

**Are National Doctrines for Peace Operations Compatible?
A Review of the National Doctrines for Peace-Operations and of How They Fit into the NATO
Doctrine**

Abstract of the Final Report

The aim of the research is to review the doctrines for peace-operations of NATO and of NATO countries whose armed forces are more engaged in activities of conflict prevention and crisis management (peace-keeping, peace enforcement, peace-making). Within this general framework the research concentrates on the legal aspects of conflict management tasks conducted by the European Union and their potential relationships with NATO and NATO peace operations

Art. J.7 of the Amsterdam Treaty, which amends the Treaty on European Union, establishes that the Western European Union provides the European Union with access to an operational capability in the context of humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking. These tasks are usually known as Petersberg operations, since the 1992 WEU Petersberg Declaration.

This provision constitutes the integration of a part of the "WEU acquis" into the framework of the European Union, although there was no institutional integration between the two organizations or legal interweave between their constituent treaties. The Cologne European Council took decisions in this sense.

The mechanism for the decision making of the Petersberg operations must be considered with regard to the new CFSP set of acts and it will entail the interplay among the European Union and NATO. The NATO exclusivity in collective security is not challenged. Proposals on partnership in conflict management have been advanced by both organizations.

A specific issue is posed by the more restricted composition of WEU respect to the EU, and particularly by the EU member States which are not WEU or NATO fully - fledged members.

The development of an EU crisis management capability is making the European Union the natural interlocutor of NATO in European security issues. There are elements which indicate that a real partnership in conflict prevention and crisis management between the European Union and NATO is developing.

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Final Report

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1.....INTRODUCTION

The aim of the research is to review the doctrines for peace-operations of NATO and of NATO countries whose armed forces are more engaged in activities of conflict prevention and crisis management (peace-keeping, peace enforcement, peace-making). The research focuses on the legal framework which regulates the organization of peace operations by NATO Member States and its relationship with NATO, especially with regard to task force organization, command and control, participation of non - WEU/NATO countries.

Within this general framework the research concentrates on the peace operations conducted by the European Union and their potential relationships with NATO and NATO peace operations doctrine.

The choice of focusing on the integration of the Petersberg Operations into the Treaty on European Union is motivated by its relevance in the overall framework of the research. The assumption by the European Union of a role in peace operations will transform the interplay among the various European organizations and NATO in peace operations. The codification of the Petersberg tasks among the tools of the Common Foreign and Security Policy (CFSP) of the EU is fated to influence the peace - keeping policies and doctrines of EU member States and their relationships with NATO.

The relevance and timing of this choice has been confirmed by two crucial recent events, which are redefining conflict management strategies and capability in the European continent. We refer to the adoption by the NATO Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C. on 23rd and 24th April 1999 of the new Alliance's Strategic Concept, and to the results on CFSP of the Cologne European Council of 3 and 4 June 1999.

The research has been conducted through visits to different institutions and to the participation in different relevant workshops.

The period from end of August 1997 through early December 1997 was spent at the Center for International and Security Studies at Maryland (CISSM) of the School of Public Affairs of the University of Maryland, College Park, MD, USA. The research largely benefited from this period at CISSM, which is a research center which traditionally has a strong emphasis on security studies and where many scholars have experience on peace-keeping and a strong policy oriented approach.

The development of the research and its first results were presented in formal contributions at the following workshops:

- 1998 ACUNS (Academic Council of the United Nations) Eleventh Annual Meeting: Fifty Years of 'Peacekeeping': What Actors, What Roles, What Futures?, 17 - 19 June 1999, Cornwallis, Nova Scotia, Canada;
- 1999 ECSA (European Community Studies Association) Sixth Biennial International Conference, 2 - 5 June, 1999 Pittsburgh, Pennsylvania, USA.

2. The Notion of Petersberg Operations

In the early 1990s the tasks of conflict management and peace - keeping, which once seemed to belong exclusively to the United Nations, became a growing area of interest for regional security organizations. This trend derived both from a larger demand for mechanisms of crisis prevention and management and from the will of revitalizing these organizations in the post cold war security environment.

In June 1992, at the Ministerial Meeting of the North Atlantic Council in Oslo, NATO Foreign Ministers announced the readiness of the Organization to support peace - keeping activities ⁽¹⁾. In July 1992 the Helsinki Document provided the framework for the CSCE commitment in peace - keeping ⁽²⁾.

In the same period, the member States of the European Communities engaged in setting up more appropriate instruments for their cooperation in foreign and defence policy. In February 1992, the Treaty on European Union (TEU) was concluded and its Title V on Common Foreign and Security Policy (CFSP) foreshadowed a stronger role of the European Union (EU) in international security matters. Under art. J.4 of the Treaty, the Western European Union (WEU), which was labeled as "an integral part of the development of the Union", was identified as responsible "to elaborate and implement decisions and actions of the Union which have defense implications" ⁽³⁾.

In June 1992, Foreign and Defence Ministers of WEU met in Bonn to develop the role of WEU as the defence component of the EU, to strengthen its operational capacity and to define the relations between WEU and non - member States. In the final document, the Petersberg Declaration ⁽⁴⁾, the Council of Ministers agreed to enlarge the WEU functions in order to include the planning and the execution of a range of peace related operations. Paragraph 4 of Part II ("On Strengthening WEU's Operational Role") of the Declaration foresaw:

Apart from contributing to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty respectively, military units of WEU member States, acting under the authority of WEU, could be employed for:

- Humanitarian and rescue tasks;
- Peace - keeping tasks;
- Tasks of combat forces in crisis management, including peacemaking.

These tasks have later become known as "Petersberg operations" ⁽⁵⁾. The Declaration was laconic in defining the legal framework and the procedures for its implementation. It was specified that the decision to run WEU operations will be taken by WEU Council of Ministers in accordance with the provisions of the UN Charter.

In the following years, WEU ability of framing and implementing Petersberg tasks has been judged disappointing. Its activities have been limited to civilian police tasks, like the missions in the city of Mostar within the European Union Administration of Mostar ⁽⁶⁾, and in Albania as Multinational Advisory Police Element ⁽⁷⁾.

The functioning and the results of the CFSP have been likewise largely criticized and considered ineffective. Particularly unsatisfactory has been the implementation of art. J.4 TEU ⁽⁸⁾.

