

Civilian instruments for EU crisis management

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1 Introduction

EU crisis management, to be effective, will need to marry the full range of political and legal instruments at the disposal of the Union. This will include the forms of political co-ordination and financial assistance established under Common Foreign and Security Policy (CFSP) - declarations, démarches, joint actions and sanctions - and the legal and financial instruments developed by the European Community and its Member States in support of long term strategies of the Union.

The range of instruments established by the European Community in its relations with third countries includes:

- Political dialogue, underpinned by
- Agreements and their institutional arrangements with third countries and regional groups (Association Agreements and other forms of political partnership);
- Trade and economic measures;
- Development and other co-operation assistance;
- Emergency relief;
- Support for rehabilitation and reconstruction
- Macro-economic support;

The nature of the crisis, the historic pattern of political and economic ties with the country concerned and the specific crisis-management objectives adopted by the EU will determine how the instruments are used. Moreover, certain instruments will have more impact in some countries than others. EC development assistance, for instance, can represent a substantial part of the economy in some countries, and thus provide significant potential leverage, whereas other political incentives or trade measures might prove a more effective tool when dealing with crises affecting larger economies.

The European Council conclusions at Feira and Göteborg emphasise the development of capacity to deploy Member States' resources in the fields of police, rule of law, civil protection and public administration. These resources will be an important complement to the existing resources that the Community is able to mobilise through its external assistance programmes (private sector, NGOs, the UN system and other international organisations).

Nevertheless, Feira-type interventions will, by their nature, be exceptional and transitional measures that, in financial terms, are likely to constitute a relatively small part of the overall package of EC assistance to third countries in crisis. They must, therefore, be considered in the context of the wider conflict-prevention, relief, rehabilitation and long-term stabilisation and development assistance delivered under Community instruments in the period leading up to a crisis, during the crisis and post-crisis. They must also be seen in the context of the important non-financial instruments that the European Community has at its disposal.

For the sake of clarity and brevity, this document does not seek to provide an exhaustive catalogue of such measures and the procedural arrangements for their deployment. It is important to note, however, that all Community instruments are managed in close collaboration with the Member States. Standing consultation mechanisms with Member States (through comitology or Council working groups) ensure that Member States contribute both to the strategic orientation of Community instruments, and to the scrutiny of substantial financing proposals.

2 Political measures

2.1 Political dialogue through CFSP structures

The EU have developed a number of important tools for political dialogue in the context of a rapidly evolving foreign policy crisis. These include declarations, démarches, and diplomatic contacts by the Presidency, the EU High Representative, Members of the Commission and EU Special Representatives. The Union is able to draw upon the diplomatic resources of Member States, as well as the network of European Commission Delegations.

2.2 Agreements with third countries and regional organisations

The standing institutional structures established under the agreements concluded between the European Community, third countries and regional organisations also provide important channels of political dialogue. Importantly, in the context of crisis management, these agreements lay down the fundamental principles or ‘essential elements’ underlying that co-operation (usually with explicit reference to human rights, rule of law and democracy), and provide mechanisms for addressing disputes between the parties.

2.2.1 Bilateral agreements

There is a vast range of agreements between the EC and its Member States and third countries. These cover political relations, development and co-operation assistance, trade, research, and cultural co-operation. They may take the form of bilateral EC agreements, or mixed agreements involving the EC and its Member States.

Typically an overarching framework agreement will set out the main political objectives of co-operation, and the fundamental principles or ‘essential elements’ underlying that co-operation. This is then complemented by detailed agreements in specific fields - often in key sectors in the EC trade relationship¹.

The range of agreements reflects the differing levels of political and trade co-operation that the EU has with third countries, as well as the differing needs in terms of co-operation assistance. In general, the greater the level of political co-operation foreseen, the more detailed the political conditionalities and the more explicit the sanctions.

¹ Examples include the EC-Russia steel agreement; the EC-China science and technology agreement, the EC-Thailand textile agreement

Specific sectoral agreements are not usually formally linked to wider political commitments, (they do not, generally, include suspension clauses linked to human rights conditionalities). However, the EU could withdraw from them by giving notice in accordance with any provisions to that effect, if a general agreement cannot be relied upon to suspend their application. Such revision, and indeed any suspension or withdrawal from sectoral agreements, should not cut across other binding international obligations (such as under the WTO).

