security of a state and its people; we are also supporting the demobilisation and reintegration of former combatants; and we helped prepare the path for the country's elections last summer. The Commission is working together the ESDP Missions on the ground, for example, just last week the Commission made funds available to the EUFOR military mission for community outreach projects in Kinshasa. And we're also targeting judicial reform and sustainable governance.

Another important element of our conflict prevention work of direct relevance to DRC is our focus on the role natural resources play in igniting and sustaining conflict. We support the Kimberley Process on conflict diamonds, and will take over the Chairmanship of the Process in 2007. We are also working on conflict timber and implementing our EU action plan for Forest Law Enforcement, Governance and Trade in a number of countries. And we are supporting better regional management of shared water resources.

But I do not want to sound complacent or self-congratulatory. We know that there is still work to be done to optimise our work on conflict prevention. Conflict is not inevitable and we should never lose heart or accept that some conflicts are too intractable to be averted. Before I close, let me share with you some of the priorities we're pursuing in our quest for ever-more effective intervention.

1) Coherence and Coordination

Although we've made progress in improving the coherence and coordination of the EU's different conflict prevention instruments, there's still room for improvement. You may be familiar with the concept paper which the Commission published in June, containing some practical proposals for greater coherence, effectiveness and visibility of the EU's external action.

We've already begun putting these into effect, last weekend saw the first of the proposed six-monthly meetings between the Presidency, Commission and High Representative for CFSP, at which we reviewed the EU's external actions and discussed priorities. We are making progress on simplifying procedures to allow us to respond more flexibly. And we are beginning to implement the exchange programme between Commission, Council and Member States, and utilise our extensive network of delegations more strategically.

2) European Neighbourhood Policy

We are also extending the range of our conflict prevention tools. The European Neighbourhood Policy (ENP) is designed to promote stability, security and prosperity, thus mitigating potential conflicts. And the ENP Action Plans list specific conflict prevention activities. We put great emphasis on governance issues, including security sector reform, which makes a vital contribution to preventing conflict.

I want to fully exploit ENP's potential to contribute to conflict prevention in Moldova, the South Caucasus, and around the Mediterranean. That will mean encouraging links between civil society and government, and

promoting local ownership.

This is also an important contribution to conflict sensitivity, namely ensuring that all our policies and programmes take into account their possible impact on conflict.

3) Human Security

The Commission is a strong supporter of the concept of human security – putting individuals at the heart of security concerns. The Finnish Presidency is taking steps to bolster the EU's commitment to this approach, and we will be working actively with them in the coming months to translate this into practice.

We have already done a great deal through our activities on landmines, security sector reform, gender issues and management of natural resources. Our task for the future is to build on these efforts.

We will be working on a cross-pillar concept on EU support for Demobilisation, Disarmament and Reintegration and implementing our May proposals on security sector reform.

And I will be looking in particular at how we can boost our work on gender issues. Although we have some experience of supporting women's participation in peacebuilding in countries like Afghanistan and Colombia, we could do much more. I see the need for further policy and operational work in this area in the coming year.

4) Contact with civil society

Finally, as I mentioned at the beginning, we want to go further in deepening our contacts with civil society, building on this experience with the CPP.

In the short term we will continue our Conflict Prevention Network funding to strengthen networks among civil society actors, and will be launching a call for proposals later this year.

In the future we hope this will be integrated into the peacebuilding partnership we are planning to set up under the new Stability Instrument, whose objective will be to enable a closer and more operational partnership with specialized European NGOs.

Ladies and Gentlemen,

As you can see, we have plenty of work to keep us busy. Which is as it should be – preventing violent conflict is one of the most important challenges of our time. As today's report points out "The EU has the potential to be a crucial player in conflict prevention...[with] the largest aid budget, the worlds' biggest market, historical and cultural ties with most of the sensitive regions and political presence in most economic fora".

It is my job to move us closer to fulfilling that potential. We need to have the courage to break new ground and try new approaches.

So let me thank the CPP once again for its contribution and wish you productive discussions this afternoon.

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Executive Summary

Introduction:

Over the last few years the European Union (EU) has become a leading international actor, increasing its engagement in the regions and countries affected or prone to violent conflict. The EU is a powerful economic actor that now provides the largest share of international development aid. It also has a wide range of policy instruments that enable it to be an important conflict prevention and crisis management actor. Nevertheless, the EU alone cannot respond to all the challenges. Its resources and capabilities are, and will remain, finite, which means that priorities have to be defined and partnerships need to be built and developed.

This report departs from evidence that - while conflict prevention as concept is not popular among most political decisions makers because of its lack of political revenue back home - preventive, coherent, and long-term engagement has large financial, global security, and human advantages. Conflict prevention is more of a process than a policy as such. It is a way to design, shape, and implement policies in a way which encourages the attitudes, the behaviour, and the structural conditions in society - including political and military structures - that lay down the foundations for peaceful, stable and ultimately prosperous social and economic development.

Five years ago, the European Council recognised the importance of conflict prevention by adopting the EU Programme for the Prevention of Violent Conflict in Göteborg, representing an important commitment for long-term conflict prevention policies by tackling issues of political will, EU instruments, policy coherence, and implementation. Unfortunately, in the wake of the significantly altered global security environment, short-term crisis management has become a priority and the understanding among decision-makers about conflict prevention has not been increased.

It is, therefore, time for a reflection on the practical achievements of Göteborg to date, and the innovative tools and mechanisms it has deployed. At the same time - and in the spirit of the Göteborg Programme - we need to analyse the remaining challenges and determine how existing EU mechanisms can be combined to tackle them effectively. The EU is engaged in this process, notably with the successive conflict prevention Presidency reports, of which the last one focuses on an assessment of Göteborg, and the organisation in May 2006 of a conference on "What Future for EU Conflict Prevention? Five years after Göteborg and how to move on?" co-organised by the Austrian Presidency, the European Commission, and EPLO. Written by EPLO in the framework of the Conflict Prevention Partnership financed by the European Commission, this report wants to go a step further in this assessment from a civil society perspective.

The report presents a short analysis of the state of the art in EU conflict prevention today, but mainly reflects on the areas where significant progress could still be made in enhancing the political will that underpins conflict prevention, in developing EU instruments, and above all in improving the EU's coherence and implementation. The analysis centres around the EU's peacebuilding potential in four main conflict prevention areas: security; governance; economic and social issues; and transitional justice, and applies those four main thematic areas to a fictitious country case study in order to help identify gaps that need to be filled in order to achieve a real impact by 2010. The choice to use a fictitious case study allows the presentation of generic recommendations.

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General Findings:

On the more general policy level, the report focuses on issues of political will, policy coherence, conflict sensitivity and the interaction with international organisations and non-governmental actors.

Failing to prevent the outbreak *and* recurrence of violent conflicts has huge humanitarian, financial, and political costs. Yet, despite studies demonstrating that conflict prevention offers long-term economical, political, and developmental benefits¹, the EU continues to invest more time and money in developing its crisis management capabilities and anti-terrorism rather than developing its *upstream* conflict prevention instruments. In the Göteborg Programme, the EU recognises the primacy of conflict prevention over crisis management, but it is critical to establish more clarity in how the EU talks about and conceives its activities in these areas. Ultimately what lies behind both crisis management and conflict prevention is the intention to help drive and sustain peace and tackling the underlying causes and emerging consequences of violent conflict. Even if the funding streams may be different in practice, conceptually, crisis response needs to be embedded as one aspect of an integrated approach towards peacebuilding rather than being a distinct operation. An important stumbling block for its own success towards a comprehensive approach is the lack of political will in the EU to establish coherence as the “systematic promotion of mutually reinforcing policy actions across government departments and agencies creating synergies towards achieving the agreed objectives”².

The European Commission (EC) has indeed an extensive set of instruments for structural long-term and direct short-term preventive action, from election monitoring to police and justice reform and natural resources as drivers of conflict. In the second pillar, the Council has made welcome advances in the field of structures and capabilities for civilian and military crisis management, diplomatic dialogue, and increasing preventive diplomacy and mediation efforts. However, although there is progress in the policy debate on coherence, most of the Commission and Council activities are used in a narrow way and are not embedded in a coherent conflict sensitive approach. This is also reflected in the tendency for the EU not to monitor its activities in the field of trade, development, and environment for their impacts on conflict-prone and affected contexts as well as in the sub-optimal communication between Brussels and delegations and notably between the pillars struggling for legal competencies. The report makes a few concrete suggestions on how to address some of these coherence issues. If the EU wants to use all its instruments efficiently, there is a real need to institutionalise conflict sensitivity in all relevant EU policies.

Improving EU effectiveness in preventing conflict depends on the adoption and the implementation of conflict-sensitive approaches to development along with economic co-operation, crisis response, and technical assistance. The report promotes higher visibility for the key concept of conflict-sensitivity i.e. the need to ensure that all policies applied in a conflict area avoid exacerbating tensions³ and carry out systematic analysis of the context. In any given context, all socio-economic and political tensions, root causes and structural factors are relevant to conflict sensitivity because they all have the potential to become violent. Conflict sensitivity has yet to be understood and taken on board by EU policy-makers and practitioners in Brussels and within EC delegations. Applying it involves not only basing programme design on analysis but also ensuring operational follow-up in line with actual EU staff and financial capacity and on harmonisation not only among the pillars but also with Member States.

The Kalvela case study, developed for training purposes on peacebuilding, presents a comprehensive but regionally not fixed background against which the report moves towards analysing four core themes of conflict prevention: Security, Governance, Economic and social issues, and Transitional Justice.

In the field of security, Security Sector Reform (SSR) is a key concept for which the EU has since June 2006 a joint policy framework. SSR programmes support a wide range of key objectives including poverty reduction,

¹ Malcolm Chalmers, *Spending to Save - Is conflict-prevention cost-effective?* CICS Working paper 1, April 2005. See also *In Larger Freedom*, Report of the UN Secretary General, March 2005

² OECD DAC, policy brief on policy coherence, July 2003, <http://www.oecd.org/dataoecd/11/35/20202515.pdf>. In a report published by BOND, Paul Hoebink of the Centre for International Development Issues Nijmegen defines “policy coherence” as ‘the non-occurrence of policies or the results of policies that are contrary to the objectives of a given policy’. See BOND, *The Networker*, August 2006, <http://www.bond.org.uk/networker/aug06/eupolicies.htm>

³ Conflict Sensitive Approaches to development, humanitarian assistance and peacebuilding – A resource pack, Africa Peace Forum, Centre for Conflict Resolution, Consortium of Humanitarian Agencies, Forum on Early Warning and Early Response, International Alert, Saferworld, 2004

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conflict prevention, post conflict reconstruction and reconciliation, promotion of human rights, and democratisation. The biggest challenge to more effective EU engagement in SSR is, however, to enhance cross-pillar co-ordination, to transform competing interests amongst EU institutions and Member States into a more collaborative process and to bring together separate capacities under joined recruitment and training mechanisms. Even if the need to mainstream SSR in Community instruments is usually mentioned in all annual Presidency conflict prevention reports, in practice there is little done on the ground at Delegation levels where awareness about recent SSR processes in Brussels remains limited.⁴ In addition, the inter-pillar race against time to secure dominance over security, which arose in the wake of the failure of the external action service - and made Small Arms and Light Weapons (SALW) the bone of contention - is a prevalent inhibition that threatens to cause incoherence and insufficient priorities for years to come through the non-productive influence it has had on the Financial Perspectives 2007-2013.

Equally linked to security are Disarmament, Demobilisation and Reintegration (DDR) programmes which aim to disarm combatants by collecting weapons, demobilising them, and helping to reintegrate individuals and groups back into the community⁵. These programmes have become an integral part of peace agreements in many countries, but their success remains limited. First of all, any DDR project must be based on a good analysis of the situation, taking into account the wider roles of ex-combatants in society – including a particular focus on women and children - and broader community security issues, while a lack of funding might lead to a gap between what is promised and what is effectively delivered, creating frustrations and tensions. DDR projects should also capitalise on and strengthen existing and planned community development projects and vice versa. This also requires working with local entrepreneurs and companies, and any DDR project has to be grounded at the community level. DDR has to be addressed comprehensively, notably by avoiding decoupling the two short-term “Ds” from the longer term “R”.

Low levels of good governance are a key root cause of violent conflict, ie. the capacity of a government to respond to its citizens' rights and needs and how these citizens are able to hold their government to account⁶. The Commission has a large array of different means at its disposal for long term initiatives in this field, in fact it has only just published a new Communication on governance support⁷. However the implementation of governance projects with a conflict prevention focus and the mainstreaming of governance issues into external action remain in reality low. Donors, including the EU, have to accept that aid is fungible, concentrating on capacity building of institutions through technical consultants, equipment and training. The EU has been quite active in this field over the past few years, particularly under the European Security and Defence Policy (ESDP), focusing on the rule of law, civilian administration, police, electoral support etc. These short term measures of sending international staff (such as lawyers, policemen or prison experts) are not based on local capabilities and thus are often ineffective in making sure fundamental democratic principles are implemented as these experts barely know the country. Longer term measures such as training activities, community-level support to dialogue and democratic practices as well as support for NGOs and human rights defenders are needed and the link between them, when existing, is often too weak. Successful reforms in the long-term often involve a sea change in behaviour and values. There is thus a need to move from a short-term approach of governance, focused on the technical aspects of governance reforms, notably building institutions and promoting a transparent and efficient framework for rules and regulations, to a longer term vision helping the country to move away from aid dependency, which will in the end determine the success of governance programmes, avoid conflict and improve the lives of ordinary people.

Economic and social issues play a crucial role in driving and perpetuating violent conflicts. The OECD considers that the unequal distribution of benefits or burdens, marginalisation of vulnerable groups or geographical regions, and relative deprivation are all factors that may cause or trigger conflict⁸. Furthermore, it has to be recognised that development assistance, trade policies and the promotion of foreign investment can inadvertently feed conflict by fostering corruption, increasing competition for scarce resources and distorting traditional economic systems. Engaging the private sector is also essential in responding to a crisis and illicit

⁴ Heiner Hänggi and Fred Tanner, Promoting Security Sector Governance in the EU's Neighbourhood, Chaillot Paper #80, ISS EU, July 2005, p.35.