¹) *Final Communiqué of the Ministerial Meeting of the North Atlantic Council*, Oslo, 4 June 1992

²) The Declaration and Decisions from Helsinki Summit, 10 July 1992, are reproduced in 31 *International Legal Materials* (1992) 1385.

³) On the security and defence implications of the Treaty on the European Union see Morgan, "How Common Will Foreign and Security Policies Be?", in R. Dehousse (ed.), *Europe after Maastricht. An Ever Closer Union?* (1994) 189 at 192; J. Cloos, G. Reinesch, D. Vignes, J. Weyland, *Le Traité de Maastricht. Genèse, analyse, commentaires* (1994) 468, 481.

⁴) WEU Council of Ministers, *Petersberg Declaration*, Bonn, 19 June 1992.

⁵) Vierucci, "The Role of Western European Union (WEU) in the Maintenance of International Peace and Security", 2 *International Peacekeeping* (London) (1995) 309; Jørgensen, "Western Europe and the Petersberg Tasks", in K. E. Jørgensen (ed.), *European Approaches to Crisis Management* (1997).

⁶) Pagani, "L'Administration de Mostar par l'Union Européenne", 42 *Annuaire français de droit international* (1996) 234 at 249; see also See Assembly of the Western European Union, *WEU Police Forces - Reply to the Annual Report of the Council*, Report submitted on behalf of the Defence Committee by Mr. Giannattasio, Rapporteur, 13 May 1998, Part II.

⁷) *Ibid.*, Part III.

⁸) See, for example, European Commission, *Report on the Operation of Treaty on European Union*, 10 May 1995.

3. Their Integration into the Amsterdam Treaty

As provided by the Maastricht Treaty, an Inter - Governmental Conference (IGC) opened in 1996 with the mandate to review the TEU and with the specific task of revising the provisions on defence⁽⁹⁾. This Conference concluded by the signing of the Amsterdam Treaty on 2 October 1997⁽¹⁰⁾.

This Treaty amends the TEU in various areas and introduces important, though not dramatic, changes in the CFSP⁽¹¹⁾, and particularly on security and defence it lays a relevant set of provisions.

Within the debate of the Reflection Group on the framing of a common defense policy and on the merging of WEU into the EU⁽¹²⁾, already circulated the concept of giving to the EU the competence of deciding on the Petersberg tasks⁽¹³⁾. This idea, although in the framework of different approaches, was supported by most States⁽¹⁴⁾ and institutions⁽¹⁵⁾ and was welcomed by the European Council in Turin which opened the IGC⁽¹⁶⁾.

During the IGC three options were discussed on the relations between the EU and WEU⁽¹⁷⁾: the first, to maintain WEU separate from the EU without any relevant changes in their relationship⁽¹⁸⁾; the second, to merge the two organizations according to a duly phased calendar⁽¹⁹⁾; the third, to integrate into the Treaty just a part of the WEU functions.

The latter option, which emerged as an acceptable compromise and prevailed, unfolded, on the one hand, in the introduction of the Petersberg tasks into the TEU, on the other, in the provision which foresees "the possibility of the integration of the WEU into the Union, should the European Council so decide" (art. J.7.1)⁽²⁰⁾. In this perspective the decision of integrating

⁹) See art. J.4.6 Maastricht Treaty.

¹⁰) The Treaty is in the process of being ratified by the Member States. For a review, see "Treaty of Amsterdam: Neither a Bang nor a Whimper" (editorial comment), 34 *Common Market Law Review* (1997) 776; Barents, "Some Observations on the Amsterdam Treaty", 4 *Maastricht Journal of European and Comparative Law* (1997) 332; F. Dehousse, "Le Traité d'Amsterdam, reflet de la nouvelle Europe", 33 *Cahiers de droit européen* (1997) 265.

¹¹) Nuttal, "The CFSP Provisions of the Amsterdam Treaty. An Exercise of Collusive Ambiguity", *CFSP - Forum* (3/1997) 1; Monar, "The European Union's Foreign Affairs System after the Treaty of Amsterdam: A 'Strengthened Capacity for External Action'?", 2 *European Foreign Affairs Review* (1997) 413; Des Nerviens, "Les relations extérieures", 33 *Revue trimestrielle de droit européen* (1997) 801 at 805; A. Duff (ed.), *The Treaty of Amsterdam* (1997) 124.

¹²) On the debate within IGC on the CFSP, see *Security of the Union - The Intergovernmental Conference of the European Union* (Federal Trust Papers Number 4, 1995); van Eekelen, "The Common Foreign and Security Policy" and related comments by Burghardt and Siekmann, in J. A. Winter, D. M. Curtin, A. E. Kellermann and B. de Witte (eds.), *Reforming the Treaty on European Union - The Legal Debate* (1996) 323, 332, 344; D. McGoldrick, *International Relations Law of the European Union* (1997) 160; van Ham, "The EU and WEU: From Cooperation to Common Defence?", in G. Edwards and A. Pijpers (eds.), *The Politics of European Treaty Reform. The 1996 Intergovernmental Conference and Beyond* (1997).

¹³) See *A Strategy for Europe*, Final report of the Chairman of the Reflection Group on the 1996 Intergovernmental Conference, 5 December 1995;

¹⁴) See *Orientations sur la PESC - Séminaire franco - allemand des ministères des Affaires étrangères à Fribourg*, 27 February 1996; *Mémorandum Benelux en vue de la CIG*, 7 March 1996; *Position of the Italian Government on the IGC for the Revision of the Treaties*, 18 March 1996; *Regierungskonferenz. Österreichische Grundsatzpositionen*, 26 March 1996; and particularly *The IGC and the Security and Defence Dimension - Toward an Enhanced EU Role in Crisis Management. Memorandum of Finland and Sweden*, 25 April 1996. The relevant parts of these documents are reproduced in *Politique de défense commune et défense commune: l'article J.4 du Traité. Positions des Etats membres sur les thèmes à l'ordre du jour de la Conférence intergouvernementale 1996* (Fiches multilingues réalisées par la Task Force CIG - Commission Européenne) April 1996. See also the documentation in European Parliament - Intergovernmental Conference Task, *White Paper on the 1996 Intergovernmental Conference*, Vol. II, *Summary of Positions of the Member States of the European Union with a View to the 1996 Intergovernmental Conference*, January 1996.