There are a number of models for the frameworks for political dialogue concluded between the EC, or the EC and its Member States and third countries. These include:

- **Association agreements** for accession countries
- **Stabilisation and association agreements** for the Balkans
- **Euro-Mediterranean association agreements** for the Maghreb and Mashrek
- **Partnership and Co-operation agreements** for the countries of Eastern Europe, the Caucasus and Central Asia
- Various forms of **Economic** partnership, **Political co-ordination** and **Co-operation** or **association agreement** with the countries of Asia and Latin America
- The **ACP-EU partnership agreement** for the countries of Africa, the Caribbean and the Pacific.

In a crisis management situation, the specific arrangements existing with each third country involved will have to be studied on a case-by-case basis. References for the full texts of such agreements can be found at Annex 8.

2.2.2 Relations with regional organisations

Agreements between the EC and regional groupings may provide some potential for leveraging regional action in support of EU Crisis Management objectives. Agreements have been concluded between the EC and:

- the Andean Pact
- Asean
- Mercosur

The EC is also supporting UN efforts to strengthen the capacity of regional groupings in crisis management. This is a specific objective of the Cotonou Agreement. Some already have a mandate for conflict prevention or peacekeeping (such as ECOWAS, the African Union, OSCE, OAS). Such organisations will become increasingly important partners in EU crisis management, and important potential conduits of EC assistance in a crisis.

3 Sanctions and other negative measures

One form of sanctions has already been discussed above - the suspension of agreements between the EC and third countries. However, other forms of sanctions based on CFSP can be identified:

- interruption of economic and financial relations between the European Community and third countries following an UN Security Council resolution;
- autonomous EU measures leading to interruption of economic and financial relations between the European Community and third countries;

(The general procedure in both these cases requires a Common Position adopted by unanimity under article 15 TEU (CFSP), followed by a proposal from the Commission for an implementing EC regulation (Article 301 EC), which is directly applicable across the EU).

- other restrictions, co-ordinated by Member States through a CFSP Common Position, and implemented through national measures adopted by Member States.

The main experience of the EU in the adoption of autonomous sanctions has been the measures taken against the Federal Republic of Yugoslavia (1998-2000). It remains a challenge to design sanctions in such a way as to ensure that they are properly targeted to achieve their political ends. Another substantial challenge is the **enforcement** of sanctions, and the putting in place of an effective regime to **monitor implementation**.

In all cases it is important to ensure compatibility of measures with obligations under international law. This may mean that the EC has first to invoke suspension clauses in existing agreements with third countries.

Annex 2 gives a schematic overview of sanctions procedures. An overview of measures already adopted can be found at:

http://europa.eu.int/eur-lex/en/lif/ind/en_analytical_index_18.html

Examples of measures taken include:

- Restrictions on payments and capital movement (freezing measures, see also Article 60 EC)
- Restrictions on investment
- Trade embargoes
- Flight bans
- Restrictions on admission of third country nationals (see also Articles 62 to 64 EC and Regulation (EC) No 539/2001)

4 EC Co-operation assistance

4.1 Overview

The EC is a very substantial provider of co-operation assistance its own right. Coupled with bilateral assistance by Member States the EU is one of the largest providers of grant assistance in the world. When linked with political incentives, EC assistance has proved a powerful lever of change in third countries.

EC co-operation assistance can:

- support political and diplomatic initiatives to defuse the crisis
- provide incentives to the parties to resolve disputes
- address the consequences of a crisis through humanitarian assistance and transitional relief;
- foster stability during periods of political transition
- safeguard human rights and democratic processes
- re-start the process of economic and social development.

The EC has developed a number of specialised sectoral instruments that are particularly suited to providing emergency support in politically unstable environments where needs are rapidly changing. These instruments usually have provision for accelerated decision-making procedures and ensure that funds for emergency and transitional relief can be mobilised fast. These are discussed in section 2.2 below.

In addition to such emergency instruments, the EC can award exceptional financial assistance in the form of loans or direct grants through Council Decision². The legislative cycle for such assistance can be reduced to 2-3 months, where there is strong political will. The cycle will be longer in complex or controversial cases.

The vast part of EC assistance is, however, delivered through its long term geographic instruments. These are intended to finance long-term programmes, based on strategies agreed with the recipient country. Although decision making procedures are more lengthy, these instruments have a crucial role to play in crisis management, because of the significant financial means that they have at their disposal. The geographic instruments are discussed in section 2.3.