⁵ This overview of DDR is mainly taken from International Alert CPP Report on “The EU and DDR: Supporting Security and Development”, July 2006

⁶ This definition is based on the DFID White Paper on *International Development*, ‘eliminating world poverty: making governance work for the poor’, 13 July 2006, p.18

⁷ Communication of the Commission on “Governance in the European Consensus on Development. Towards a harmonised approach within the European Union”, COM (2006) 421 final, 30.08.2006. See also the independent evaluation of the EC support to Governance in third countries, http://ec.europa.eu/comm/europeaid/evaluation/document_index/2006/884_docs.htm

⁸ OECD DAC, *Peace-building overview*, <http://www.oecd.org/dataoecd/13/33/35034078.pdf>

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trade and exploitation of natural resources often fuel conflict and create economies of war. The European Commission responds to these challenges with two approaches: conflict diamonds (Kimberly) and the Forest Law Enforcement, Governance and Trade (FLEGT) Proposal for Action Plan, adopted in 2003. Both are promising developments. However, even though official documents link trade and conflict prevention, the EU trade policy lacks crucial aspects of conflict sensitivity. This contradicts the EU's wider conflict prevention and peacebuilding work. Unfortunately, the EU shows little conviction in its political dialogue with emerging global powers when other commercial interests are involved. The EU should assess the impact of its trade policy, specifically to analyse how far the implementation of the Economic Partnership Agreements (EPAs) might exacerbate conflict. Using Kalvela as an example, whose primary economic activity is in agriculture, the EU's Common Agricultural Policy also has to be reformed to ensure that it doesn't feed negatively into conflicts by destroying local economies. In addition, the often prevalent exclusion of women from almost all economic opportunities has to be addressed specifically.

Last but not least, the report addresses issues of transitional justice, which focuses on the challenge that societies in post-conflict or democratic transition face in dealing with a legacy of mass abuse. The challenge of dealing with past abuse is often a very intractable one. In transitional contexts, the demand for justice is usually near its apex but the possibility of delivering it very low, due to lack of capacity, political will, or both. There is, indeed, a certainty that the full justice that victims deserve cannot be fully realized. Thus, while criminal prosecutions of those bearing greatest responsibility for past abuse are usually essential to prevent future conflict, such prosecutions are alone insufficient to deal with the prejudices of past abuse. In practice, other mechanisms and interventions are required. These may include the establishment of truth commissions, victim reparation programs, and reforms to the justice and security sectors. Generally speaking, criminal prosecutions are preferably carried out at the national level, where they have the greatest potential to contribute to deterrence and the restoration of local confidence in the rule of law. A particular challenge is dealing with the gender-based nature of past violence and finding ways of addressing gender-based abuses. Through the European Initiative on Democracy and Human Rights (EIDHR), the EC supports a wide range of programmes aiming to reinforce the rule of law in countries or regions. The EC considers the fight against impunity for violations of human rights as a priority in building stable, peaceful societies. The EC has also been a strong supporter, politically and financially, of different international tribunals and has financed projects to reinforce the fight against impunity at a more grassroots level. By contrast, EC programmes and ESDP missions have paid less attention to other important transitional justice mechanisms, such as truth commissions and victim reparation programs. In addition, they both have not actively focused on traditional or informal justice systems, which may at times be a key part of filling the so-called impunity gap in a particular context. The EU needs to step up its transitional justice capabilities and create better and more coherent links between justice, governance and security.

Overall, the report concludes that the EU has all the means to be fully effective in the field of conflict prevention, from security to development co-operation, trade and energy, but fails in using these instruments in a coherent manner. The adoption and the implementation of conflict-sensitive approaches to these instruments would improve considerably the EU's effectiveness. EU instruments should not be seen as mechanisms but as tools to achieve a concrete goal: securing peace and improving the lives of the populations. Increasing the co-operation with external actors (international or regional organisations but also NGOs) as well as developing in-house expertise will help improve the action of the EU in conflict prevention.

It remains to be seen if in the coming years the European Union, ie. the Member States and the European institutions, is able to develop the necessary political will to actually implement in a less fragmented and more coherent way.

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Recommendations

General recommendations for all conflict prevention areas:

1. Give **political priority to conflict prevention** rather than to crisis response. The latter has to remain one aspect of an integrated approach leading to sustainable peace.
2. Implement fully the recommendations made by the successive EU Presidencies reports on conflict prevention
3. Targeting EU's political and economic means more effectively to help address the root causes of conflicts.
 - a. Seize the opportunity of discussions on the Financial Perspectives 2007-2013 to take full advantage of the Commission's wide range of instruments that can be useful at all stages of conflict prevention. Particularly, the Stability, Development, and Human Rights Instruments should enable funding for conflict prevention activities.
 - b. Ensure civilian crisis management missions are embedded in a longer term conflict prevention strategy.
4. Improving the effectiveness of conflict prevention activities.
 - a. All EU programmes and policies which might have an impact on conflicts or potential conflicts should be designed and implemented in a **conflict sensitive** way, based on a serious and comprehensive **conflict analysis**.
 - b. **Improve in-house expertise** on conflict prevention and how to adopt a conflict sensitive approach through training and awareness-raising among policy and programming staff in all relevant units inside the Council Secretariat and the Commission.
 - c. Develop and reinforce co-operation with international, regional and non-governmental organisations. Engaging with **local civil society** is the only way to ensure the sustainability of the policies.
5. Ensuring **policy coherence** across Commission, Council, within these institutions, and between the EU and Member States.
 - a. To be coherent, the EU programmes and goals also have to be flexible, within the EU institutions and with Member States and other organisations.
 - b. Improve communication channels within the different External Relations DGs inside the Commission (critically Relex, Trade, Development, and EuropeAid).
 - c. The establishment of a European Peacebuilding Co-ordinating Cell would allow for coherence and co-ordination beyond the EU institutions and in bridging institutional divides. Only by overcoming this strategic deficit will the EU realise its ambitions in being a more active, capable and coherent actor in promoting international peace and security.
6. Paying special attention to **gender issues** in all areas, particularly with regard to the situation of women.

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Specific recommendations for each area:

1. Security:

- a. Continue developing the EU concept for SSR on the basis of international best practices and lessons learned and translate effectively the joint policy framework into operational Community and ESDP actions
- b. Strengthen civilian control over the whole security system
- c. Emphasise on economic opportunities for ex-combatants
- d. Address DDR in a comprehensive way, by avoiding decoupling the two D from the longer term R
- e. Mainstream small arms issues in all security, development and governance programmes

2. Governance:

- a. Integrate better short-term approach of governance focused on technical aspects into the longer term vision promoting dialogue, independence and sustainable peace.
- b. Fight against corruption should be a priority. Corrupted elite undermines the trust-building process between authorities and the people, reducing the chances of public support for a long term peace process. Corruption also contributes to dividing communities.
- c. Empower local civil society. Freedom of civil society, including the media, has to be a priority for the EU, notably in monitoring the implementation of policies in the country.
- d. There is a need to focus on the separation of powers. This division should ensure an effective system of checks and balances, where each body (executive, legislative, judicial but also civil society) effectively fulfil its role.

3. Economic and social:

- a. EU policy has to focus on the creation of work opportunities in countries. Job creation is the main development tool for conflict prevention and is essential to reach the MDG poverty reduction objective.
- b. The EU should ensure its policies and programmes contribute to reduce social inequalities.
- c. EU Trade policy needs critically to integrate conflict sensitive approaches.
- d. The Kimberley Process, very useful to combat conflict diamonds, should be taken as an example for other extractive resources fuelling conflicts
- e. More must also be done to encourage EU companies with activities in the region to adhere to corporate social responsibility principles.
- f. The EU should make sure that conflict prevention activities are sensitive to HIV/AIDS issues, when relevant.

4. Transitional justice:

- a. The EU should consider conducting or funding victim surveys and public opinion polls on proposed transitional justice measures in particular countries where the EU is engaged.

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- b. In appropriate cases, the EU should send or arrange independent fact-finding missions to (i) evaluate transitional justice issues and options at the national level, and (ii) make strategic recommendations for EU action.
- c. The EU should conduct expert capacity-building missions to transitional contexts to work with key actors from political and civil society. It could also seek to organize or fund national and international conferences on transitional justice options.
- d. The EU should consider providing greater financial and logistical support for specific transitional justice mechanisms (e.g., truth commissions and vetting bodies) and the civil society actors who support them.
- e. The EU should consider creating a transitional justice checklist that would be required to be consulted in the course of designing and carrying out any ESDP mission. It could also assess the merits of establishing a training institute or training program on transitional justice for EU institutions and staff.
- f. The EU should produce a practical transitional justice handbook that would be available to all EU staff working within ESDP missions or EU in-country delegations. It could also create and maintain an up-to-date database or roster of available EU and non-governmental experts in the transitional justice field.

Introduction

Over the last few years the European Union (EU) has become a leading international actor, increasing its engagement in the regions and countries affected or prone to violent conflict. The EU is a powerful economic actor that now provides the largest share of international development aid. It also has a wide range of policy instruments that enable it to be an important conflict prevention actor.

Nevertheless, the EU alone cannot respond to all the challenges. Its resources and capabilities are, and will remain, finite, which means that priorities have to be defined and partnerships need to be built and developed.

Five years ago, the European Council adopted the EU Programme for the Prevention of Violent Conflict in Göteborg, representing an important commitment for long-term conflict prevention policies. Unfortunately, since then some elements on the international agenda have changed. For example the terrorist attacks of 9/11, Bali, London, Madrid, and many others; the expansion of criminal networks; and the unavoidable issue of energy security have all significantly altered the global environment for the EU as a development and a conflict prevention actor. The result has been that short-term crisis management has become the priority.

A reflection on the practical achievements of Göteborg to date, and the innovative tools and mechanisms it has deployed, is needed. At the same time – and in the spirit of the Göteborg Programme – we need to analyse the remaining challenges and determine how existing EU mechanisms can be combined to tackle them effectively. The EU is engaged in this process, notably with the successive conflict prevention Presidency reports and the organisation in May 2006 of a conference on “What Future for EU Conflict Prevention? Five years after Göteborg and how to move on?”, co-organised by the Austrian Presidency, the European Commission, and EPLO. This Report, therefore, contributes to the further assessment of the Göteborg programme. After presenting where we are today, it reflects mainly on the areas where significant progress could still be made in enhancing the political will that underpins it; developing its instruments; and improving its coherence and implementation. It analyses the EU’s peacebuilding potential in four main conflict prevention areas: security; governance; economic and social issues; and transitional justice. This analysis is then applied to a fictitious country case study in order to help identify gaps that need to be filled if we are to achieve a real impact by 2010.

The choice to use a fictitious case study allows us to present generic recommendations. We hope that such an exercise will help EU officials when they are confronted with similar scenarios in the future. For each of the four conflict prevention areas mentioned above, the report will first analyse “where we’re at”, pointing out what is the current EU policy. A second section will then analyse “how to move on” by practically showing how – using the example of the fictitious case study - the EU could better respond.

The key concept will be conflict-sensitivity i.e. the need to ensure that all policies applied in a conflict area avoid exacerbating tensions.⁹ Carrying out systematic analysis of the context is essential for the sustainability of the activities being implemented.

⁹ *Conflict Sensitive Approaches to development, humanitarian assistance and peacebuilding – A resource pack*, Africa Peace Forum, Centre for Conflict Resolution, Consortium of Humanitarian Agencies, Forum on Early Warning and Early Response, International Alert, Saferworld, 2004

1. Göteborg and progress since then

1.1 The Göteborg Programme:

In 2001, the European Council clearly committed the EU to conflict prevention¹⁰. The Programme for the Prevention of Violent Conflicts¹¹ states that “in line with the fundamental values of the EU, the EU has given high political priority to improve the effectiveness and coherence of its external action in the field of conflict prevention”. The document also sets four main priority areas:

- To set clear political priorities for preventive actions;
- To improve its early warning, action and policy coherence;
- To enhance its instruments for long-and short-term prevention; and
- To build effective partnerships for prevention.

This report analyses the Göteborg Programme along different headings, from the political will, to the implementation of the policies. In between, the instruments at the EU's disposal and the coherence of its policies will also be analysed.

The implementation of the Göteborg Programme is the joint responsibility of the EU institutions and Member States. Some Member States have developed national action plans and strategic co-ordination to increase their capabilities for conflict prevention. The EU should integrate lessons learned from these national strategies that work well, particularly in relation to cross-institutional structures with specific budget lines to address conflict prevention or national action plans on co-operation and partnerships. More dialogue and exchange between Member States about their efforts to comply with their initial decisions in 2001 is needed.

1.2 Gaps and shortfalls: where the EU needs to improve its action

● Political will for preventive actions

Since 2001, the EU has shown increasing political will to engage in crisis management and conflict prevention. These are used as two distinct terms in the EU's institutional vocabulary. Up to now, the relationship between “conflict prevention” and “crisis management” has remained blurred. Some officials continue to see conflict prevention as a “security”-focussed activity, and therefore an activity that resides in the domain of “security” actors. However, the EU is not yet using its full potential upstream and downstream of violent conflict in order to more effectively prevent its outbreak as well as its recurrence. Its scope for conflict prevention includes both what might traditionally be conceived of as “developmental” activities as well as initiatives to tackle “hard security” issues.

¹⁰ For an historic overview of EU conflict prevention, see Christopher Hill, “The EU's Capacity for Conflict Prevention”, *European Foreign Affairs Review*, 6-2001, pp.315-333 or Jan Wouters and Frederick Naert, “The EU and conflict prevention: A brief historic overview”, in Vincent Kronenberger and Jan Wouters, *The European Union and Conflict Prevention – Policy and Legal Aspects*, T.M.C. Asser Press, The Hague, 2004

¹¹ The Göteborg Programme is annexed

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Box 1. What is conflict prevention?

Conflict prevention or peacebuilding¹² can be understood as a long-term process involving a variety of activities. This approach seeks “to encourage the development of the structural conditions, attitudes and modes of political behaviour that may permit peaceful, stable and ultimately prosperous social and economic development. Peacebuilding activities are designed to contribute to ending or avoiding armed conflict, and may be carried out during armed conflict, in its wake, or as an attempt to prevent an anticipated armed conflict from starting”¹³. A conflict is always context specific¹⁴ and, as with the causes of conflict, conflict prevention is multi-dimensional and changes over time. It includes the interaction of social, cultural, political, security, economical, geographical and ideological factors. Basic activities for conflict prevention include, among others, development co-operation, human rights initiatives, economic co-operation and security policies, all undertaken in a conflict-sensitive way.

In the Göteborg Programme, the EU recognises the primacy of conflict prevention over crisis management but **it is critical to establish more clarity in how the EU talks about and conceives its activities in these areas**. Ultimately what lies behind both is the intention to help drive and sustain peace and tackling the underlying causes and emerging consequences of violent conflict. Even if the funding streams may be different in practice, conceptually, crisis response needs to be embedded as one aspect of an integrated approach towards peacebuilding rather than being a distinct operation.