¹⁵) Commission Opinion, *Reinforcing Political Union and Preparing for Enlargement*, 28 February 1996.

¹⁶) Turin European Council 29 March 1996, *Presidency Conclusions*, Doc SN 100/1/96.

¹⁷) For a thorough review of the different positions on this point, see van Ham, *supra* note 12. See also WEU Council of Ministers, *WEU Contribution to the European Union Intergovernmental Conference of 1996*, Madrid, 14 November 1995.

¹⁸) This option was strongly supported by the UK.

¹⁹) Many countries, France, Germany, Italy, Spain, and the Commission and the Parliament promoted the integration of the two organizations.

²⁰) This decision has been taken by the European Council at the Summit in Cologne in June 1999, see European Council, Annexes to the Presidency Conclusions, Cologne, 3 - 4 June 1999, Declaration on Strengthening the Common European Policy on Security and Defence, Annex III.

Petersberg into the TEU faced no opposition and materialized in the combined provisions of paragraph 1 and 2 of art. J.7 of the Amsterdam Treaty ⁽²¹⁾. Paragraph 1 states:

The Western European Union (WEU) is an integral part of the development of the Union providing the Union with access to an operational capability notably in the context of paragraph 2,

and paragraph 2 states:

Questions referred to in this Article shall include humanitarian and rescue tasks, peace - keeping tasks and tasks of combat forces in crisis management, including peacemaking.

These provisions stimulate some remarks.

First of all, they constitute the first codification in the constituent treaty of an international organization of the notion of peace - keeping and peace related operations. No other treaty of such a legal and political relevance refers to it: There is no mention to peace - keeping in the United Nations Charter; NATO and WEU engagement in these tasks has been insured without a formal revision of their constituent instruments; and CSCE/OSCE documents on peace - keeping do not have the same legal value as a treaty ⁽²²⁾.

The terms employed in art. J.7.1 might raise several problems of interpretation. Especially the notions of "peace - keeping" and "peacemaking" have assumed a variety of legal and political meanings which will have to be reconciled with their codification in a legal text. The absence of a WEU practice and of a thoroughly developed doctrine in these operations does not facilitate the clarification of these terms ⁽²³⁾. In this context the doctrine developed in NATO could become relevant also for the European Union.

However, whatever interpretation will be given to these terms, the action of the European Union under art. J.7. will find two limits: on one side, the exclusion from the list of measures of peace - enforcement and, on the other, the constraints which international law provides for the use of force in peace operations.

Operations of peace - enforcement have been expressly ruled out from the list of tasks enumerated in art. J.7.2. One might wonder whether their exclusion will inhibit the EU from any UN Charter Chapter VII operations ⁽²⁴⁾. Such interpretation will strongly inhibit the EU capacity of conflict management. The future practice will prove the import and feasibility of this limitation in the panoply of the EU tools of intervention, given the blurring of the distinction between peace - keeping and peace - enforcement which has characterized some recent peace operations.

The second limit is given by general international law. Any EU action will be regulated by the principles which discipline military intervention and the use of force in international relations. This limit was perceived during the negotiations and has been expressly restated among the general principles governing the CFSP. Art. J.1.1 TEU, which modifies former art. J.1.2 Maastricht Treaty, states:

The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:

...

- To preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders.

No limitation in geographical terms instead seems to constrain the EU in the conduct of Petersberg operations ⁽²⁵⁾. the EU and WEU do not have in their constituent treaties the restrictions faced by other regional organizations.

²¹) See Lenzi, "European Security after Amsterdam", *CFSP - Forum* (3/1997) 5; Grassi, "L'introduzione delle operazioni di peace - keeping nel Trattato di Amsterdam. Profili giuridici ed implicazioni politiche", 53 *La Comunità internazionale* (forthcoming 1998).

²²) See M. Bothe, N. Ronzitti and A. Rosas (eds.), *The OSCE and the Maintenance of Peace and Security. Conflict Prevention, Crisis Management and Peaceful Settlement of Disputes* (1997).

²³) Reference to NATO documents is possible, see for example, NATO, *Bi - MNC Directive for NATO Doctrine for Peace Support Operations*, 11 December 1995.

²⁴) This exclusion has been decided late in the IGC, see European Parliament - Committee on Foreign Affairs, Security and Defence Policy. Draftsman: Mr. Thomas Spencer, *Opinion for the Committee on Institutional Affairs on the Treaty of Amsterdam Chapter III Provisions on Common Foreign and Security Policy (CFSP)*, 29 October 1997 - PE 224.338/DEF.

²⁵) See for example W. Kühne, G. Lenzi, A. Vasconcelos, *WEU's Role in Crisis Management and Conflict Resolution in Sub - Saharan Africa*, Chaillot Paper 22, Paris, December 1995; Vierucci, *supra* note 5 at 319.

With regard to the CFSP machinery and its development these provisions represent an important achievement and they have been judged as one of the rare significant progress on security and defence of the Amsterdam Treaty ⁽²⁶⁾. They constitute the integration of a part of the "WEU acquis" into the framework of the European Union, although a parallelism between these provisions and those clauses of the Amsterdam Treaty which codify the "Schengen acquis" ⁽²⁷⁾ would be inappropriate. In the case of the "WEU acquis" there is no institutional integration between the two organization or legal interweave between their constituent treaties and art. J.7 will work exclusively as an operational bridge between the CFSP and WEU decision making procedures. Furthermore the integration into the TEU of the "WEU acquis" on conflict management clearly stigmatizes the will of excluding from the TEU the collective security guarantee provided by art. V of the modified Brussels Treaty. The IGC clearly failed in bringing into the EU the "hard security" part of the "WEU acquis". This limit has been confirmed by the European Council. In its decision of Cologne to launch a new step in the construction of the European Union, the European Council tasked the General Affairs Council to prepare the measures necessary to define the modalities for the inclusion within the EU of the functions of the WEU which are necessary for the EU to fulfil its new responsibilities in the area of the Petersberg tasks. This decision implies the dissolution of the WEU in year 2000 ⁽²⁸⁾. Notwithstanding this assumption of responsibility for the EU, the European Council has also been very clear in indicating that the commitments under Article 5 of the Washington Treaty and Article V of the Brussels Treaty will in any event be preserved for the Member States party to these Treaties.