The EC Rapid Reaction Mechanism (RRM) works both as an emergency instrument in its own right, and as a bridge to longer term assistance. It does this by leveraging the main EC co-operation instruments with flexible short term finance from a dedicated budget line. The RRM can finance any action for which Community competence has been established under the main geographical and sectoral instruments.

² Based on article 179 EC for developing countries. Article 181a EC for non-developing countries. Examples include Kosovo (Council Decision of 14 February 2000), Armenia and Georgia (Council Decision of 17 November 1997)

These instruments provide the legal basis for the full range of EC-financed crisis missions envisaged in the Feira and Göteborg European Council conclusions³. They are also accompanied by the financial and administrative resources necessary for the deployment of such missions.

While EC assistance can provide positive incentives to third countries in crises, withdrawal of EC assistance is also an option, where coercive measures are considered necessary. This is discussed in section 4.5.

4.2 Emergency and transitional relief measures

EC emergency and transitional relief measures cover:

- Rehabilitation
- Food aid and food security
- Mine action
- Civil protection
- Rule of law and democratisation
- Assistance to refugees and their host communities
- Exceptional financial assistance

Emergency and transitional relief is delivered through a combination of specialised sectoral instruments and the long term geographic instruments. Annex 4 gives an overview of how different instruments can be combined to provide a comprehensive package of crisis assistance. The specialised sectoral instruments are described in annex 5, and the long term instruments in annex 6.

It should be noted that the design of the specialised sectoral regulations recognise both the short term needs and the medium-term nature of transitional relief. This means that, while they do make provision for emergency assistance, the large proportion of funds channelled through these instruments is subject to the same programming discipline as the geographic instruments. The EC Rapid Reaction Mechanism can leverage the sectoral regulations in the same way as it does for the geographical regulations.

Humanitarian assistance

"Humanitarian aid, the sole aim of which is to prevent or relieve human suffering, is accorded to victims without discrimination on the grounds of race, ethnic group, religion, sex, age, nationality or political affiliation and must not be guided by, or subject to, political considerations" (Council Regulation (EC) No 1257/97 on humanitarian aid)

EC humanitarian assistance cannot be considered a crisis management tool. It is delivered solely on the basis of need, and cannot be subsumed to the political logic of crisis management. It is mentioned in annex 5 to this document solely as a reminder that such assistance will be an important element of the overall package of assistance delivered by the EC in a crisis management situation.

³ The precise scope for EC action varies from region to region, depending on the underlying legislation.

4.3 Long-term development and other co-operation assistance

In a sustained political crisis, long-term EC development and co-operation assistance programmes can be used to address the underlying causes of the crisis, to support its resolution, to provide relief and rehabilitation, and to re-start the process of economic and social development.

Although the instruments designed to deliver long-term development assistance tend to have more exacting procedural requirements, it is possible to re-prioritise programmes and mobilise funds relatively quickly when the political need arises. Some instruments are already specially designed for countries undergoing or emerging from sustained political crisis (e.g. the CARDS regulation). Others have specific provisions for conflict prevention and peace building (e.g. Cotonou).

EC co-operation assistance is most effective in a crisis when it is closely linked to a political framework. There is a symbiotic relationship between the political initiatives taken by the EU under Common Foreign and Security Policy and the European Security and Defence Policy (CFSP/ESDP), and the assistance delivered by the Community: efficient and well targeted delivery of Community assistance can give strength and credibility to EU diplomatic efforts; by the same token, EC assistance designed to affect reform in sensitive areas of national policy (such as the rule of law) depends for its effectiveness on sustained political support from the EU. A clear mandate must be considered a political pre-condition for any EC-financed substitution missions.

The long term co-operation instruments are described in more detail in annex 6 (pre-accession instruments are not covered).⁴

4.4 Establishment of new instruments

The precise range of assistance that the EC can deliver in any geographical region is defined in the underlying legal instrument. Consequently some courses of action may be available in some regions but not in others (Cotonou, for example, is alone in having explicit provision for 'peace building'⁵). The Rapid Reaction Mechanism provides a degree of flexibility in this regard, by allowing the full range of EC competencies accrued in the different sectoral and geographical regulations to be exercised without geographical limitation for operations of up to six months.