Failing to prevent the outbreak and recurrence of violent conflicts has huge humanitarian, financial, and political costs. Yet, despite studies demonstrating that conflict prevention offers long-term economical, political, and developmental benefits¹⁵, the EU continues to invest more time and money in developing its crisis management capabilities (through the Action Plan for Civilian Aspects of ESDP and in the Civilian Headline Goal 2008) and anti-terrorism¹⁶ rather than developing its *upstream* conflict prevention instruments.

For as long as it lacks the political will to establish a comprehensive approach to conflict prevention and peacebuilding, the EU will not achieve its objectives under the Göteborg Programme nor will it meet its objectives of institutional coherence. It is political will that needs to drive the necessary improvements forward.¹⁷ One option for achieving this is to adopt an EU human security strategy which brings together the substance of existing constructive EU commitments to conflict prevention and peacebuilding and under which policy frameworks and action plans can be devised.¹⁸

¹² This link between conflict prevention and peacebuilding is also acknowledged by the OECD DAC, considering peacebuilding's explicit purpose is preventing violent conflict. See OECD DAC, Issues Brief, *Peace-building overview*, 2005

¹³ Dan Smith, *Towards a Strategic Framework for Peacebuilding: Getting their Act Together*, Oslo, Royal Norwegian Ministry of Foreign Affairs, 2004. This definition of conflict prevention/peacebuilding is also close to the one given by Michael Lund, “Preventing Violent Intrastate Conflicts: Learning lessons from experience” in van Tongeren, Paul et al. (eds), *Searching for peace in Europe and Eurasia - An overview of conflict prevention and peacebuilding activities*, London: Lynne Rienner, 2002, Publishers, Inc.

¹⁴ Gareth Evans, “What We Know About Preventing Deadly Conflict: A Practitioner's Guide”, *Politique Etrangère*, 1-2006

¹⁵ Malcolm Chalmers, *Spending to Save - Is conflict-prevention cost-effective?* CICS Working paper 1, April 2005. See also *In Larger Freedom*, Report of the UN Secretary General, March 2005

¹⁶ Even though the Council made clear in a Common Position that long-term conflict prevention is a tool to combat terrorism: “The EU shall develop long-term conflict prevention and peace-building initiatives, recognising that progress in these areas is a necessary precondition also for African States to build and sustain capacity to deal effectively with terrorism”, Council Common Position 2005/304/CFSP, 12 April 2005, concerning conflict prevention, management and resolution in Africa and repealing Common Position 2004/85/CFSP

¹⁷ Sophia Clément, *La prévention des conflits dans les Balkans : le Kosovo et l'ARY de Macédoine*, Institut d'Etudes de Sécurité de l'UEO, Cahier de Chaillot n°30, Paris, décembre 1997

¹⁸ This Strategy could help by setting clear guidelines on mainstreaming, avoiding the continuous marginalisation of conflict prevention in EC instruments (e.g. non-state-actors in development, EIDHR, ENP); achieving more coherence and trust on the ground through avoiding possible contradictions between e.g. short-term military and long-term humanitarian intervention; facilitating systematic conflict analysis and overcoming information sharing gaps; adopting key guidelines for applying conflict sensitivity more systematically; and legitimising a large-scale role for civilian experts working in the field of conflict prevention, crisis response, reconstruction, peacebuilding and reconciliation.

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- **EU instruments for conflict prevention**

The EU has the potential to be a crucial player in conflict prevention. It has at its disposal the largest aid budget, the world's biggest market, historical and cultural ties with most of the sensitive regions, and political presence in most of the economic fora. All this is translated in a wide range of instruments, at both Community and intergovernmental levels. Used carefully and coherently, these political and economic means could be targeted more effectively to help address the root causes of conflicts. Moreover, improving the co-ordination of the country watch-list¹⁹ and the EC check-list for root causes of conflicts with other exercises such as the annual surveys done on Africa since 2004 could become an important tool in ensuring timely design of cross-pillar conflict prevention strategies for a country that is at risk of violent conflict.

Particularly, the European Commission has an extensive set of instruments for structural long-term and direct short-term preventive action. The Commission has been active in defining and supporting many conflict-related programmes²⁰ such as election monitoring and assistance, police and justice reform, Disarmament, Demobilisation and Reintegration (DDR), Small Arms and Light Weapons (SALW), as well as initiatives to tackle valuable natural resources as drivers of conflict (the Kimberley process, and the Forest Law and Enforcement, Governance and Trade (FLEGT) Action Plan. In the second pillar, the Council has made welcome advances in the field of structures and capabilities for civilian and military crisis management developed in the framework of ESDP, diplomatic dialogue, and increasing preventive diplomacy and mediation efforts of the GS/HR Solana and Special Representatives.

The Göteborg Programme stipulates that the EU "must use these instruments in a more targeted and effective manner in order to address root-causes of conflict such as poverty, lack of good governance and respect for human rights, and competition for scarce natural resources". However, although there is progress in the policy debate on coherence, most of Commission and Council activities are used in a narrow way and are not embedded in a coherent conflict sensitive approach. This is also reflected in the tendency for the EU not to monitor its activities in the field of trade, development, and environment for their impacts on conflict-prone and affected contexts, either in their design or in their implementation. If the EU wants to use all its instruments efficiently, there is a real need to institutionalise conflict sensitivity in all relevant EU policies (see section below).

- **Policy coherence**

Policy coherence can be defined, according to the OECD DAC, as the "systematic promotion of mutually reinforcing policy actions across government departments and agencies creating synergies towards achieving the agreed objectives"²¹.

To ensure policy coherence, co-ordination among the three pillars of the EU and among the institutions of each pillar is key. Often the different EU actors appear to know little about each others' activities in a given country or region²². Communication can also be sub-optimal between Brussels-based units and delegations. Moreover, despite guidelines for co-ordination between the pillars and significant improvements in co-operation between Member States and the EU as well as between the Council and the Commission, there is still a struggle for legal competences over security activities between Member States in the Council and the European Commission. The EU needs to resolve these questions and re-think the institutional set-up that can

¹⁹ This watch list is managed by the Council Secretariat in close co-operation with the European Commission, DG RELEX (using the EC check-list for Root Causes of Conflicts). This list of potential crisis around the world the EU should focus on is reviewed every six months for each EU Presidency

²⁰ For a developed overview of Commission's instruments for conflict prevention, see "Supporting Peacebuilding: An Overview of European Community Actions", European Commission, DG RELEX, Brussels, June 2006.

²¹ OECD DAC, policy brief on policy coherence, July 2003, <http://www.oecd.org/dataoecd/11/35/20202515.pdf>. In a report published by BOND, Paul Hoebink of the Centre for International Development Issues Nijmegen defines "policy coherence" as 'the non-occurrence of policies or the results of policies that are contrary to the objectives of a given policy'. See BOND, *The Networker*, August 2006, <http://www.bond.org.uk/networker/aug06/eupolicies.htm>

²² Inside the Commission, the only unit focussing on conflict prevention is in DG RELEX (the unit 'crisis management and conflict prevention' in the Directorate 'crisis platform and policy coherence'). As Saferworld points out, "there are no conflict prevention focal points in DG Development and DG EuropeAid" and the DG RELEX conflict prevention unit "is not in a position – and not resourced – to fulfil its potential to act as an engine for mainstreaming conflict prevention, and is unable to gather all the relevant information and cannot provide for country specific information". See Saferworld Briefing on *Programming and implementation of the Country Strategy Paper for Uganda : Taking conflict into account*, June 2006, p.5, available at www.saferworld.co.uk

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produce an integrated and comprehensive approach tying together all main instruments and actors at the EU's disposal - conflict prevention, development, trade, economic, diplomatic, civilian and political-military ESDP/CFSP.

All EU policies that might have an impact on a conflict situation should integrate a conflict prevention perspective. For example, the newly published Green Paper on the EU Energy Strategy fails to mention either conflict prevention or the potential impact energy issues can have on a crisis situation²³. The coherence between the EU's conflict prevention and trade policies is also limited. Even though, as highlighted in a recent report, "*the EU can not pretend that its trade policy is 'conflict neutral'*"²⁴, there is still a lot to be done to ensure EU trade agreements support conflict prevention.

Given the interconnection between economic, security, and diplomatic issues, there is a need to institutionalise closer working relationships among thematic or geographical instruments involving input from the relevant experts from the different pillars. The geographical working groups of the Council, including EC representatives and where the exchange of information is rather intensive, represent an important development. The first step would be to set-up more efficient channels for the exchange of existing information about policies and activities, and to establish fora where EU actions could be fully discussed and examined. For some, the Constitutional Treaty offered a chance to surpass the EU pillar structure, contributing to the lack of coherent and integrated approaches to conflict prevention and crisis management²⁵ by creating the position of an EU Foreign Affairs Minister and a single External Action Service. These options would, it is argued, have helped in ensuring coherence of EU external action but, with the French and Dutch referenda, the future of the Constitution is more than uncertain.

- **Defining and implementing activities on the basis of policies**

Improving EU effectiveness in preventing conflict depends on the adoption and the implementation of conflict-sensitive approaches to development along with economic co-operation, crisis response, and technical assistance.

²³ European Commission, Green Paper, "A European Strategy for Sustainable, Competitive and Secure Energy", COM(2006)105 final, 8.03.2006

²⁴ Oli Brown, International Institute for Sustainable Development, *EU Trade Policy and Conflict*, March 2005, p.2 - http://www.iisd.org/pdf/2005/security_eu_trade_policy.pdf

²⁵ Agnieszka Nowak, *Civilian crisis management: the EU way*, Institute for Security Studies, Paris, Chaillot Paper #90, June 2006, p.11

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Box 2. Conflict Sensitivity²⁶

Conflict sensitivity means the ability of your organisation to:

- understand the context in which you operate;
- understand the interaction between your intervention and the context; and
- act upon the understanding of this interaction, in order to avoid negative impacts and maximise positive impacts.

The central component of conflict sensitive practice is conflict analysis. Such an analysis will be crucial in the programming, in particular in understanding the interaction between the intervention and the context.

In any given context, all socio-economic and political tensions, root causes and structural factors are relevant to conflict sensitivity because they all have the potential to become violent. Conflict sensitivity has yet to be understood and taken on board by EU policy-makers and practitioners in Brussels and within EC delegations. Applying it involves not only basing programme design on analysis but also ensuring operational follow-up in line with actual EU staff and financial capacity and on harmonisation not only among the pillars but also with Member States. As shown by a Saferworld study on Uganda, the EU has at its disposal two tools: the Project Cycle Management Guidelines and the EC check list on root causes of conflicts that might be used to perform a conflict analysis when designing a programme. However, these instruments are not utilised enough and remain difficult to use for EC staff that are not trained and sensitized to conflict sensitivity²⁷.

Implementing the Göteborg Programme will also require that the EU reinforces its partnerships for prevention with international and regional organisations as well as with civil society and to build new ones where necessary.

In its partnerships with international organisations, and as the successive Presidency reports on conflict prevention show, the EU has placed considerable effort in working better with the UN – the recently created UN peacebuilding commission (UNPBC) offers the EU a further opportunity to add value in countries where the UNPBC will be focussing. The EU also collaborates with the OSCE (with an encouraging emphasis on adapting learning and best practice in the field of recruitment, training, and procurement), the UN (with positive developments regarding desk to desk dialogues between the two institutions on conflict prevention), the OECD, and very importantly also the African Union. These last years, the Irish, Luxembourg, Austrian and Finnish Presidencies have also stepped up relations with NGOs. Moreover, the EIDHR allows support to civil society, including the conflict prevention network²⁸.

There remain a number of challenges to achieving better interaction between the different international organisations as well as optimising EU participation in the international fora.²⁹ These include increasing peacebuilding expertise at the EU level, including delegations themselves, to complement (and perhaps even help strengthen) the competences of the EU's counterparts. Care also has been taken to ensure co-operation rather than competition.³⁰

²⁶ *Conflict Sensitive Approaches to development, humanitarian assistance and peacebuilding – A resource pack*, Africa Peace Forum, Centre for Conflict Resolution, Consortium of Humanitarian Agencies, Forum on Early Warning and Early Response, International Alert, Saferworld, 2004

²⁷ Saferworld Briefing on *Programming and implementation of the Country Strategy Paper for Uganda : Taking conflict into account*, June 2006, available at www.saferworld.co.uk

²⁸ CPN: A new budget line has been allocated to the EIDHR for a one-year pilot project in 2005-2006, the Conflict Prevention Partnership, and in 2006 for a preparatory action.

²⁹ Fraser Cameron, *The EU and international organisations: partners in crisis management*, Conflict Prevention Partnership report, EPC Issue Paper #41, October 2005, p.27

³⁰ See Michael Barnett, « Partners in Peace? The UN, Regional Organizations and Peacekeeping », *Review of International Studies*, vol. 21/4, 1995, pp. 425-432.

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In the near future Member States and Brussels institutions will need to broaden and strengthen the existing network of actors working on conflict issues by including more and more governmental and non-governmental experts in the field of conflict prevention and peacebuilding. The role of non-state actors (NSAs) in partner countries, mentioned in the Göteborg programme, is still marginal and deserves particular attention by the EU. The creation of a new thematic instrument on NSAs for 2007-2013 could offer new opportunities to channel conflict prevention and peacebuilding activities through the work of non-state actors if the current exclusion of conflict prevention is ended. Local peace constituencies should as well be regarded as one of the strategic partners for achieving stability in a given country, especially those particularly exposed to armed threat such as human rights defenders and community leaders. Methods for co-operation with the private sector as a stakeholder in preventing or fuelling violence also have to be developed further.³¹

As argued by International Alert and the International Crisis Group in their respective Conflict Prevention Partnership reports on South Caucasus, strengthening civil society is also a way to increase public understanding of the EU, improve its credibility among the populations of the regions, and promote EU values.³²

1.3. How to move on?

The following sections will address different conflict prevention issues. With the help of a fictive case study, the report will highlight the potential and limits of the EU in dealing with these challenges. Breaking down conflict prevention into security, governance, economic and social issues, and transitional justice is artificial but necessary for the analysis. These issues are naturally linked and will, therefore, have unavoidable overlaps. An international organisation such as the EU cannot escape the requirement to prioritise actions. However, this prioritisation will have to be set within an integrated framework which sets out short, medium and long-term goals and activities. As required by the Göteborg Programme, the EU will also have to develop and build partnerships with international, regional and non-governmental organisations, allowing an effective division of labour between different organisations.