²⁶) See Commission Européenne - Task force "Conférence Intergouvernementale", *Note d'analyse sur le Traité d'Amsterdam*, 7 July 1997, par. 12; Parlement Européen - Groupe de travail du Secrétariat Général. Task force "Conférence Intergouvernementale", *Note sur les priorités du Parlement en relation avec la CIG et avec le nouveau Traité d'Amsterdam: rapport et première évaluation des résultats*, 15 July 1997, par. 3.2.

²⁷) For the codification of the Schengen acquis see "The Treaty of Amsterdam: Neither a Bang nor a Whimper", *supra* note 10 at 768; Louis, "Le Traité d'Amsterdam. Une occasion perdue ?", *Revue du marché unique européen* (1997) 5 at 9.

²⁸) See European Council, Annexes to the Presidency Conclusions, Cologne, 3 - 4 June 1999, Declaration on Strengthening the Common European Policy on Security and Defence, Annex III.

4. An Educated Guess: The Implementation Mechanisms

The analysis of the mechanisms for the implementation of the Petersberg Tasks in the new CFSP institutional framework shows a certain complexity, which could entail numerous operative difficulties ⁽²⁹⁾.

The decision - making and the operational levels must be kept separated.

The Amsterdam Treaty, by introducing some important innovations, puts at the disposal of the EU a set of acts for implementing its CFSP (art. J.2). "Common strategies" and "joint actions" are the acts which are most likely to become relevant for Petersberg operations. The decision of using WEU forces for Petersberg tasks, given its political importance and the sensitiveness of the use of the military instrument, will presumably involve a decision of the European Council as the highest political forum of the EU. This decision will take the form of a "common strategy", which, according to art. J.3.2, will set out the objectives of the operation, its duration and the means to be made available by the Union and the Member States. The legal value of the common strategies is fated to raise several questions under EU law. The Treaty does not clarify the legal effect of the common strategies. Although the wording "the European Council shall decide on common strategies" (art. J.3.2) is employed, the Treaty does not provide, as it does for joint actions (art. J.4.3), that they commit the member States. To attribute a binding legal value to the common strategies seems also to contravene the well established principle of the lack, within the EU system, of a formal decision - making power of the European Council ⁽³⁰⁾. However to consider the common strategies of the European Council exclusively as a general political guideline seems both to contradict the wording of art. J.3.2 and to flatly assimilate them to the "principles of and general guidelines for the common foreign and security policy", which the European Council might define according to art. J.3.1. A possible interpretation gives to the common strategies a binding effect exclusively towards the Council. They will not have an external legal relevance and their obligatory nature will be limited, within the CFSP system of acts, to commit the Council to implement them. For example, once the European Council will have decided on a Petersberg task, the Council could not evade implementing it through joint actions or other appropriate decisions. This interpretation is confirmed by art. J.3.3 which states that the Council shall implement common strategies, in particular by adopting joint actions and common positions.

The practical relevance of this interpretation could be questioned, given the almost identical composition of the two organs ⁽³¹⁾. However a further analysis shows that the difference in the functions and in the decision - making mechanisms of the European Council and the Council could confer a certain relevance to the binding nature of the common strategies. In common strategies, which are the outcome of the consensus practice of the European Union, some sensitive decisions could be ambiguously drafted or avoided and left to the implementing choices of the Council. In this sense, the requirement of unanimity voting within the Council might lead to an impasse of the CFSP decision - making. This deadlock would be overcome by the binding nature of the common strategies, which would necessarily force the Council to find an agreement to implement what has been decided by the European Council.

In adopting a joint action and any further decision to implement a common strategy on a Petersberg task, the resort of the Council to qualified majority voting is excluded given that this procedure applies for joint actions adopted on the basis of a common strategy, but not when they have military or defence implications (art. J.13.2). To render the unanimity voting procedure more flexible, art. J.13.1 provides the possibility of recourse to "qualified (or constructive) abstention". The qualified abstentions of several States will not impede the adoption of the act unless they represent more than one third of the votes weighted according to art. 148.2 of the Treaty establishing the European Community. Thus this mechanism will permit the adoption of a decision on Petersberg operations also in case of qualified abstention by all the 5 member States which are not WEU members.

However, in case of a decision on a Petersberg task the objection of a member State to participate in the operation will not necessarily imply the recourse to the qualified abstention. The reluctance of some States to provide troops or equipment for a certain operation could be easily accommodated by letting those States outside the operational duties of the mission. Recourse by a member State to the qualified abstention would assume the meaning of a more general and political uneasiness towards that mission.

²⁹) For a scenario in which these mechanisms are applied to a post - SFOR II operation in Bosnia, see European Parliament, *supra* note 23.

³⁰) For a thorough analysis of the problem, see Glaesner, "The European Council", in D. Curtin and T. Heukels (eds.), *Institutional Dynamics of European Integration. Essays in Honour of Henry G. Schermers*, vol. II (1994) 101 at 111, and Constantinesco, "Conseil Européen", *Répertoire de Droit Communautaire - Dalloz*, Tome I (1992). This general principle seems confirmed by the reformulated art. F.1 TEU. The delicate decision on the application of the enforcement mechanism in case of serious and persistent breach of fundamental rights in a member State is entrusted not to the European Council, but to the Council, meeting in the composition of the Heads of State or Government. See Barents, *supra* note 10, at 335.

³¹) A difference is given by the fact that the President of the Commission participates in the meetings of the European Council, while there are not Commission representatives in the Council.

In the Summit in Cologne the European Council approved the proposal of introducing the necessary arrangements, which may require:

- Regular (or ad hoc) meetings of the General Affairs Council, as appropriate including Defence Ministers;
- A permanent body in Brussels (Political and Security Committee) consisting of representatives with pol/mil expertise;
- An EU Military Committee consisting of Military Representatives making recommendations to the Political and Security Committee;
- A EU Military Staff including a Situation Centre;
- Other resources such as a Satellite Centre, Institute for Security Studies ⁽³²⁾.