When managing sustained political crises there is, in addition, the option of establishing new legal instruments under article 308 of the Treaty. This option was used, for instance, during the Balkans crises to enable financing of UNMIK and the

⁴ The instruments listed in annexes 2 and 3 will be the mainstay of EC financial assistance in crisis management. Other EC co-operation instruments also exist, and are mentioned in annex 4 for the sake of completeness.

⁵ That is not to say, however, that actions relevant to peace building cannot be financed under other instruments

clearance of the Danube. Experience in the Balkans shows that, where there is political consensus, a new legal instrument can be adopted within 3 months.

4.5 *Selective targeting or withdrawal of EC co-operation assistance*

EC co-operation assistance can be used as to sharpen political incentives for third countries, for instance through judicious use of conditionality, selective targeting of assistance, or by the threat of withholding or suspending financial assistance.

Most geographical co-operation assistance regulations have “essential elements” clauses based on respect for democracy, human rights, rule of law and fundamental freedoms. Essential elements clauses are also present in the various political and co-operation agreements between the EC, its Member States and third countries. These are considered further under section 3 below.

Sanctions are usually less explicitly defined: in general regulations provide for “the adoption of appropriate measures” where essential elements are not respected.

Examples of the selective or coercive use of EC financial assistance include Energy for Democracy in Federal Republic of Yugoslavia (targeting of fuel oil deliveries to opposition-held municipalities during the petroleum embargo⁶), partial suspension of the Tacis programme in Russia in response to events in Chechnya⁷, suspension of European Development Fund programmes under article 96 Cotonou.

⁶ Fuel embargo on FRYugoslavia Regulation (EC) No 2111/1999

⁷ European Council Conclusions 10.12.1999

Annexes

Please note: these annexes provide an illustrative overview of the main political measures and co-operation assistance programmes available to the EU. Their purpose is to demonstrate the scope of actions that can be supported in the context of the political management of a foreign policy crisis. They do not purport to be an authoritative interpretation of the underlying legal texts, nor a statement of policy either of the EU or the European Commission.

Annex 1 - Political measures

Declarations

Summary: Declarations may be made at any time, and can be used as a first response to a significant foreign policy event, or an emerging crisis

Main types of declarations:

- Declaration by the Presidency on behalf of the EU
- Declaration by the EU as such (adopted at a Council meeting). A variant of this is a declaration by the European Council (adopted when the European Council is in session)
- Declaration by the Presidency on its own responsibility (usually done only when a reaction is required in such a short delay that there is no time to consult Member States)
- Statements issued by the Secretary General/High Representative on his own behalf

Alignment: Unless Member States explicitly oppose doing so, the Secretariat in consultation with the Presidency automatically invites the Acceding Countries, the Associated Countries (Bulgaria, Romania and Turkey) and the EFTA countries, members of the European Economic Area (Iceland, Liechtenstein and Norway) to align themselves with the declaration in question.

Summary:	▪ Démarches are often undertaken in connection with the fundamental objectives of the CFSP, in order to promote: ▪ Democracy, rule of law, human rights and fundamental freedoms (free elections, prisoners situation, death penalty, media freedom, etc) ▪ Peace and international security (prevention of conflicts, refugees situation) ▪ Other objectives may include rallying support for international conventions and instruments (disarmament, non-proliferation, anti-terrorism...)
Actions:	▪ Preparation of and agreement on the basis for the démarche, including: • the terms of reference; • the representation modalities (Troika, SG/HR, Presidency alone); • the level of receiving authority and of EU representation (Heads of Missions, regional directors, etc). ▪ Presidency instruction to carry out the démarche (usually issued to its local mission or that of the Member State acting as local Presidency) ▪ Report on the results of the démarche ▪ Discussion on the results of and consideration of any further action or follow-up
Key considerations:	▪ Alignment of Associates ▪ Position of international organisations, and other third countries on the issue
Notes:	▪ Démarches can be made together with third countries acting together on the same agreed text, or consecutively on a broadly similar text.

Political dialogue and preventive diplomacy under CFSP structures

Legal basis:	Article 18 and 26 Treaty of the European Union
Objectives:	▪ Mediation ▪ Arbitration ▪ Confidence-building ▪ Rallying support for EU positions
Actions:	▪ Troika, Presidency or SG/HR missions ▪ Dialogue at summit, ministerial, senior officials (including Political Directors), PSC Troika, or expert level ▪ Information, analysis, monitoring, follow-up and recommendations on specific issues or events, through Heads of Mission reports. ▪ Appointment of an EU Special Representative
Key considerations:	External aspects of co-operation in the fields of Justice and Home Affairs should be taken into account.