³¹ See, for example, publications by International Alert on business and conflict issues, such as *Conflict Sensitive Business Practice* (2005) and *Local Business, Local Peace: the Peacebuilding Potential of the Domestic Private Sector* (2006), available at www.international-alert.org

³² International Alert – Conflict Prevention Partnership report, *From Decorative Democracy to Democratic Legitimacy - Peacebuilding in the South Caucasus – what can the EU contribute?*, forthcoming ; and Crisis Group – Conflict Prevention Partnership report on *Conflict Resolution in the South Caucasus: the EU's Role*, March 2006. Both reports are available at www.conflictprevention.net

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Box 3. The Kalvela case-study

Kalvela is a fictitious country that was developed as a case study by International Alert for its training in conflict resolution. The following text is a summary of the Kalvela Case Study with some changes for the purpose of this report.

Kalvela is a fragile state³³. It is both conflict-affected and at risk of a renewal of widespread violence. It has witnessed decades of instability and violence. In its system of governance, there is, and has traditionally been, no separation of powers and a fundamental absence of a system of checks and balances in the exercise of power. Members of the elite compete for the main sources of wealth and power, and there is little or no public participation in political and economic life. There is minimal awareness of the concept of citizenship. In economic development terms, it is the poorest country in its region with very low per capita GDP, life expectancy at birth, and female literacy rates.

The country is heavily dependent on international aid to meet its balance of payment obligations. Consequently, it is steadily moving towards a humanitarian crisis, due in large part from its history of long-term conflict. It has rapidly increasing HIV/AIDS rates, adverse effects of rapid urbanisation, differences in ethnicity, religion and language, and a critically damaged infrastructure and economy. However, although sexual and domestic violence as well as petty crime have spread since the end of its civil war, some development indicators show signs of improvement. Life expectancy and school enrolment figures are increasing and incidences of tuberculosis and the percentage of children with low birth weights is decreasing.

There is significant disparity in wealth and development prospects among its three regions. One region, Ilmar, is the agricultural driver of the economy and receives the most international assistance. The Vuori region, deemed the most disadvantaged, has almost no infrastructure and is quite isolated from central control. Some European governments are providing minimal assistance, however, by means of infrastructure and technical advice. Lastly, the Etelah region is rich in natural resources but faces deforestation problems and, although contributing to Kalvela's export earnings, the region reaps little benefit. The Etelahans were favoured throughout history and have, as a result, profited economically, politically, and militarily.

Kalvela is facing nepotism and recurrent political instability, with regular changes of governments in both violent and non-violent ways. In October 1991, Kalvela saw its first elections, resulting in the country's first democratically elected president. However, allegations of corruption and ineffective leadership saw the rise of political parties from the different regions and the prohibition of one of those resulted in civil war. After the 2003 ceasefire, the country scheduled elections for March 2007 but there already exists tensions between the current government and competing political parties.

As a result of the violence and conflict across the country, donors and development agencies have encountered increasing difficulty in implementing their programmes. Moreover, western governments are insisting banks and donors halt all financial support until allegations of human rights abuses conclude. This is a major dilemma for the international community as poverty levels are desperately low, and the delivery of even the most basic services significantly depends on external assistance.

³³ Kalvela also fits with Malcolm Chalmers' criteria of a failed state:

"States that fail have common characteristics: 1) Central government loses control over large parts of national territory, the writ of its security forces often does not extend beyond the capital and major towns, and other government services – schools, courts, police – are largely absent. The government cannot enforce its laws or raise taxes; 2) Political power, and the resources that go with it, is fought over by insurgents, warlords, traditional leaders and criminal gangs. Lightly-armed factions conquer large swathes of countryside with relative ease; 3) Where they are strong enough, they may conquer state power, or establish a successful new breakaway state, as in East Timor and Eritrea. In the absence of such a resolution, failed states are characterised by intermittent, and often intense, conflict: a true Hobbesian nightmare"

Malcolm Chalmers, *Rescuing the State – Europe's next challenge*, British Council, European Commission, Foreign Policy Centre, 2005, p.3

2. EU conflict prevention activities: What is happening and what is needed

2.1. Security Issues

2.1.1. The Kalvelan security situation:

As previously stated, Kalvela has been affected by long-term conflict. Several factors, some already mentioned above, have wholly contributed to its fragile situation. A movement from the impoverished Vuori region excluded from national elections in 1995 declared war on the Kalvelan government. Consequently, a brutal operation from the government in 1997 led to a number of pre-emptive arrests and detentions and to heavy mining of the border region in an effort to stem the supply of arms from the neighbouring country. While a ceasefire, monitored by the UN, was agreed between the government and this movement in 2003, another insurgency appeared in the Etelah region in 2002, and is still active today. The Kalvelan army and other security services are unreformed and are beyond the reach of judicial procedures, internal affairs, and under very little parliamentary oversight. Commanders and fighters have a vested interest in the access to extractive natural resource revenues and extortion that poor governance, war and instability have given to them. The composition of security services is organised along ethnic lines and huge numbers of villagers, particularly young boys and girls, have been under pressure by both army and rebels to join the war. Furthermore, the presence of rebel militias may be a convenient reason to maintain a strong military arm, which has quadrupled in size since 1995. At the same time, a militarised society allows easy repression of local civil society and human rights defenders, as well as all other potential peace constituencies. A crisis management operation will likely have major impacts, some of which could potentially be negative. A UN mission and an SSR initiative have been launched in the Ilmar region, and the international community is interested in launching a DDR initiative in this region as well.

2.1.2. Security challenges:

Security Sector Reform (SSR) programmes support a wide range of key objectives including poverty reduction, conflict prevention, post conflict reconstruction and reconciliation, promotion of human rights, and democratisation.³⁴ Such programmes can also lead to resistance in reform from those having interests in the current state of the security sector. There is thus an important but difficult need to differentiate between those with legitimate reasons for opposing the reforms proposed and those acting in their own narrow self interest and whose reasons lack legitimacy. When the security sector becomes a force for harm, SSR is clearly an urgent priority for the international community, but the diversity of forces and the competition between their interests makes this a very complex task. In the case of Kalvela for example, smooth electoral processes have become an immediate priority for the government and donors. Ensuring security during the polling process should not divert donors' and the police's resources and energy from long-term SSR efforts. The clear understanding of the priority beneficiaries of these efforts (the local population exposed to security forces abuses, especially vulnerable groups) should then encourage donors to involve local populations in the process.

A comprehensive coherent and strategic approach is vital to increase the impact of interventions by addressing different aspects of security and justice while encouraging co-ordination and coherence between different actors. As the OECD Guidelines stress, "although difficult to achieve, strategic frameworks are particularly important because of the demands of policy co-ordination across a wide range of sectors and the dangers of multiple actors working at cross-purposes in their programming"³⁵.

Small Arms and Light Weapons (SALW) are a key issue in contemporary conflicts and crisis areas. According to the UN, there are more than 600 million small arms and light weapons in circulation worldwide. More than 50 percent of these weapons are not held by governments and SALW are responsible for around 500,000 deaths and millions of displaced persons every year. As the UN Secretary General highlighted, SALW "is not merely a security issue; it is also an issue of human rights and of development"³⁶ and its impact on social, economic and political systems is considerable. A lot of small arms were spread in the world, particularly in Africa, after the Cold War. SALW have also become an important instrument for terrorist activities.

³⁴ See Saferworld and International Alert Post-seminar paper "Developing a common security sector reform strategy for the EU", 28 November 2005, seminar organised by the UK Presidency of the EU in conjunction with the European Commission

³⁵ OECD DAC guidelines on 'Security System Reform and Governance, page 23.

2. EU conflict prevention activities: What is happening and what is needed

Disarmament, Demobilisation and Reintegration (DDR) programmes aim to disarm combatants by collecting weapons, demobilising them, and helping to reintegrate individuals and groups back into the community³⁷. These programmes have become an integral part of many peace agreements in many countries, but their success remains limited. As part of the reintegration component, ex-combatants are offered training and education packages with the conviction that new skills will help them to make a new life for themselves. While DDR is a crucial aspect of peacebuilding, it can become a source of tension if pledges regarding payments, training and support are broken, or if the pace of demobilisation and the treatment of different sides to a conflict are uneven. Ex-combatants may become disgruntled and contribute to further insecurity by agitating for a return to conflict, or by joining criminal gangs. Community resentment that ex-combatants are receiving 'special' treatment and being rewarded for previous atrocities can also emerge. DDR needs to be carefully managed and community support is vital.

Problems in implementing DDR are, among others, due to a lack of planning, funding, commitment, co-ordination and communication, mainly during the reintegration processes.³⁸

2.1.3. The EU and Security issues:

What is happening now:

The report stressed earlier that the EU is now combining political, development and security tools. This, together with the funding it provides to fragile states, its presence in many countries, and the combination of Commission, Council and Member States instruments gives the EU the opportunity to become an important actor for security issues. However, this comparative advantage is undermined by a lack of coherence and co-ordination between and within EU institutions and with Member States.

Security Sector Reform:

SSR is a cross-pillar issue that has been well established as a priority for the Council and Commission in numerous policy statements. The adoption of the European Security Strategy in December 2003 committed the EU to making a significant contribution to security and stability in the world. SSR is one of the ways in which this will be achieved. The reform of the security sector is also an integral part of good governance³⁹, which is one of the EU Development Policy's aims⁴⁰.

The biggest challenge to more effective EU engagement in SSR is, however, to enhance cross-pillar co-ordination, to transform competing interests amongst EU institutions and Member States into a more collaborative process and bring together separate capacities under joined recruitment and training mechanisms. Even if the need to mainstream SSR in Community instruments is usually mentioned in all annual Presidency conflict prevention reports, in practice there is little done on the ground at Delegation levels where awareness about recent SSR processes in Brussels remains limited.⁴¹

In June 2006, the EU adopted a joint policy framework for SSR⁴², which constitutes a major step forward for a coherent and comprehensive EU approach in this field.

Small Arms and Light Weapons:

The EU has also been very active in supporting activities to prevent the proliferation and misuse of Small Arms and Light Weapons (SALW) through Community and CFSP budget. Legal bases used for this purpose were diverse: CFSP joint actions⁴³, 8th and 9th EDF funds⁴⁴, TPS⁴⁵, EIDHR Budget line⁴⁶, Rapid Reaction Mechanism⁴⁷, CARDS regional programme⁴⁸, Stabex⁴⁹, article 255 of the Lomé Convention⁵⁰. Because SALW is both a security

³⁶ We the People, the role of the UN in the 21st century, Report of the Secretary General Kofi Annan to the General Assembly, October 2000, Chapter 4, p.52

³⁷ This overview of DDR is mainly taken from International Alert CPP Report on "The EU and DDR: Supporting Security and Development", July 2006

³⁸ See International Alert CPP Report on "The EU and DDR: Supporting Security and Development", July 2006

³⁹ As acknowledged by the 'Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee. Governance and Development', EC 2003, p.8

⁴⁰ As recognised, among others, by the Cotonou Agreement Partnership and the European Consensus on Development.

⁴¹ Heiner Hänggi and Fred Tanner, Promoting Security Sector Governance in the EU's Neighbourhood, Chaillot Paper #80, ISS EU, July 2005, p.35.

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and development issue, it has been addressed in practice as a cross-pillar issue and first and second pillars have been used as frameworks for SALW and SALW-related projects. The EU has thus been supporting a large range of SALW-related projects, many of those being carried out or managed by UN agencies like UNDP or UNICEF. EU Member States also participate in these projects either by co-financing them or by pursuing parallel SALW-related activities⁵¹.

The prospect of a new EU Constitution raised the question of who from the European Commission or the Council's General Secretariat would become in charge of security issues (among which SALW) under the to-be-born common external service. The two institutions are engaged in a race against time to demonstrate their legal and political abilities to implement effective and relevant security policies overseas. EU support to SALW turned out to be the main bone of contention. Disagreements between the Commission and the Council on competences over SALW support in Africa (ECOWAS) resulted in the Commission bringing a case before the European Court of Justice against the Council seeking the annulment of a Joint Action on small arms to support ECOWAS⁵² to contest the Council's legitimacy to deal with SALW and peace and security issues.

In a post-no-vote-to-the-constitution context and in the absence of a common external service these tensions have had counter-productive consequences on the debates over the scope of financial instruments for the period 2007-2013, ongoing budget programming processes in countries and on the priority setting activities both in the Council's Secretariat and the Commission. The inclusion of SALW or small arms-related projects into the Stability Instrument, the Development and Co-operation Instrument and the European Neighbourhood

⁴² This policy framework is constituted by the EC Communication "A Concept for European Community Support for Security Sector Reform" and by the Concept for ESDP support to Security Sector Reform. Adopted at the 2736th GAERC meeting on 12 June 2006 in Luxembourg.

⁴³ Council Decision 2003/276/CFSP of 15 April 2003 on Small Arms Ammunition Destruction in Albania [NATO/NAMSA], Council Decision 2004/790/CFSP of 22 November 2004 on Small Arms Ammunition Destruction in Albania [NATO/NAMSA], Council Decision 2003/806/CFSP of 17 November 2003 to further extend the European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia, Council Decision 2004/792/CFSP of 22 November 2004 to further extend the European Union contribution to combating the destabilizing accumulation and spread of small arms and light weapons in Cambodia, Council Decision 2004/833/CFSP of December 2004 concerning a European Union contribution to ECOWAS in the framework of the Moratorium on small arms and light weapons, Council Decision 2003/543/CFSP of 21 July 2003 concerning a further European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in Latin America and the Caribbean [DDA/UN-LiREC, Lima] (Project ongoing after prolongation), Collection and destruction of weapons for development (DRC), Council Decision 2003/807/CFSP of 17 November 2003 concerning a further contribution to the running costs of the 'Stability Pact/UNDP Regional Clearinghouse on Small Arms and Light Weapons', Belgrade, SEE [UNDPSEESAC], Council Decision 2004/791/CFSP of 22 November 2004 concerning a further contribution to the running costs of the 'Stability Pact/UNDP Regional Clearinghouse on Small Arms and Light Weapons', Belgrade, SEE [UNDPSEESAC] (Project ongoing), Small arms management and reduction: combat the proliferation and trafficking of small arms and light weapons by supporting the implementation of the national Action Plan in Tanzania.

⁴⁴ Support to peacebuilding and transition activities of the African Union, Support to the peace process in Burundi, Post-crisis Rehabilitation Programmes 1 and 2 in Ivory Coast, Post-conflict rehabilitation programme for Eritrea, Funds under the Rapid Reaction Mechanism to support the Inter-Congolese Dialogue, to launch preparatory actions for the reintegration of child soldiers and to support independent media and other confidence building initiatives, Support to the peace process in Liberia, Rider to the FA of Post Conflict Budget Support (managed by the WB), Rehabilitation and Resettlement Programme in Sierra Leone. Demobilisation project in Somalia (EDF Balance), support for preparations for an International Conference on the Great Lakes Region, in Tanzania, initiated by the African Union and the UN, Contribution to DDR Multi-donor trust fund in Sierra Leone (managed by WB), DDR element of €40m post conflict programme in Liberia, Reintegration programme in Guinea, Contribution to emergency demobilisation and reintegration support programme in Eritrea, Support to Demobilisation in the frame of macroeconomic reform programme project in Djibouti, Post-war rehabilitation and socio-economic reintegration in Eastern DRC.