Following the adoption of the common strategy and of the implementing joint actions, a matching decision will need to be taken by the WEU Council of Ministers. The WEU Council of Ministers decision will serve as the driving belt of the EU decision into the WEU system. The Amsterdam Treaty does not merge the decision - making procedures of the two organizations. From a legal point of view their link remains hooked to a set of particular provisions which have been separately adopted in the legal framework of the two organizations. Art. J.7.3 of the Amsterdam Treaty, which states that "the Union will avail itself of the WEU to elaborate and implement decisions and actions of the Union which have defence implications" has been formally accepted by the WEU Council of Ministers in a Declaration annexed to the Amsterdam Treaty ⁽³³⁾. In this Declaration the WEU Council of Ministers expressly states:

When the Union shall avail itself of WEU, WEU will elaborate and implement decisions and actions of the EU which have defence implications (A.5) ⁽³⁴⁾.

Given the different voting procedures in the WEU Council of Ministers and in the Council, the need for this double decision could represent a procedural difficulty. The lack of a voting procedure less rigid than unanimity in the WEU Council of Ministers could urge a State which does not want to support the operation to oppose it in the Council instead of resorting to qualified abstention ⁽³⁵⁾. Procedures for facilitating this process, which could include the holding of joint meetings, are under exam and will be included in the future arrangements between the two organizations ⁽³⁶⁾. A Protocol annexed to TEU sets out that these arrangements for enhanced cooperation will be drawn within a year from the entry into force of the Amsterdam Treaty ⁽³⁷⁾.

It is worth to mention the issue whether, after Amsterdam, WEU retains its independent decision - making competence to run Petersberg operations in absence of the EU mandate. From a legal point of view the Amsterdam Treaty does not modify the WEU competence and there are no doubts that WEU maintains all its prerogatives on the basis of its instituting treaty and subsequent practice. Positions taken by different WEU organs confirm also the political will to retain an independent capability ⁽³⁸⁾.

The described decision - making machinery, which is already quite complex, might be further complicated by a preliminary intervention of the Security Council of the United Nations. An appropriate mandate for the operation by the Security Council might result legally necessary or politically opportune. In this case the position of the European Union will be represented by its members in the Security Council, and particularly by its permanent members according to art. J.9.2 ⁽³⁹⁾.

³²) European Council, Annexes to the Presidency Conclusions, Cologne, 3 - 4 June 1999, Presidency Report on Strengthening of the Common European Policy on Security and Defence - Decision Making.

³³) WEU Council of Ministers, *Declaration of the WEU on the Role of Western European Union and its Relations with the European Union and with the Atlantic Alliance*, Amsterdam, 22 July 1997.

³⁴) The proposal of concluding a legally binding treaty between the two organizations has not been accepted.

³⁵) The idea of introducing in the WEU Council of Ministers the principle of constructive abstention circulated in a French proposal. In the Erfurt meeting, the WEU Council of Ministers tasked the Permanent Council to study measures of consensus - building and decision - making, see WEU Ministerial Council, *Erfurt Declaration*, Erfurt, 18 November 1997, par. 5.

³⁶) A flow - chart has been prepared by the two organizations on their interaction in decisions in conflict management and it has been tested in a simulated exercise in June 1998.

³⁷) Protocol on Art. J.7 of the Treaty on European Union. A practical model for linking the decision - making process of both Organizations in crisis management operations has been drafted, see WEU Ministerial Council, *Rhodes Declaration*, Rhodes, 12 May 1998.

³⁸) See for example WEU Ministerial Council, *Rhodes Declaration*, 12 May 1998 (par. 2). For a review of all these positions, see Assembly of the Western European Union, *WEU after Amsterdam: The European Security and Defence Identity and the Application of Article V of Modified Brussels Treaty. Reply to the Annual Report of the Council*, Report submitted on behalf of the Political Committee by Mr. Vrettos, Rapporteur, 19 November 1997, Part 2.

³⁹) Art. J.9.2 states: "Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union ...".

With regard to the operational conduct of these operations, their military dimension will rely on the WEU procedures and structures, and likely on the arrangements set up with NATO⁽⁴⁰⁾. However, whatever military formula will be decided upon, the political control of the operation will linger on the Council which, through the WEU Council of Ministers, will remain responsible of fixing, modifying and terminating its mandate.

According to art. J.8 TUE, which states that the Presidency is responsible for the implementation of the CFSP common measures, the EU Presidency will decide on the daily political conduct of the operation and will monitor its development. The Presidency could be also, under authorization of the Council, called to negotiate any agreement related to the operation, which will then be concluded by the Council (art. J.14)⁽⁴¹⁾. The harmonization of the sequence of the Presidencies of WEU and the EU, which has already been approved by the WEU Council of ministers⁽⁴²⁾, seems an unavoidable step to guarantee the unity of the political direction of the mission.

In this context, it still needs to be clarified which role the newly - created High Representative for the CFSP (art. J.8.3), and, ultimately, an *ad hoc* appointed Special Representative with an operation related mandate (art. J.8.4) could be called to play. The Special Representative could end to have the closest political and diplomatic clout on the development of the mission. The Special Representative could assume the title and the function of Head of Mission which in UN peace - keeping are usually assigned to the Special Representative of the UN Secretary General. The chain of command and the connection with the military structure in the field and especially with the military Operational Commander, who is likely to be nominated by the WEU Ministerial Council, will need to be thoroughly worked out.

In the planning of its conflict management policy and with regard also to a specific crisis, the CFSP will also benefit from the assessment and the recommendations of the Policy Planning and Early Warning Unit (PPEWU), which has been established by the Amsterdam Treaty through an annexed declaration⁽⁴³⁾. The mechanisms to ensure labor division, liaison and day - to - day co - operation between the PPEWU and the WEU Planning Cell are already under study⁽⁴⁴⁾.

However, the future practice will define the interplay between all these different bodies in the operational planning and development of a Petersberg operation. It is neither clear which role the Commission, that has hitherto been the only EU institution with operational capacity, will assume.

With regard to the financing, in conformity with art. J.18, the expenditure arising from operations having military or defense implications are not charged to the budget of the European Communities. They are charged to the member States in accordance with a gross national product based scale, unless the Council acting unanimously decides otherwise. Trough a distinction which will not always be easy to apply, it is understood that the expenses linked to the political activities of the EU in prevention of conflicts / peace and security processes will remain within the budget of the European Communities⁽⁴⁵⁾. A State which has resorted to the qualified abstention under art. J.13.1 will not be obliged to contribute to the financing of the operation. One may also wonder whether the expenses for the military part of the mission should be allocated within the EU or WEU framework.

⁴⁰) For these aspects see De Spiegeleire, "From Mutually Assured Debilitation to Flexible Response: A New Menu of Options for European Crisis Management" and Wilson, "WEU Operational Capability - Delusion or Reality ?" in forthcoming publication of the WEU Institute for Security Studies, Paris.

⁴¹) These agreements could include both political settlements and operational arrangements, as such as the Status of Forces Agreements. On the EU treaty - making capacity and its difficulties, see Neuwahl, "A Partner with a Troubled Personality: EU Treaty - Making in Matters of CFSP and JHA after Amsterdam", 3 *European Foreign Affairs Review* (1998) 177.

⁴²) WEU Ministerial Council, *Erfurt Declaration*, Erfurt, 18 November 1997, par. 10.

⁴³) See Schmalz, "Setting up the Policy Planning and Early Warning Unit - A Thorny Path from Idea to Realization", and the annex Report of the Secretary - General of the Council to the Council, *CFSP - Forum* (4/1997) 1; Lodge and Flynn, "The CFSP after Amsterdam: The Policy Planning and Early Warning Unit", 14 *International Relations* (1998) 7.

⁴⁴) See *Declaration on Enhanced Co - operation between the European Union and the Western European Union*, which is annexed to the Amsterdam Treaty and also WEU Ministerial Council, *Rhodes Declaration*, Rhodes, 12 May 1998, par. 8. See also Lodge and Flynn, *supra* note 38 at 17; Dolan, *The European Union's Common Foreign and Security Policy: The Planning Dimension*, (ISIS Briefing Paper No. 14, November 1997) 10.

⁴⁵) "Prevention of conflicts / peace and security processes" is one of the budgetary lines foreseen for the articulation of the CFSP budget chapter as provided by the Inter - Institutional Agreement between the European Parliament, the Council and the European Commission on Provisions Regarding Financing of the Common Foreign and Security Policy, which has been finalized in Amsterdam at the conclusion of the Amsterdam Treaty.

5. The Participation of non - WEU Member States

In the implementation of the Petersberg operations, a specific problem is posed by the more restricted composition of WEU respect to the EU, and particularly by the 5 EU member States - Austria, Denmark, Finland, Ireland, and Sweden - which are not WEU fully - fledged members ⁽⁴⁶⁾.

The Amsterdam Treaty insures the participation of all the EU member States in Petersberg operations decided by the EU. Art. J.7.3 states:

When the Union avails itself of the WEU to elaborate and implement decisions of the Union on the tasks referred in paragraph 2 all Member States of the Union shall be entitled to participate fully in the tasks in question.

Although the 5 mentioned States are already part of the WEU system with the status of observers ⁽⁴⁷⁾, the EU decision of implementing a Petersberg task will imply their integral participation in the decision - making process of the WEU. In this regard the second provision of art. J.7.3 determines:

The Council, in agreement with the institutions of the WEU, shall adopt the necessary practical arrangements to allow all Member States contributing to the tasks in question to participate fully and on equal footing in planning and decision - taking in the WEU.

The Council implemented this provision through the Decision of 10 May 1999 concerning the practical arrangements for the participation of all Member States in tasks pursuant to Article 17(2) of the Treaty on European Union for which the Union avails itself of the WEU ⁽⁴⁸⁾.

These provisions of the Amsterdam Treaty were immediately welcomed by the WEU Council of Ministers WEU in a annexed Declaration, which echoes the wording of art. J.7.3 and states:

WEU will develop the role of the Observers in WEU in line with provisions contained in Article J.7.3 and will adopt the necessary practical arrangements to all Member States of the EU contributing to the tasks undertaken by WEU at the request of the EU to participate fully and on equal footing in planning and decision - taking in the WEU ⁽⁴⁹⁾.

The practical arrangements which are referred to have already been developed and the WEU Council of Ministers decided to apply them on a provisional basis before the entry into force of the Amsterdam Treaty with regard to operations under art. J.4 of the Maastricht Treaty ⁽⁵⁰⁾.

WEU and NATO are also discussing the practical arrangements to permit the participation of the WEU Observer members, which are not NATO members, in operations in which WEU resorts to NATO assets and capabilities, as such as in the Combined Joint Task Forces model ⁽⁵¹⁾.

⁴⁶⁾ In the IGC several proposals were also advanced to introduce clauses of political or financial solidarity for those countries whose participation in military operations abroad is barred for legal or policy reasons, but they were not accepted in the final version of the Treaty, see the Franco - German Document, *Orientations sur la PESC - Séminaire franco - allemand des ministères des Affaires étrangères à Fribourg*, 27 February 1996, *supra* note 14.

⁴⁷⁾ The observer status was expressly created for the member States of the European Union which were not members of WEU by a WEU Council of Ministers Declaration annexed to the Maastricht Treaty. Rights and duties of the observer States were set in the 3rd Part of the Petersberg Declaration ('On the Relations between WEU and the Other European Member States of the European Union or the Atlantic Alliance'). The case of the involvement of these States in WEU activities under the request of the European Union was here already foreseen:

Member States of the European Union, which have accepted the invitation to become observers...will have the same rights and responsibilities as the full members for functions transferred to WEU from other fora and institutions to which they already belong.

⁴⁸⁾ *Official Journal of European Communities*, L 123, 13 May 1999, 14 -17.

⁴⁹⁾ WEU Ministerial Council, *Declaration of the WEU on the Role of Western European Union and its Relations with the European Union and with the Atlantic Alliance*, Amsterdam, 22 July 1997, par. 6.

⁵⁰⁾ WEU Ministerial Council, *Erfurt Declaration*, Erfurt, 18 November 1997, par. 9.

Finally it must be recalled that through a Protocol annexed to the Amsterdam Treaty a general opting out clause was granted to Denmark for decisions and actions of the Union which have defence implications (⁵²).

⁵¹) See Assembly of the Western European Union, *WEU after Amsterdam: The European Security and Defence Identity and the Application of Article V of the Modified Brussels Treaty - Reply to the Annual Report of the Council*, Report submitted on behalf of the Political Committee by Mr Vrettos, Rapporteur (II.1), and WEU Ministerial Council, *Rhodes Declaration*, Rhodes, 12 May 1998, par. 14.