⁴⁵ DDR element of the 1st Emergency and Rehabilitation Programme (€ 35m) in Ivory Coast, TPS and EDF.

⁴⁶ Support to truth and reconciliation commission in Sierra Leone, Support to special court in Sierra Leone, Support to UNICEF and NGOs for reintegration programmes in Sierra Leone.

⁴⁷ Disarmament demobilisation and reintegration actions in the pool region in Congo Brazzaville.

⁴⁸ CARDS Regional Programme on Democratic Stabilization and Support to Civil Society Development in Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro, including Kosovo.

⁴⁹ Contribution to UNDP demobilisation and rehabilitation programme, Solomon Islands.

⁵⁰ Contribution to disarmament and demobilization programme in Congo Brazzaville.

⁵¹ For an overview of EU SALW-related activities, see the document EU action in the area of SALW, New York, 30 June 2006, disseminated at the UN Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects. See also European Action on Small Arms, Light Weapons and Explosive Remnants of War, Report from UNIDIR for an EU funded Pilot Project, December 2005.

⁵² Action brought on 21 February 2005 by the European Commission against the Council of the European Union, Case C-91/05, 2005/ C115/19, Official Journal of the EU, 14 May 2005, C 115/10.

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Instrument have been opposed by several Member States and by the Council's Legal Service, hampering the Union's capacities to engage more actively in tackling challenges related to SALW proliferation and misuse. In these draft documents, the mention of SALW has been either deleted or replaced by the word 'firearms'.

Although the court case on SALW will only be resolved slowly it should not hamper efforts to improve coherence and consistency in the EU's external action, which, as stated in the TEU, shall be respected by the Union⁵³. As a compromise, the EU Member States and the European Commission have struck a "gentlemen's agreement" at the COREPER level according to which neither of the two institutions would seek a launching of new SALW-related activities in Africa until court case is resolved.

Obstacles created by legal discrepancies in the EU decision-making process are therefore temporarily preventing it from implementing its recently adopted strategy to combat illicit accumulation and trafficking of SALW and their ammunition⁵⁴. This strategy drafted by the Council as a way of imposing itself as the key decision-maker in SALW, follows the Joint Action on SALW of 2002⁵⁵.

It is hoped that the ongoing legal stalemate on SALW will be resolved through compromise in the framework of upcoming revived constitutional debates and that measures to research, assist, support, and accompany the implementation of activities to combat the proliferation and misuse of small arms will be mainstreamed across the Union's financial instruments and pillars for the 2007-2013 period but also beyond.

Disarmament, Demobilisation and Reintegration:

The EU is active in DDR through the policies of both first and second pillars. DDR is mentioned in most Country Strategy Papers (CSPs) and Regional Strategy Papers (RSPs) for ACP countries⁵⁶. The European Commission is supporting DDR activities through the European Development Fund⁵⁷ (EDF) and other geographic instruments, but also EIDHR and the RRM⁵⁸. The EC is particularly supporting DDR through the UNDP, the World Bank, UNICEF and NGOs⁵⁹ and is involved in overall planning for DDR programmes in-country. Furthermore, the EU is supporting DDR through the second pillar with the civilian crisis management mission in Aceh⁶⁰.

Long term success of EU actions in demobilisation and reintegration will have to consider security, development, governance, and justice activities in concert, both new and on-going.⁶¹

The way that the EU combines and sequences its different activities will "have significant impacts on the ability of societies to absorb ex-combatants into civilian life"⁶².

⁵³ TEU, Article 27a.

⁵⁴ See doc 13066/05. It recognises European action in disarmament is too reactive for the moment, being based solely on post-conflict DDR and SSR programs. In order to be more effective, the European Union should, according to the document, complement this "reactive strategy" by "preventive action which will tackle supply and demand as well as controls on exports of conventional weapons". The EU wants to develop an Action Plan on small arms. This Action Plan would be based, among others, on effective multilateralism; DDR operations; addressing the root causes of demand for SALW, e.g. by addressing political conflicts, development aid, poverty reduction and promotion of human rights; supporting the Rule of Law in countries facing small arms problems, in order to reduce the will of self-defence. Furthermore, the Strategy asks to complement the Joint Action by ensuring the development of a comprehensive and coherent approach, linking human security and human development; and of new European actions on this issue in order to cover all its aspects. The Strategy wants also to include SALW on the agenda for all EU political dialogues, such as the Neighbourhood Policy, the Barcelona Process, Strategic Dialogues and Partnerships (NATO, Russia and China) bi-regional dialogues (Asia and Latin America) but also in the development and assistance programmes with ACP countries.

⁵⁵ See doc 2002/589/CFSP

⁵⁶ Intergroup on Peace Initiative, Briefing Paper from the Quaker Council for European Affairs (QCEA), The EU & DDR, 2005

⁵⁷ See for example the DDR programme in Eritrea providing demobilisation and reintegration for 200.000 ex-combatants. This initiative is financed by the EDF with €47 million

⁵⁸ In 2005 the RRM was used to provide support to the demobilisation and reintegration of former combatants and detainees in Aceh.

⁵⁹ The EC is supporting initiatives in Liberia through the UNDP, in the Great Lakes region through the WB Multi-country Demobilisation Programme. Financing for a project in Sierra Leone has also been provided to the NGO AFMAL in 2002-2004. See European Commission, "Supporting Peacebuilding: An Overview of European Community Actions", *op.cit.*, p.8

⁶⁰ The Aceh Monitoring Mission (AMM) was launched on 15 September 2005

⁶¹ See, for example, "The EU's Peace-building Role in the Great Lakes: Impacts, Opportunities and Challenges", International Alert 2006.

⁶² International Alert, "DDR: Time-bound process and long-term goal. The EU's added value", Conflict Prevention Partnership Report, *forthcoming (2006)*

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What is needed:

Security Sector Reform

In Kalvela, army and other security services are unreformed. Strengthening overall civilian control over the whole security system (as defined by the OECD DAC⁶³) is a fundamental part of the process of laying down the foundations of sustainable peace and development. Governance of the system has to be consistent with democratic norms, human rights, and the rule of law.

A comprehensive EU SSR initiative should thus include Kalvela's non-governmental armed groups, in the case of Kalvela the UPEM and KFF. The priority for the EU should be to develop a realistic and coherent plan for SSR, focusing on the democratic accountability of security bodies and taking care of local social and economic realities. The transformation of the Kalvelan security systems in effective and democratic public services will have to deal carefully with ethnic, social, and economic divides in the country. If the security forces are able to maintain order during the elections scheduled for 2007, the attention should not all be concentrated on elections, as was done in the Democratic Republic of Congo⁶⁴. It must also address formal as well as informal restructuring, such as cultural and behavioural issues amongst security sector staff, especially in a country like Kalvela where the army is dominated by the Etelahans' elite and is involved in illegal trade in forest products. As a wide range of international actors (namely, diverse countries and international organisations) are involved in Kalvela, the EU action should be better co-ordinated among all international supporters of SSR programmes, particularly in recognising the role of the emerging UNPC in improving international co-ordination.

The EU still needs to improve the coherence of its security sector reform action. SSR is a field that cuts across EC and Council competencies and both institutions recently developed their SSR concepts, setting priorities for first and second pillar activities in this field. If the EU adopted a joint policy framework in June 2006, it is still based on two concepts: one for Community actions and one for ESDP. There is need for integrating these two strands within the framework of an overarching EU concept and exchanging practical proposals showing how these can be overcome. The common EU concept should develop guidelines, built on international best practices and lessons-learned⁶⁵, for the implementation of its SSR policies in order to codify the use of its instruments. In order to meet the definition of SSR agreed to by the OECD DAC, the focus of SSR programmes should be on the accessibility of the security and justice needs of the local population. This objective can best be supported through tailored dialogue between donors and beneficiaries, including local concerned communities, and must emerge from an iterative process.

A vetting process to assess public employees' integrity in order to determine their suitability for public employment would be valuable in Kalvela. The screening and vetting of individuals, particularly in Kalvela's security and justice sectors, is a key measure in its governance reform and would permit the creation of more trustworthy institutions.

There is a real need to integrate SSR into EU planning and analysis frameworks for the next Financial Perspective (2007-2013). With the current budget discussions on new financial instruments, this is the prime time to ensure that SSR is mainstreamed into External Relations planning and programming (including Country and Regional Strategy Papers and Thematic Programmes such as EIDHR) over the 2007-2013 budgetary period.⁶⁶

⁶³ The OECD DAC Guidelines define the security system as including the following actors: Core security actors (e.g. armed forces; police; gendarmeries; paramilitary forces; intelligence and security services (both military and civilian); border guards; customs authorities; reserve or local security units (civil defence forces, national guards, militias)), Security management and oversight bodies (e.g. Executive; national security advisory bodies; legislature; relevant ministries customary and traditional authorities; and civil society organisations); Justice and law enforcement institutions (e.g. judiciary; justice ministries; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; customary and traditional justice systems); Non-statutory security forces, with whom donors rarely engage: liberation armies; guerrilla armies; private body-guard units; private security companies; political party militias.

⁶⁴ As argued by the International Crisis Group in its Conflict Prevention Partnership Report, "Security Sector Reform in the Congo", February 2006

⁶⁵ For example the OECD DAC guidelines and activities in Bosnia, DRC or Kenya

⁶⁶ See Damien Helly (Saferworld), "Developing an EU Strategy for Security Sector Reform", in *European Security Review*, #28, ISIS Europe, February 2006. See also EPLO-CPP Policy Paper on the Instrument for Stability, European Peacebuilding Liaison Office, April 2006

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Disarmament, Demobilisation and Reintegration

In Kalvela, there is a real need to launch a large DDR initiative as, since 1995, the army has quadrupled in size and KFF rebels are still present in the Etelah region. A special emphasis should be given towards economic opportunities for ex-combatants, which are currently quite low and to specific programmes for children, youth and women. As argued by International Alert in its Conflict Prevention Partnership report on DDR, ex-combatants are key actors in building sustainable peace in a post-conflict situation. There is a real need to ensure *"that programmes and structures are complimentary, community focused and are all tailored to the same end goal which is essentially facilitating the (re)integration of ex-combatants, as well as other groups, into communities where they are accepted and can play a meaningful role"*⁶⁷.

Based on International Alert's findings from Liberia and Burundi, EU DDR initiatives in Kalvela should follow some guiding principles. First of all, any DDR project must be based on a good analysis of the situation. Indeed, a lack of planning will not take into account the wider roles of ex-combatants in society and broader community security issues, while a lack of funding might lead to a gap between what is promised and what is effectively delivered, creating frustrations and tensions that might jeopardize these efforts. DDR projects should also capitalise on and strengthen existing and planned community development projects and vice versa. This requires working with local entrepreneurs and companies. The DDR project must also acknowledge and take into consideration the different ethnic and social groups (for instance cleavage between regions and religions and relative power of each group inside the society). To ensure this, any DDR project has to be grounded at the community level. DDR has to be addressed comprehensively, notably by avoiding decoupling the two short-term "Ds" from the longer term "R".

The focus on the funding it provides to DDR programmes as such is hiding other EU actions to support DDR. By connecting other peacebuilding programmes from both 1st and 2nd pillars to DDR and optimising the use of human and financial resources that can be mobilise on the ground, the EU also has the potential to considerably do more. The use of its political dialogue with host governments could create and protect the space for this kind of strategic engagement. Focusing on the mechanism itself rather than on the outcomes mainly by securing long term peace by reintegrating ex-combatants into society, would also help develop more effective programmes.⁶⁸

The regional dimension and links with SALW and SSR are also crucial in DDR projects. In Kalvela, arms trafficking from neighbouring Venalain needs to be dealt with at the same time and a real and effective security sector reform needs to happen as ex-combatants are often reluctant to turn in their weapons during the security vacuum as they still seek to provide for their own security.

The new Stability and Development Instruments should, at the Commission level, also be used for DDR, while EDF funding that is relevant to this sector should be maintained. More synergies have to be developed both inside the EU, with the Member States, between and within the first and second pillars (especially between DG RELEX and DG DEV for the first pillar and between CIVCOM and CODEV for the second pillar), and outside the EU, by strengthening the EU-UN interoperability on DDR programmes.

⁶⁷ International Alert, "The EU and DDR: Supporting Security and Development", Conflict Prevention Partnership Background Paper, July 2006, p.3

⁶⁸ See the conclusions of the International Alert report, "DDR: Time-bound process and long-term goal. The EU's added value", Conflict Prevention Partnership Report, *forthcoming (2006)* and "Developing an EU Strategy to address fragile states: Priorities for the UK Presidency of the EU in 2005", Saferworld and International Alert in association with EPLO, June 2005, p.29

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Small Arms and Light Weapons

The Ilmar region suffers a massive increase in gun violence and faces an enormous proliferation of small arms. Attempts to bring both the security system under civilian control and the effective demobilisation and reintegration of combatants will be undermined unless there is a strong commitment – and cross-pillar approach – to reducing the availability of arms in unstable areas. The EU should thus integrate the issue of small arms into its security, development, and governance programmes and co-ordinate actions made by the Commission and the Member States. The Financial Perspectives 2007-2013 are a key opportunity to ensure SALW issues are taken into account into security, development, and governance programmes.

2.2. Governance

2.2.1. The Kalvelan governance situation:

Kalvela's governance situation is characterised, as with many fragile states, by a combination of too much "controlling power", too little "constructive power"⁶⁹, and an institutionalised system of corruption, social exclusion, impunity, unpredictability, lack of accountability and *clientelism*. The security system is completely unreformed and faces important corruption problems. The government imposed restrictions on some freedoms and liberties under the anti-terrorist legislation, while some of the officials even argued Kalvelan citizens are not ready for democracy. The participation of citizens in political and economic life is not meaningful and there is a significant distance between politicians, at both executive and legislative levels, and the people. The country knows tensions between the capital and the provinces and there is no real control over the whole territory. The authorities have a tendency to try control the media and freedom of expression, the reformers have very little space at their disposal, and civil society is very diffuse, with their own political interests and connections.