⁵²) Protocol on the Position of Denmark.

6. An EU Crisis Management Capability and NATO: The EU Angle.

There is no doubt that all these developments at the EU level will not affect the 'hard security' part of the Alliance. In Cologne, once more, the Head of States and Governments of the European Union reiterated their commitments to the Alliance. The European Council solemnly stated:

The Alliance remains the foundation of the collective defence of its Member States ⁽⁵³⁾.

At this point we pass to explore how are developing the relationships between the EU and the Atlantic Alliance in the aftermath of the introduction of an EU crisis management capability. Also with regard to this aspect the innovation introduced by the Amsterdam Treaty appears to be relevant. The codification of a specific security policy within CFSP makes NATO to face the positive and negative potentiality of the European Union standing.

From the point of view of the European Union, the Member States took particular care in reassuring the Alliance with regard to these developments. The Amsterdam Treaty makes an explicit reference to NATO in article J.7.1:

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realized in NATO, under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

This is a general safeguard clause, which ensures that CFSP, and especially its security dimension, will not be in contrast with the security and defense decisions taken by the Atlantic Alliance. This provision, although it did not receive much attention in doctrine, is a crucial element in the architecture of European security. It substantially subordinates, at least in security matters, CFSP to NATO policy.

The European Council in its Declaration on Strengthening the Common European Policy on Security and Defence adopted in the Cologne Summit in June 1999 identified a more autonomous role for the European Union in the full range of conflict prevention and crisis management tasks. Although as results from the following extracts the EU decisions will not constitute prejudice to NATO actions:

In pursuit of our Common Foreign and Security Policy objectives and the progressive framing of a common defence policy, we are convinced that the Council should have the ability to take decisions on the full range of conflict prevention and crisis management tasks defined in the Treaty on European Union, the "Petersberg tasks". To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO. The EU will thereby increase its ability to contribute to international peace and security in accordance with the principles of the UN Charter ⁽⁵⁴⁾.

With regard to the implementation of the Petersberg Tasks the European Union is developing a doctrine which foresees two possible different kinds of operations:

- EU-led operations using NATO assets and capabilities or
- EU-led operations without recourse to NATO assets and capabilities.

On one side, for EU-led operations having recourse to NATO assets and capabilities, including European command arrangements, the European Union will rely on the implementation of the arrangements based on the decisions taken in Berlin in 1996 and in the Washington NATO in 1999 on the European Security and Defence Identity and Combined Joint Task Forces. The European Union is also taking into consideration the arrangements set out by NATO at the Washington Summit, which might lead to assure EU access to NATO planning capabilities able to contribute to military planning for EU-led operations and to the presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations ⁽⁵⁵⁾.

⁵³) European Council, Annexes to the Presidency Conclusions, Cologne, 3 - 4 June 1999, Declaration on Strengthening the Common European Policy on Security and Defence, Annex III, par. 1.

⁵⁴) European Council, Annexes to the Presidency Conclusions, Cologne, 3 - 4 June 1999, Declaration on Strengthening the Common European Policy on Security and Defence, Annex III, par. 1.

⁵⁵) European Council, Annexes to the Presidency Conclusions, Cologne, 3 - 4 June 1999, Presidency Report on Strengthening of the Common European Policy on Security and Defence - Implementation.

On the other side, for EU-led operations without recourse to NATO assets and capabilities, the EU will make recourse to national or multinational European means, which could be pre-identified by Member States.

7. An EU Crisis Management Capability and NATO: The NATO Angle.

The developments at the European level necessarily reflected on the NATO attitude towards the EU. The EU has been inserted among the relevant institutions within the NATO concept of 'mutual reinforcing organizations'. In the new Alliance's Strategic Concept (⁵⁶), the NATO Heads of State and Government in Washington D.C. on 24th April 1999 stated:

The United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU), and the Western European Union (WEU) have made distinctive contributions to Euro-Atlantic security and stability. Mutually reinforcing organizations have become a central feature of the security environment.

This qualification recognizes a role of the European Union in security matters and in its capacity to establish a full fledged partnership with NATO.

To the developments undertaken by the European Union in security matters, NATO devoted a full paragraph of its Alliance's Strategic Concept. Its paragraph 17 states:

The European Union has taken important decisions and given a further impetus to its efforts to strengthen its security and defence dimension. This process will have implications for the entire Alliance, and all European Allies should be involved in it, building on arrangements developed by NATO and the WEU. The development of a common foreign and security policy (CFSP) includes the progressive framing of a common defence policy. Such a policy, as called for in the Amsterdam Treaty, would be compatible with the common security and defence policy established within the framework of the Washington Treaty. Important steps taken in this context include the incorporation of the WEU's Petersberg tasks into the Treaty on European Union and the development of closer institutional relations with the WEU.

The NATO doctrine, although supportive of the development of an EU crisis management capability, reiterates that any development in the framing of an European common defense policy must be compatible with the common security and defence policy established by NATO. The reference in the wording employed by par. 17 of the Alliance's Strategic Concept to the provision of Art.J.7.1 of the Treaty on European Union is evident.

In this duet between the two organizations, the European Council replied to the conclusion of the Washington Summit by recognizing the positive attitude of NATO, but at the same time it played a more assertive tune for the role that the EU could take in conflict management. In June 1999, the European Council, in its Declaration on Strengthening the Common European Policy on Security and Defence, outlined this position:

3. We welcome the results of the NATO Washington summit as regards NATO support for the process launched by the EU and its confirmation that a more effective role for the European Union in conflict prevention and crisis management will contribute to the vitality of a renewed Alliance. In implementing this process launched by the EU, we shall ensure the development of effective mutual consultation, cooperation and transparency between the European Union and NATO.

We want to develop an effective EU-led crisis management in which NATO members, as well as neutral and non-allied members, of the EU can participate fully and on an equal footing in the EU operations (⁵⁷).

And in the same occasion in the Presidency Report on Strengthening of the Common European Policy on Security and Defence, it has been stated:

⁵⁶) Press Release, NAC - 9 (99) 65, 24 April 1999.