2.2.2. Governance challenges:

Low levels of good governance, meaning the capacity of a government to respond to its citizens' rights and needs and how these citizens are able to hold their government to account⁷⁰, are root causes of violent conflicts. Rebuilding governance is also particularly essential in a post-conflict situation. Governance is a broad concept aiming to develop democratic and committed administration, institutions, government and civil society and includes promotion of human rights and the rule of law. Addressing governance issues is essential to avoid long-term threats and is fundamental in rebuilding trust and dialogue. This issue cannot be reduced to its political dimension, since social and economic governance are also essential.

Weak governance is a major obstacle to strengthening Kalvelan's security sector and to diversifying an economy that is characterised by widespread corruption, mismanagement, organised crime and limited re-investment. Regarding security sector reform, ensuring good governance among the new security services, by giving them capacity and ensuring commitment to protect communities they are suppose to serve, is of prime importance for the sustainability of the programmes.

2.2.3. The EU and governance:

What is happening now:

The European Security Strategy, adopted by all the Member States at the European Council in December 2003, highlights that 'well-governed states' are essential to 'prevent conflict and instability. It is thus of prime importance for the EU to support state and local institutions and economic reform.

⁶⁹ According to Mick Moore, a country that lacks "constructive power" lacks the "capacity to organise, to actually command [its] civil and military bureaucracies, to direct public money where [it wishes], to obtain the trust and willing compliance of citizens". See Mick Moore, *Methods of Analysing Power, A Workshop Report*, SIDA, May 2005

⁷⁰ This definition is based on the DFID White Paper on *International Development, 'eliminating world poverty: making governance work for the poor'*, 13 July 2006, p.18

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The Commission has different means at its disposal for long term initiatives in this field. The EC only recently developed its policy framework for governance support⁷¹. All geographical instruments can be used to finance rule of law, consolidation of democracy or human rights projects. The Cotonou Agreement includes a definition of governance, which was broadened in 2003 with the Communication on Governance and Development that applies to all partner regions. This Communication acknowledges that “governance failures with roots in poverty, are a key contributing factor to outbreaks of violent conflict”⁷². Moreover, in 1999, the European Initiative for Democracy and Human Rights (EIDHR) was established.⁷³ Unfortunately, if the total amount dedicated to “governance-related issues” is deemed reasonably important, the proportion of projects including a conflict prevention approach remains quite low.⁷⁴ Politically, the EC has now linked governance with other external actions. However, practically, there is a low degree of implementation of this mainstreaming⁷⁵.

The European Commission also addressed specifically the issue of governance in development co-operation⁷⁶. The Communication recognises that governance weaknesses are among the major obstacles in achieving the MDGs and that addressing these weaknesses, therefore, is an important element of development co-operation. It acknowledges that “poor governance of natural and energy resources in countries with resources such as diamonds, oil, timber and fish can lead to violations of human rights and the rule of law and, ultimately, to armed conflict”. The new Communication also asks for a systematic assessment of governance, with specific indicators for fragile and post-conflict states.

Donors, including the EU, having to accept that aid is fungible, concentrate on capacity building of institutions through technical consultants, equipment and training. The EU has been quite active in this field over the past few years. Under the second pillar, the EU has launched various civilian ESDP missions in the area of public administration, notably the rule of law missions in Georgia (EUJUST THEMIS)⁷⁷ and in Iraq (EUJUST LEX), and most of the police missions include “governance” objectives⁷⁸. The Commission's Rapid Reaction Mechanism (RRM) has also been used for this purpose, notably for the re-establishment of rule of law and civilian administration, policy advices, and electoral support⁷⁹.

These short term measures of sending international staff (such as lawyers, policemen or prison experts) are not based on local capabilities and thus are ineffective in making sure fundamental democratic principles are implemented as these experts barely know the country. Longer term measures such as training activities, community-level support to dialogue and democratic practices as well as support for NGOs and human rights defenders are needed and the link between them, when existing, is often too weak.

In order to link these short term and long term initiatives, the EU has at its disposal the rehabilitation instrument which can be used to restore local institutional capacities and re-launch production.⁸⁰ Unfortunately, this instrument has not met its objectives, as recognised by the Commission, and hopes have now been placed on the new Stability Instrument.⁸¹

⁷¹ See the independent evaluation of the EC support to Governance in third countries, http://ec.europa.eu/comm/europeaid/evaluation/document_index/2006/884_docs.htm

⁷² Communication from the Commission on Governance and Development, COM(2003) 615 final

⁷³ EIDHR was established in order to provide a legal basis for all human rights and democratisation activities of the European Union. This instrument is mostly used to finance NGOs, even without the host government consent, and other international and regional organisations initiatives.

⁷⁴ Catriona Gourlay, “Community instruments for civilian crisis management”, in Agnieszka Nowak, *Civilian crisis management: the EU way*, Institute for Security Studies, Paris, Chaillot Paper #90, June 2006, p.54 and 59

⁷⁵ Idem

⁷⁶ Communication of the Commission on “Governance in the European Consensus on Development. Towards a harmonised approach within the European Union”, COM (2006) 421 final, 30.08.2006. See also the EPLD comments on this Communication: <http://www.eplo.org/documents/EPLO%20Comments%20on%20EC%20Paper%20on%20Governance.doc>

⁷⁷ For more details on this mission and its good governance focus, see Damien Helly, EUJUST Themis in Georgia: an ambitious bet on rule of law, in ISS EU Chaillot Paper #90

⁷⁸ e.g.: the police mission EUPAT in Macedonia will monitor and mentor the police among others in the field of public accountability, the fight against corruption and organised crime. The EU is preparing for a new ESDP mission in Kosovo and established an EU planning team (EUPAT Kosovo) regarding a possible future EU crisis management operation in the field of rule of law and possible other areas such as security sector reform, the fight against organised crime, economic reform, democratisation and other institutional reforms.

⁷⁹ For a full list of activities funded by the RRM: see http://ec.europa.eu/comm/external_relations/cfsp/cpcm/rrm/date.htm#2005

⁸⁰ See the regulation on Rehabilitation and reconstruction operations in developing countries, Council Regulation (EC) 2258/96, 22 November 1996

⁸¹ Catriona Gourlay, “Community instruments for civilian crisis management”, in Agnieszka Nowak, *Civilian crisis management: the EU way*, Institute for Security Studies, Paris, Chaillot Paper #90, June 2006, p.56

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What is needed:

With a long tradition of poor governance, it is important to recognise that in a fragile state such as Kalvela, where there is little respect for the rule of law, successful reforms will be seen in the long-term and often involve a sea change in behaviour and values. There is thus a need to move from a short-term approach of governance, focused on the technical aspects of governance reforms, notably building institutions and promoting a transparent and efficient framework for rules and regulations, to a longer term vision helping the country to move away from aid dependency, which will in the end determine the success of governance programmes, avoid conflict and improve the lives of ordinary people.

All EU programmes in Kalvela should promote the dialogue between authorities (national and local) and citizens. This means ensuring meaningful participation in the way that assistance frameworks and projects are designed at the appropriate level, patience and commitment to nurture the participatory capacity of communities, NGOs and the media. These programmes need to be based on a comprehensive analysis of the situation, specifically acknowledging Kalvela's socio-political realities. In particular, rural areas, where the level of poverty is the highest and the presence of local authorities almost absent, need special attention, as well as an enhanced role of women in governance processes and structures. This point is of enormous importance as, to date, women are excluded from Kalvela's political and economic life. The EU should always promote dialogue among all actors as part of its design of development programmes in rural areas. Likewise, development programmes in health and education must pay particular attention to local governance issues. Mainstreaming governance is also key in linking short-term with long-term interventions. The EU's Linking Relief, Rehabilitation and Development (LRRD) approach should be strengthened to this effect.

The EU should seize the opportunity of the current financial discussions on the new EIDHR to emphasise conflict prevention and peacebuilding activities as explicit priorities, especially for targeted projects, and as a pre-condition for EIDHR delivering on its objectives. The EU could develop a conflict sensitive approach to every project implemented in pre-, current, or post conflict zones so as not to aggravate violence and human rights violations, and analyses its impact on a conflict. The systematic use of the Handbook on promoting good governance in EC development and co-operation⁸², which includes a part on conflict prevention, would help develop conflict sensitive approaches. As proposed by the evaluation study presented in 2005⁸³, the new programme should also link better governance and SSR.

2.3. Economic and social structures

2.3.1. The Kalvelan economic and social structures:

In Kalvela, extortion and corruption by those possessing power is widespread and the elite capture the main sources of wealth. It considerably affects the economy and profoundly undermines prospects for development. The majority barely scrape a living from the informal economy or by the primary produce they cultivate on modest parcels of land, which have very little value added in the locality from where it comes. Most ex-combatants - and men in general - are employed as security guards or in a highly fluctuating market for construction labourers yet there is a desperate need to employ the growing population of youths and an impatient mass of ex-fighters. Kalvela has very poor market links and very little access to financial services due to a practically non-existent infrastructure and sclerotic regulatory and taxation system. Equally to the mention on involving women in governance structures, the economic situation of women is particularly critical, with insecurity and lack of access to both land and jobs, as well as other forms of income generation. Most of the traditional safety nets are diminished or destroyed while formal ones are still barely available. Kalvela also suffers high HIV/AIDS rates.

Natural resources play an important role as an income provider for many countries. In the case of Kalvela, it is timber exploitation that plays a central component to the economy. A mining exploration company has also started to work in the Etelah region. Several major international public and private actors are involved in the problems faced by the Kalvelan economy.

⁸² European Commission, Handbook on promoting good governance in EC development and co-operation, http://ec.europa.eu/comm/europeaid/projects/eidhr/pdf/themes-gg-handbook_en.pdf

⁸³ Netherlands Institute for Multiparty Democracy, No lasting Peace and Prosperity without Democracy and Human Rights: Harnessing Debates on the EU's Future Financial Instruments, External Study for the Directorate General for External Policies of the Union, Directorate B, European Parliament, http://www.nimd.org/upload/publications/2005/epfinal.doc#_Toc113961128

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2.3.2. The economic and social challenges:

Economic and social issues play a crucial role in driving and perpetuating violent conflicts. The OECD considers that the unequal distribution of benefits or burdens, marginalisation of vulnerable groups or geographical regions, and relative deprivation are all factors that may cause or trigger conflict⁸⁴. Furthermore, it has to be recognised that development assistance, trade policies and the promotion of foreign investment can inadvertently feed conflict by fostering corruption, increasing competition for scarce resources and distorting traditional economic systems.

Engaging the private sector is also essential in responding to a crisis. Private companies contribute considerably in the socio-economic development of a country but in some cases can also be responsible for maintaining or creating causes of conflict. Both foreign and local companies have to be involved in conflict prevention processes.⁸⁵

Illicit trade and exploitation of natural resources often fuel conflict and creates economies of war. The control over such profitable natural resources can be the reason for parties to the conflict to sustain instability. A country endowed generously in natural resources, such as Kalveta with its timber and extractive resources, should, in theory, experience rapid economic and social development. Unfortunately, many countries like Kalveta are governed by authoritarian and corrupt regimes, leaving the vast majority of their population under harsh conditions of poverty or blatant inequality. In such a situation, the "spoilers" solely benefit from these resources while the community cannot rely on them to improve their livelihoods.⁸⁶

Armed conflicts also contribute to the spread of HIV/AIDS, which then acts as a source of social, economic and political insecurity. For this reason, HIV/AIDS is becoming an international security issue and has to be considered as a root cause of violent conflict.

2.3.3. The EU and economic and social structures challenges:

What is happening now:

The importance of economic factors as well as social inequalities on conflict has been recognised by official Council and Commission documents. In its Communication on conflict prevention in Africa, the Commission states that in order to build an effective conflict prevention strategy, "the importance of economic factors in conflicts (...) as well as the potential of diplomatic and economic measures for the prevention and resolution of violent conflicts also have to be taken into account"⁸⁷. In addition, the document states that the "*linkages between HIV/AIDS and conflict have to be addressed in all policies concerning peace and security*", from prevention to reconstruction. The interservice Quality Support Group (iQSG) also published a "Programming Fiche on Conflict Prevention", which helps in the drafting of the CSPs, and lists among the factors contributing to increase the risk of violent conflict rapid the economic decline, inequalities in the distribution of wealth, scarcity and degradation of natural resources, unemployment, lack of education, and ethnic and religious tensions.⁸⁸ Competition for scarce natural resources has also been recognised as one of the root causes of violent conflict in the Göteborg Programme.

In its 2001 Communication on Conflict Prevention, the EC committed itself to "promoting actively the OECD guidelines for Multinational Enterprises, which aim at encouraging businesses to behave responsibly when operating abroad and in particular in developing countries"⁸⁹.

⁸² European Commission, Handbook on promoting good governance in EC development and co-operation, http://ec.europa.eu/comm/europeaid/projects/eidhr/pdf/themes-gg-handbook_en.pdf

⁸³ Netherlands Institute for Multiparty Democracy, No lasting Peace and Prosperity without Democracy and Human Rights: Harnessing Debates on the EU's Future Financial Instruments, External Study for the Directorate General for External Policies of the Union, Directorate B, European Parliament, http://www.nimd.org/upload/publications/2005/epfinal.doc#_Toc113961128

⁸⁴ OECD DAC, *Peace-building overview*, <http://www.oecd.org/dataoecd/13/33/35034078.pdf>

⁸⁵ See for the newly published report by International Alert, *Local Business, Local Peace: the Peacebuilding Potential of the Domestic Private Sector*, London, 2006

⁸⁶ See OECD DAC, *Overview of the links between the environment, conflict and peace*, 2005. See also Le Billon, Philippe (2005), 'Fuelling War. Natural Resources and Armed Conflicts', Adelphi Paper No. 373, International Institute for Strategic Studies, London: Taylor and Francis

⁸⁷ Council Common Position 2005/304/CFSP, 12 April 2005, concerning conflict prevention, management and resolution in Africa and repealing Common Position 2004/85/CFSP

⁸⁸ iQSG Programming Fiche on Conflict Prevention, http://ec.europa.eu/comm/external_relations/cfsp/cpcm/cp/doc/cp_guide.pdf

⁸⁹ European Commission, Communication from the Commission on Conflict Prevention, COM(2001) 211 final, 11.04.2001, p.20

2. EU conflict prevention activities: What is happening and what is needed

The Commission Communication on Forest Law Enforcement, Governance and Trade (FLEGT) Proposal for Action Plan, adopted in 2003, gives a loose definition of "conflict timber". FLEGT has been set up to reinforce the push for good governance in developing countries, linking it with legal instruments and leverage offered by the EU internal market. Likewise, the European Commission is very active in the field of conflict diamonds and is representing all the Member States in the Kimberley Process⁹⁰.