⁵⁷) European Council, Annexes to the Presidency Conclusions, Cologne, 3 - 4 June 1999, Declaration on Strengthening the Common European Policy on Security and Defence, Annex III, par. 3.

The NATO Washington Summit welcomed the new impetus given to the strengthening of a common European policy on security and defence by the Amsterdam Treaty and confirmed that a stronger European role will help contribute to the vitality of the Alliance for the 21st century. The NATO summit furthermore stressed that the development of a CFSP, as called for in the Amsterdam Treaty, would be compatible with the common security and defence policy established within the framework of the Washington Treaty. This process will lead to more complementarity, cooperation and synergy (⁵⁸).

These documents are the cornerstones of the relationship between the EU and NATO in crisis management, in a framework in which the potentiality of the partnership between the two institutions is becoming more and more evident and their interplay deeper and deeper.

The EU, especially after the Cologne Summit, is accrediting itself as the main partner of NATO in the architecture of the European security, by ousting WEU from that role.

⁵⁸) European Council, Annexes to the Presidency Conclusions, Cologne, 3 - 4 June 1999, Presidency Report on Strengthening of the Common European Policy on Security and Defence - Introduction.

8. Conclusions: The Significance of a EU Crisis Management Capability within the Atlantic Alliance

Various profiles arise in the assessment of the impact that the integration of the Petersberg operations into the TEU will have on the CFSP and on the EU role in the international community and in its relationship with NATO.

Firstly, as far as the CFSP functioning is concerned, art. J.7.2 does not represent a drastic innovation. Already under art. J.4.2 of the Maastricht Treaty the EU could have requested WEU to implement its decisions on crisis management⁽⁵⁹⁾. However for the first time a specific policy has been codified within the second pillar. This codification did certainly not subsume the policy of crisis management into the exclusive EU competence, but stated at the highest possible level the EU commitment. From a practical point of view it stimulated the creation or the adjustment of the complex mechanisms which are necessary for its implementation. The CFSP renovated set of acts, procedures, and organs together with the progressive development of the WEU operational role constitute the institutional framework for the conduct of the Petersberg operations. Particularly with regard to WEU, the Amsterdam Treaty has generated, before its entry into force, the effect of accelerating the process of setting up an adequate European crisis management mechanism. Various difficulties still seem to weaken this machinery, for example the complexity of the institutional interplay between the EU and WEU, and within them, raises perplexity in terms of efficacy and timing. The decisions taken by the European Council in Cologne, in June 1999, will help to streamline this decision making.

However, at this stage any future inaction by the EU cannot be attributed anymore to the deficiency of an adequate institutional and operational machinery, but exclusively to the lack of political will of the European States⁽⁶⁰⁾.

Secondly, with regard to the standing of the EU in the international community, the integration of the Petersberg tasks into TEU introduces some significant developments. Art. J.4.2 strongly enhances the EU visibility in crisis management with respect to NATO, other European security organizations, and the United Nations. In this regard, the question whether the EU has become a "regional agency" under Chapter VIII of the UN Charter arises. After the Amsterdam Treaty there cannot be anymore doubts. The EU is engaged through its activities of peace - keeping and peacemaking in the maintenance of international peace and security. Its commitment to the principles of the United Nations Charter has been restated twice among the CFSP objectives (art. J.1.1). Even if one refers to the now largely overcome debate⁽⁶¹⁾ on the definition of "regional arrangements or agencies" under UN Charter Chapter VIII⁽⁶²⁾ and shares the more restrictive doctrinal interpretations, it cannot be denied that the EU pertains to this category.

Thirdly, the EU is becoming the real interlocutor of NATO in the European security context. The relationships between the two organizations is not yet defined but few sketches can already be drawn.

The role of NATO in collective security is not challenged. There is no future perspective of transposing Article 5/V guarantees within the European Union. This development is not in the agenda of any EU Member State, neither the NATO countries, nor the non - NATO ones.

As far as conflict prevention and crisis management is concern, the relationship between the two organizations is developing fast. The European Union is replacing and terminating WEU as the exclusively European organization with a security mandate. This process will have impact on NATO taking into consideration the following elements:

- The European Union will carry more political weight than WEU and will be in the position of negotiating with the Alliance a larger room of manoeuvre;
- The European Union will continue also in the future to depend on NATO capabilities, especially for the most sophisticated tasks.

This two elements must be handled, as stated by the European Union, by a process which will lead to more complementarity, cooperation and synergy

Fourthly, on the contribution that the EU could give to conflict management, this new assumption of responsibility could convey a relevant impact.

The availability through WEU of a credible military capacity of intervention in crisis management tasks will place the EU in a unique position in the international community and with respect to other security organizations. The EU will have a twofold comparative advantage: on the one hand, it will dispose of an across the board civilian - military capacity of intervention, on

⁵⁹) According to a certain opinion the EU actually resorted to art. J.4.2 in the case of Mostar, see Willaert and Marqués - Ruiz, "Vers une politique étrangère et de sécurité commune: état des lieux", *Revue du Marché unique européen* (1995) 35 at 67. See also Pagani, *supra* note 6 at 251.

⁶⁰) See for example the declaration of the WEU Secretary General at the WEU Parliamentary Assembly, 18 May 1998, in *Atlantic News* (No 3011, 20 May 1998) 3.

⁶¹) See Gioia, "The United Nations and Regional Organizations in the Maintenance of Peace and Security", in Bothe, Ronzitti, and Rosas (eds.), *supra* note 21 at 204.

⁶²) See Hummer and Schweitzer, "Article 52", in B. Simma (ed.), *The Charter of the United Nations. A Commentary* (1994) 679 at 691.

the other hand, it will have the potentiality to guarantee the continuum in crisis management from early warning and humanitarian intervention through post - conflict reconstruction and as far as economic development aid.

In crisis management operations, the availability of qualified civilian resources is becoming as important as the disposal of an effective military capacity. Peace, democracy - and capacity - building programmes, as election and human rights assistance, are considered crucial for the success of any post – conflict settlement. In this regard the EU, particularly through the Commission, has matured experience and might have the capability for mobilizing the human and financial resources which the facing of complex crises needs. The assumption also of responsibility for the military aspects of the conflict management could give to the EU the possibility to gather under a single umbrella all the different tiers of the international intervention, with great benefit in terms of unity, continuity of action, and effectiveness.