Even though asked for in official documents, the EU trade policy lacks crucial aspects of conflict sensitivity. This contradicts the EU's wider conflict prevention and peacebuilding work. In 2002, the Commission recognised in its conflict prevention policy that "trade policy can be identified as a priority area for future work".⁹¹ Unfortunately, the EU shows little conviction in its political dialogue with emerging global powers when other commercial interests are involved.

On the subject of HIV/AIDS, the current EU response is largely provided on a development basis. Furthermore, the conflict dimension is completely absent in all major EU documents on HIV/AIDS and other pandemic diseases, although the Göteborg Programme recognises the link between communicable diseases and conflicts as a cross cutting issue for the prevention of violent conflict. Unfortunately, nothing is done for developing a conflict sensitive approach to HIV/AIDS programmes in practice.

What is needed:

With very low levels of human development indicators and very little job opportunities, Kalvela's socio-economic situation is worrying. The EU has potentially all the means to deal effectively with these socio-economic challenges. Unfortunately there is a real lack of conflict analysis and conflict sensitive approaches of all these instruments.

There is a strong interest by the EU in certain non-labour-intensive areas and generous spending on certain infrastructure projects (a dam, electricity rehabilitation, hospital, court house, road construction). The implementing agencies are often temporary and not local, as such, this lack of local ownership together with an inadequate judicial and legal system leads to theft of equipment with impunity. The local private sector is not engaged enough and local authorities' capacities are not built up to maintain the infrastructure.

The EU should assess the impact of its trade policy, specifically to analyse how far the implementation of the Economic Partnership Agreements (EPAs) might exacerbate conflict. Using Kalvela as an example whose primary economic activity is in agriculture, the EU's Common Agricultural Policy should be reformed to ensure that it doesn't feed negatively into conflicts by destroying local economies. Although diamonds are not the only extractive resource fuelling conflicts, the Kimberley system should be extended to all lucrative extractive activities.

Conflict sensitive approaches should also be developed in the European Investment Bank and other EU economy-related programmes such as EU-ACP ProInvest.

With some profitable natural resources such as timber or zinc and many development programmes implemented in the field, including support to NGOs, the potential for commercial and development aid co-operation between Kalvela and the European Union is quite important. In such a situation, the European Union, as the world's largest provider of development assistance and trade actor, has to ensure that its economic strength is harnessed in support of peacebuilding, otherwise the EU is wasting its money.

⁹⁰ Initiated in May 2000, this international initiative by aims at ensuring that illicit diamonds cannot enter the legitimate international diamond trade and avoiding this trade contributed to violent conflict and human rights abuses in their countries of origin. The Kimberly Process is a joint effort by governments, NGOs, and industries. The Crisis Management and Conflict Prevention Unit is responsible for it inside the Commission (DG RELEX Directorate A, Unit A/2). The EC has been elected to the 2006 Vice-Chairmanship, alongside Botswana, and will chair the Kimberley Process in 2007.

⁹¹ European Commission, *One Year On: the Commission's Conflict Prevention Policy*, Seo D'Urgel, 18/20 March, 2002, p.7

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Regarding natural resources, the EU should not only ensure conflict timber is traded controlled but other natural resources as well. It could also help Kalvela in four areas: maximising and cushioning resource revenues; allocating revenues fairly and efficiently; diversifying resource-dependent economies; and promoting peaceful and secure resource supply⁹².

The role of international economic organisation in this framework is huge. In Kalvela, the entire textile industry collapsed in January 2005 following the World Trade Organisation's removal of preferential quotas. The International Monetary Fund has been recommending substantial reforms but has so far been unsuccessful, resulting in the World Bank lowering its support to Kalvela. Taken together, the Member States (or directly the Commission for the WTO) are the biggest power inside these economic institutions. But so far the EU has not taken full opportunities of this potential, especially to drive the politics of these organisations in a conflict sensitive manner. The EU can also - through the EPAs - support the various programmes a country has to implement to re-launch its economy thus ensuring coherence, most notably by linking economic reconstruction with conflict prevention.

Finally, the EU has to mainstream HIV/AIDS prevention in its conflict prevention programme and ensure that gender dimensions are properly and seriously integrated. The Commission could also include an assessment of HIV/AIDS prevalence in its check list for root causes of conflict.

2.4. Transitional Justice

2.4.1. The Kalvelan situation:

Kalvela's justice system is insufficiently developed, as the country lacks judges and magistrates, and the judges and magistrates that it does have are untrained in human rights or international criminal law. Formal law is barely known by the general population, while an informal system of justice that discriminates against women and minority groups dominates. Those connected to the government are able to exercise control over judicial appointments.

Grave human rights violations have been committed in Kalvela, including a large massacre in 2000 and systematic and widespread sexual violence against women at the Aulanko camp, a UN refugee camp in the Venlain region. Tensions remain between the different ethnic groups in the country.

The government is considering the establishment of a truth commission, and victims are calling for the prosecution of the senior architects of past atrocities.

2.4.2. Transitional justice challenges:

Transitional justice focuses on the challenge that societies in post-conflict or democratic transition face in dealing with a legacy of mass abuse. The challenge of dealing with past abuse is often a very intractable one. In transitional contexts, the demand for justice is usually near its apex but the possibility of delivering it very low, due to lack of capacity, political will, or both. There is, indeed, a certainty that the full justice victims deserve cannot be fully realised. Consequently, while criminal prosecutions of those bearing greatest responsibility for past abuse are usually essential to prevent future conflict, such prosecutions are alone insufficient to deal with the composite prejudices of past abuse. In practice, other mechanisms and interventions are required. These may include the establishment of truth commissions, victim reparation programs, and reforms to the justice and security sectors.⁹³

As a general rule, criminal prosecutions are preferably carried out at the national level, where they have the greatest potential to contribute to deterrence and the restoration of local confidence in the rule of law. Although today there are also many international criminal tribunals that can help ensure accountability for past atrocities, these are not always available in particular situations (e.g., where the International Criminal

⁹² These are the objectives presented by Philippe Le Billon to "ensure that resource wealth is captured and diffused in the interest of local populations and security". See Le Billon, Philippe (2005), 'Fuelling War. Natural Resources and Armed Conflicts', Adelphi Paper No. 373, International Institute for Strategic Studies, London: Taylor and Francis, p.51

⁹³ See generally Report of the UN Secretary-General, "The rule of law and transitional justice in conflict and post-conflict societies", UN doc. S/2004/616.

2. EU conflict prevention activities: What is happening and what is needed

Court has no jurisdiction to act). In recent years, a third option has arisen in a number of post-conflict contexts, namely the establishment of hybrid criminal tribunals comprised of national and international judges and prosecutors working in the territory where the crimes were committed. Such tribunals may constitute important stop-gap measures to provide justice locally when the national system alone is not yet up to the task.

Perhaps the most popular transitional justice mechanism is the truth commission. A truth commission is an *ad hoc*, victim-centred commission of inquiry set up by a state primarily to investigate and report on the main instances and patterns of grave violations that took place in a prior period of conflict or abusive rule, and to make recommendations for their redress and future prevention.⁷⁴ There have been scores of truth commissions created around the world in the past thirty years. In the best cases, truth commissions have investigated and exposed the worst abuses of the past, and helped provide a coherent and viable action plan for fixing the damage that was done.

A few of the key lessons learned from past truth commission experiences are the following:

1. Truth commissions require a good faith commitment from government in order to succeed. Truth commissions set up with cynical motives rarely achieve credibility in the eyes of the national or international public.
2. Because each transitional context is unique, truth commissions must, as much as possible, reflect and respect local realities and preferences. At the same time, it is important to study the experiences of other truth commissions in other countries in order to learn positive lessons and avoid repeating similar mistakes.
3. The composition of a truth commission has a profound impact on its ability to be effective. In general, where members of a truth commission are selected through an open and consultative process, the credibility of the commission – and thus of its output – is greatly enhanced.
4. Truth commissions that organize public hearings tend to have a more profound and constructive impact on public awareness and debate about the past than those that do not. Such awareness and debate may be critical ingredients in preventing renewed conflict.
5. Truth commissions do not automatically produce reconciliation, either at the inter-personal or national level. At best they can contribute to reconciliation, which is a long-term process that depends on additional factors, including accountability efforts, victim reparation, institutional reform, economic development, and democratic consolidation.

If there is to be a truth commission in Kalvela, it will need to deal with all of the main periods and instances of past abuse; otherwise it will risk increasing already significant demographic and ethnic tensions. In addition, because of the gender-based nature of some of the past violence, any commission mandate would need to focus particular attention on gender-based abuses.

It will also be important to situate any future truth commission within a larger transitional justice framework. Thus, if there are to be simultaneous prosecutions – whether by national courts or by a possible hybrid tribunal – the relationship to the truth commission would need to be analysed in advance in order to maximise synergies and ensure complementarity of efforts. The same is true if there are simultaneous vetting programs underway in the justice and security sectors, or parallel reparation programs. If instead the truth commission is intended as a diagnostic precursor to justice, reparation, and reform efforts, then the commission mandate would need to clearly articulate this and impose an obligation on the government to give serious consideration to the ultimate conclusions and recommendations of the commission. Finally, it is crucial that future options for transitional justice are preserved to the maximum extent possible, and thus any cynical attempts to pass an amnesty to entrench impunity must be vigorously opposed.

⁷⁴ On truth commissions, see, e.g., Priscilla Hayner, *Unspeakable Truths* (Routledge 2001) and Mark Freeman, *Truth Commissions and Procedural Fairness* (Cambridge University Press 2006). See also International IDEA and Inter-Parliamentary Union, *Making Reconciliation Work: The Role of Parliaments* (2005).

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2.4.3. The EU and Transitional Justice

What is happening now:

Through EIDHR, the EC supports a wide range of programmes aiming to reinforce the rule of law in countries or regions. The EC considers the fight against impunity for violations of human rights as a priority in building stable and peaceful societies.

The EC has been a strong supporter, politically and financially, of the different international tribunals such as the International Criminal Court (including through sustained funding for the NGO Coalition for the International Criminal Court), the International Criminal Tribunals for Rwanda and the former Yugoslavia, and the Special Court for Sierra Leone. The EC has called for the rapid establishment of the Khmer Rouge Extraordinary Chambers in Cambodia and has financed projects to reinforce the fight against impunity at a more grassroots level, for example by training judges involved in the *gacaca* process in Rwanda. Access to justice more generally is a key feature of EIDHR programmes, with recent major initiatives including a regional project in Latin America with the Inter-American Commission for Human Rights and a project with the Nepal Bar Organisation to improve free legal aid, human rights, and access to justice in that country. The EU has also conducted very important work in the area of SSR in a wide range of places (see section 2.1.). Another positive development is the public hearing on transitional justice held on 28 August 2006 at the European Parliament.

By contrast, EC programmes and ESDP missions have tended to pay less attention to other important transitional justice mechanisms, such as truth commissions and victim reparation programs. In addition, EC programmes and ESDP missions have tended to overlook traditional or informal justice systems, which may at times play a key role in filling the so-called impunity gap in a particular context.⁹⁵

What is needed:

In a country with so many actors involved in the conflict and in past abuses, transitional justice has the potential to help mark a final break with a violent past and chart the road to a more secure, just, and peaceful future. The EU has the ability to offer significant political, financial, and technical support to help make that happen.

At the same time, the EU must be wary of governments that attempt to cloak themselves in the rhetoric of transitional justice in order to create the illusion of confronting a legacy of past abuse. Thus, the EU should not provide support to any particular transitional justice initiative until it first satisfies itself that the initiative is sufficiently and genuinely supported by Kalvelan political *and* civil society.

As to the range of possible EU interventions in the area of transitional justice, the following may be useful to consider (for Kalvela or elsewhere):

- Conducting or funding victim surveys and public opinion polls on proposed transitional justice measures in particular countries.
- Sending or arranging independent fact-finding missions to a particular country in order to (i) evaluate transitional justice issues and options there, and (ii) make strategic recommendations for EU action and engagement.
- Deploying expert capacity-building missions.
- Organising or funding local and international conferences on transitional justice options in a particular country.
- Providing increased financial and logistical support for specific transitional justice mechanisms and the civil society actors who support them.
- Participating in the selection and appointment procedures for relevant bodies (e.g., for vetting bodies tasked with justice sector reform in a particular country) in order to increase their perceived

⁹⁵ On transitional justice and ESDP, see, e.g., the ESDP report of 12 June 2006, which notes: "Work has begun on considering how the issue of transitional justice can be better integrated into EU crisis management" (Council of the European Union, Presidency Report on ESDP, 10418/06). See also the public document issued by CIVCOM on "Transitional Justice and ESDP", 10674/06, 19 June 2006.

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independence and impartiality.

- Developing EU guidelines on transitional justice that are directly inspired by existing international and European standards on the topic.
- Creating a transitional justice check-list that would be required to be consulted in the course of designing and carrying out any ESDP mission.
- Establishing a training institute or training program on transitional justice for EU institutions and staff.
- Producing a practical transitional justice handbook that would be available to all EU staff working within ESDP missions or EU in-country delegations.
- Creating and maintaining an up-to-date database or roster of available EU and non-governmental experts in the field of transitional justice.

Conclusion

Five years after the adoption of the Göteborg Programme by the European Union, the EU has considerably improved its conflict prevention capacity. However, more remains to be done if the EU wants to improve the effectiveness and coherence of its external action for peace and stability overall.

With this report, we have shown that the EU still needs to politically prioritise conflict prevention over short term crisis response if it wants to implement coherent and sustainable external policies. The EU has all the means to be fully effective in this field, from security to development co-operation, trade or energy, but fails in using these instruments in a coherent manner. The adoption and the implementation of conflict-sensitive approaches to these instruments would improve the EU's effectiveness considerably. EU instruments should not be seen as mechanism but as tools to achieve a concrete goal: securing peace and improving the lives of the populations. Increasing the co-operation with external actors (international or regional organisations but also NGOs) as well as developing in-house expertise will help improve the action of the EU in conflict prevention.

The fictive case study of Kalvela provided a practical example on where the EU is effective and where it still needs improvements in the implementation of its instruments regarding four main conflict prevention areas: Security, Governance, Economic and Social issues, and Transitional Justice. In Kalvela, as in many countries showing similar instability indicators, the EU has at its disposal a wide range of instruments to concretely help secure peace in the long term.

Regarding security sector reform, the EU action has to be based on a thorough context analysis, on strengthening civilian control over the whole security system, and on working with other partners in the field. If the EU were able to successfully engage in DDR initiatives over the next years, it would, for example, only ensure Kalvela's long term security and peace if the reintegration process is at least as developed as the two "D", notably by developing economic opportunities for ex-combatants. Without unlocking its impassé on small arms and mainstreaming it into the whole external, regional, and development approach, the burning questions on SALW for Kalvelan security will not be resolved.

The current governance policy often mainly utilises short term initiatives such as institutions building. This is not sufficient and would benefit from being broadened and increased to promoting the dialogue between authorities and citizens and supporting local civil society. Assuring the "buy-in" of local communities into reform and increasing their knowledge of the direct benefits of supporting reform is at least as crucial for long-term stability as the direct work with institution building. In this sector, a focus on gender, and in particular women's rights of participation is important for success.

The often dominant restrictions on women's access to economic resources are equally central when addressing the lack of economic opportunities and social inequalities, which are more generally crucial root causes of conflicts. The EU is already very active in these fields, through its development cooperation, but implementing these policies according to a conflict-sensitive approach would improve considerably their effectiveness. There is real need for the EU to acknowledge the impact trade can have on conflict by stepping up conflict awareness and coherent analysis among those involved in negotiating trade agreements. Except for conflict diamonds, there is very little conflict analysis when designing and implementing trade agreements.

Coherent support to transitional justice will also be key to building sustainable peace. When providing assistance in this field, the EU should make sure that connected issues of impunity, reconciliation, and governance reform are addressed with a focus on the "buy-in" of local communities. The EU needs to broaden its approach to include more transitional justice mechanisms, such as truth commissions and victim reparation programs, and to place particular emphasis the co-operation of local, formal and informal, judicial systems. It would, additionally, have to address gender based violence as one major priority.

It remains to be seen if in the coming years the European Union, ie. the Member States and the European institutions, is able to develop the necessary political will to actually implement in a less fragmented and more coherent way. The EU has all necessary instruments and possibilities to play the role it explicitly wants to play in building a safer world. Yet, without more political will to overcome its own stumbling blocks on institutional and instrument coherence and without a much more developed understanding among all decision-makers of the large financial and human advantages of preventive and peacebuilding measures over short-term engagement, its notable achievements of the last few years will not establish the impact needed in today's world.

The Conflict Prevention Partnership

The Conflict Prevention Partnership is a cooperative effort between international non-governmental organisations – International Crisis Group, International Alert, European Policy Centre (EPC) and European Peacebuilding Liaison Office (EPLO) – and focuses on helping to prevent, manage and resolve deadly conflict, and engage in peacebuilding in conflict-affected regions.

In particular, the Partnership aims to strengthen the capacities of the European Union and its Member States in conflict prevention, crisis management and peacebuilding. The Partnership is based on the recognition that human rights, democracy and conflict prevention are inextricably linked; that the European Union, its Member States and civil society have a vital role to play in these areas; and that policy-makers require high-quality field-based analysis of conflict-affected regions in order to pursue a coherent and holistic approach to strategic planning and policy implementation.

The Partnership aims to provide this information and analysis, as well as practical policy recommendations, through publication and discussion of a series of studies drawn primarily from its own field research. In doing so, the Partnership aims to facilitate better informed and more evidence-based decision-making, and greater dialogue between EU and national policy-makers and civil society.

International Crisis Group

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International Alert

346 Clapham Road
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European Peacebuilding Liaison Office

205 Rue Belliard
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www.eplo.org

www.conflictprevention.net

The European Peacebuilding Liaison Office – EPLO

EPLO is the platform of European NGOs, networks of NGOs and think tanks active in the field of peacebuilding, who share an interest in promoting sustainable peacebuilding policies among decision-makers in the European Union.

EPLO aims to influence the EU so it promotes and implements measures that lead to sustainable peace between states and within states and peoples, and that transform and resolve conflicts non-violently. EPLO wants the EU to recognise the crucial connection between peacebuilding, the eradication of poverty, and sustainable development world wide and the crucial role NGOs have to play in sustainable EU efforts for peacebuilding, conflict prevention, and crisis management.

EPLO advances the interests of its members through common policy positions and consequently advocating for those common positions. EPLO disseminates information and promotes understanding of EU policies of concern to its Members. The Office builds also solidarity and cooperation amongst its members and with other relevant NGO networks. Finally, EPLO raises awareness about the contribution the EU should make to peacebuilding and the need to hold the EU accountable to its own political commitments of helping secure peace within and outside its borders.

ACRONYMS

ACP	Africa, Caribbean and Pacific
AU	African Union
CFSP	Common Foreign and Security Policy
CIVCOM	Committee for Civilian Aspects of Crisis Management
CODEV	Committee on Development
CPP	Conflict Prevention Partnership
CSO	Civil Society Organisation
CSP	Country Strategy Paper
DDR	Disarmament, Demobilisation and Reintegration
DG Dev	Development Directorate General
DG Relex	External Relation Directorate General
DRC	Democratic Republic of Congo
EC	European Commission
EDF	European Development Fund
EIDHR	European Initiative for Democracy and Human Rights
EP	European Parliament
EPA	Economic Partnership Agreement
EPLO	European Peacebuilding Liaison Office
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUMS	European Union Military Staff
EUPM	European Union Police Mission
FLEGT	Forest Law Enforcement, Governance and Trade
IMF	International Monetary Fund
LRRD	Linking Relief, Rehabilitation and Development
MDG	Millennium Development Goals
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
NSA	Non State Actor
OECD	Organisation for Economic Co-operation and Development
OSCE	Organisation for Security and Cooperation in Europe
PSC	Political and Security Committee
RRM	Rapid Reaction Mechanism
RSP	Regional Strategy Paper
SALW	Small Arms and Light Weapons
SSR	Security Sector Reform
UN	United Nations
UNDP	United Nations Development Programme
UNPBC	UN Peace Building Commission
WB	World Bank

Annex : EU Programme for the Prevention of Violent Conflicts

EU Programme for the Prevention of Violent Conflicts, adopted at the European Council in Göteborg, June 2001

The international community has a political and moral responsibility to act to avoid the human suffering and the destruction of resources caused by violent conflicts. The European Union is a successful example of conflict prevention, based on democratic values and respect for human rights, justice and solidarity, economic prosperity and sustainable development. The process of enlargement will extend this community of peace and progress to a wider circle of European states.

In line with the fundamental values of the EU, the highest political priority will be given to improving the effectiveness and coherence of its external action in the field of conflict prevention, thereby also enhancing the preventive capabilities of the international community at large.

Conflict prevention calls for a co-operative approach to facilitate peaceful solutions to disputes and implies addressing the root-causes of conflicts. It is an important element of all aspects of the external relations of the European Union. The development of the European Security and Defence Policy (ESDP) has, since the outset, also been intended to strengthen the EU's capacity for action in the crucial field of conflict prevention.

In keeping with the primary role of the UN in conflict prevention, EU actions will be undertaken in accordance with the principles and purposes of the UN Charter. Recalling that the main responsibility for conflict prevention rests with the parties concerned, assistance to local and regional capacity building according to principles of local ownership is of particular importance.

The European Union, through this programme, underlines its political commitment to pursue conflict prevention as one of the main objectives of the EU's external relations. It resolves to continue to improve its capacity to prevent violent conflicts and to contribute to a global culture of prevention. The Commission communication on conflict prevention is welcomed as a major contribution to EU capabilities for conflict prevention.

The EU will:

- set clear political priorities for preventive actions,
- improve its early warning, action and policy coherence,
- enhance its instruments for long- and short-term prevention, and
- build effective partnerships for prevention.

Political priorities for preventive actions

Successful conflict prevention relies on preparedness to take action before a situation deteriorates into violence. Development of policy options must start with clear political priorities and direction, set out through regular reviews of potential conflict areas.

In order to **set clear political priorities for preventive actions:**

- the Council will schedule a broad consideration of potential conflict issues at the outset of each Presidency, including at the time of the yearly orientation debate, prepared with assistance from the High Representative, relevant Council bodies, including the Political and Security Committee (PSC), and the Commission, to identify priority areas and regions for EU preventive actions,
- the Council will pursue coherent and comprehensive preventive strategies, using appropriate existing instruments and taking into account ongoing actions, in order to identify challenges, set clear objectives, allocate adequate resources and ensure co-operation with external partners,
- the implementation of preventive strategies will be monitored by the Council, drawing on contributions from the Secretary General/High Representative (SG/HR) and the Commission,

Annex : EU Programme for the Prevention of Violent Conflicts

- the Commission is invited to implement its proposal on strengthening the conflict prevention elements in the Country Strategy Papers, as stipulated in the Council conclusions on Linking Relief, Rehabilitation and Development (LRRD), i.a. through more systematic analyses of potential conflict situations.

Early warning, action and policy coherence

Successful prevention must be based on accurate information and analysis as well as clear options for action for both long- and short-term prevention. It requires enhanced field co-operation. Coherence must be ensured in early warning, analysis, planning, decision-making, implementation and evaluation.

In order to ensure **early warning, action and policy coherence**:

- Coreper will continue to ensure coherence between different policy areas of the Union, paying specific attention to the question of coherent preventive activities,
- the PSC will further strengthen its role in developing and monitoring conflict prevention policies within the Common Foreign and Security Policy (CFSP) and the ESDP, building upon information from relevant bodies, and bringing issues to the attention of the Council,
- Member States, their Heads of Mission, EU Special Representatives, EC delegations and other representatives of the Commission, as well as the Council Secretariat, including the Policy Planning and Early Warning Unit (PPEWU) and the EU Military Staff (EUMS), should provide regular information on developments of potential conflict situations, i.a. through the development and use of standard formats and methods for early warning reports,
- full use will be made of information from field based personnel of the UN and the OSCE, as well as other international organisations and civil society,
- increased exchange of information between the Member States and the Commission is encouraged, i.a. through exchange of Country Strategy Papers and respective strategy documents of Member States, as well as through the establishment of a system of exchange of information at working level under development by the Commission,
- full use will be made of the Guidelines for strengthening operational coordination between the Community, represented by the Commission, and the Member States in the field of external assistance, adopted by the Council on 22 January 2001.

EU instruments for long- and short-term prevention

The Union has an extensive set of instruments for structural long-term and direct short-term preventive actions. The long-term instruments include development co-operation, trade, arms control, human rights and environment policies as well as political dialogue. The Union also has a broad range of diplomatic and humanitarian instruments for short-term prevention. Structures and capabilities for civil and military crisis management, developed within the framework of the ESDP, will also contribute to the capabilities of the EU to prevent conflicts.

It must use these instruments in a more targeted and effective manner in order to address root-causes of conflict such as poverty, lack of good governance and respect for human rights, and competition for scarce natural resources.

To **strengthen EU instruments for long- and short-term prevention**:

- all relevant institutions of the Union will mainstream conflict prevention within their areas of competence, taking into account the recommendations made in the Commission communication on conflict prevention,
- the Commission is invited to implement its recommendations on ensuring that its development policy and other co-operation programmes are more clearly focused on addressing root-causes of conflicts in an

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integrated way within the framework of the poverty reduction objective,

- EU's political dialogue will be used in a systematic and targeted way to address potential conflicts and promote conflict prevention,
- the Commission, taking into account the Council conclusions on EU electoral assistance and observation of 31 May 2001, is invited to implement its recommendations on more targeted action in support of democracy, and the particular attention paid to support to electoral processes, including electoral observers, administration of justice, improving police services and human rights training for the whole security sector, as means of contributing to conflict prevention,
- the capacities of the Union will, as needs are identified, be strengthened by developing instruments in areas such as expertise on human rights and democracy, fact-finding missions, disarmament, demobilisation and reintegration (DD&R), and demining,
- the Council will examine how instruments for disarmament, arms control and non-proliferation, including Confidence and Security Building Measures, can be used more systematically for preventive purposes, including as means for early warning and post-conflict stabilisation and as element in the political dialogue, whilst avoiding duplication of the activities of regional and international organisations,
- the EU will support the ratification and implementation of agreements to tackle the problem posed by unregulated spread of small arms and light weapons in all its aspects, including the proposed UN Programme of Action,
- Member States and the Commission will tackle the illicit trade in high-value commodities, including by taking forward work to identify ways of breaking the link between rough diamonds and violent conflicts and through support for the Kimberly process,
- the Council will develop proposals on the further improvement of its diplomatic instruments, i.a. on the more effective use of Special Representatives, and to this end draw on contributions from the SG/HR,
- the Council, assisted by the SG/HR, and the Commission will, within their areas of competence, examine how to use the crisis management capabilities more effectively for preventive purposes.

Co-operation and partnerships

The EU must build and sustain mutually reinforcing and effective partnerships for prevention with the UN, the OSCE and other international and regional organisations as well as the civil society. Increased co-operation is needed at all levels, from early warning and analysis to action and evaluation. Field co-ordination is of particular importance. EU action should be guided by principles of value added and comparative advantage.

In order to **increase co-operation and build effective partnerships:**

- The EU will intensify its exchange of information and practical cooperation with the UN system, the OSCE, the Council of Europe, other regional and subregional organisations and the international financial institutions, making full use of recent work on intensified EU-UN and EU-OSCE co-operation in the field of conflict prevention and crisis management,
- in accordance with the principles agreed at Feira and Nice, the EU and NATO, in developing their co-operation in crisis management, notably in Western Balkans, will also increasingly contribute to conflict prevention.
- exchange of information, dialogue and practical co-operation with humanitarian actors such as the ICRC, relevant non-governmental and academic organisations should also be strengthened,

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- the Union and its Member States will, in accordance with article 19 of the Treaty of the European Union, co-ordinate their action to promote conflict prevention in international organisations where they are members,
- joint training programmes for EU, UN and OSCE field and headquarters personnel should be developed, benefiting from the Commission's willingness to consider funding of such programmes,
- the EU will invite organisations involved in conflict prevention in Europe to a meeting on how to improve preventive capabilities, in order to contribute to the dialogue on peace-building initiated by the UN Secretary-General,
- the Union should also contribute to the strengthening of preventive capacities of regional and subregional organisations outside Europe, i.a. through the Commission recommendation on support to regional and subregional integration and, in particular organisations with a clear conflict prevention mandate,
- methods for EU co-operation with the private sector in the field of conflict prevention will be developed, drawing i.a. on progress made by the UN Global Partnership, the OECD guidelines for multinational enterprises and the G8.

Implementation

The EU and its Member States share the responsibility to implement this programme. Future Presidencies are invited to promote this implementation and make recommendations on its further development. The Commission is invited to implement the recommendations made in its communication on conflict prevention, within its area of competence. Members States are encouraged to develop national action plans to increase their capabilities for conflict prevention.

The first report on the progress made in implementation of this programme should be submitted by the Presidency to the European Council in Seville.