Political dialogue in the framework of EC and mixed agreements with third countries

Summary:

There is a vast range of agreements between the EC and its Member States and third countries. These cover political relations, development and co-operation assistance, trade, research, and cultural co-operation. They may take the form of bilateral EC agreements, or mixed agreements involving the EC and its Member States.

Typically an overarching framework agreement will set out the main political objectives of co-operation, and the fundamental principles or 'essential elements' underlying that co-operation (usually with explicit reference to human rights, rule of law and democracy). This is then complemented by detailed agreements in specific fields - often in key sectors in the EC trade relationship⁸.

Range of instruments:

- **Association agreements** for accession countries
- **Stabilisation and association agreements** for the Balkans
- **Euro-Mediterranean association agreements** for the Maghreb and Mashrek
- **Partnership and Co-operation agreements** for the countries of Eastern Europe, the Caucasus and Central Asia
- Various forms of **Economic** partnership, **Political co-ordination** and **Co-operation** or **association agreement** with the countries of Asia and Latin America
- The **ACP-EU partnership agreement** for the countries of Africa, the Caribbean and the Pacific.
- Agreements with **regional organisations** (Andean Pact, Asean, Mercosur)

Use in crisis management:

There may be scope to invoke essential elements clauses, in a crisis management situation, or to apply other forms of pressure through the structures of co-operation established under the agreements. The specific arrangements existing with each third country involved will have to be studied on a case-by-case basis.

Specific sectoral agreements are not usually formally linked to wider political commitments, but there may be other provisions enabling suspension or withdrawal from such agreements. Any such action should not cut across other binding international obligations (such as under the WTO).

⁸ Examples include the EC-Russia steel agreement; the EC-China science and technology agreement, the EC-Thailand textile agreement

Annex 2 - Sanctions

Sanctions	
Legal basis:	Generally: common position (art 15 TEU - unanimity) and EC Regulation based on Article 60 and/or Article 301 TEC (qualified majority voting), or Article 60, 301 and 308 TEC (unanimity) where measures target persons, groups and entities which are not directly linked to the regime of one or more third countries. Certain other measures, such as embargoes relating to military goods, visa bans, and bans on sports and cultural exchange may also be adopted through a Common Position, without the need for an EC implementing Regulation.
Objectives:	▪ Implementation of sanctions adopted by the UN Security Council (UNSC). ▪ Autonomous EU sanctions.
Actions:	Full or partial interruption of economic and financial relations with third countries, including: ▪ Flight bans ▪ Freezing of funds ▪ Restrictions on investment ▪ Other restrictions on payments and capital movements ▪ Embargoes on arms and dual-use goods ▪ Embargoes against equipment that can be used for internal repression ▪ Other import and export restrictions
Key considerations:	▪ Compatibility with existing obligations under international law. It may be necessary to invoke clauses in agreements with third countries leading to a full or partial suspension of such agreements, before adopting sanctions; ▪ Effect on non-targeted populations, neighbouring countries and the EU itself; ▪ Monitoring of implementation (in the case of UNSC sanctions, there is often a UNSC Sanctions Committee, which also monitors implementation).
Notes:	Associated countries and countries of the EEA and EFTA may be invited to align themselves to the position adopted by the EU, and the measures it plans to take.

Annex 3 - CFSP actions in third countries

Measures financed from CFSP budget

Legal basis:	Joint Action (Art. 14 TEU), or a Council implementing decision (Art 23.2), followed by Commission financing decision.
Objectives:	▪ Conflict prevention and crisis management ▪ Conflict resolution, verification, support for peace processes and stabilisation ▪ Non-proliferation and disarmament
Actions:	• Financing of civilian operations falling outside first pillar competence, to respond to crisis in third countries. • Conflict resolution and support for peace process notably mediation, facilitation of dialogue or arbitration, and related supporting measures. • Measures to address weapons of mass destruction and second pillar operations to combat the accumulation and illicit trade in small arms and light weapons, their collection and destruction.
Key considerations:	Ensuring coherence between actions taken under the CFSP budget and complementary actions taken under EC instruments

Annex 4 - Possible crisis actions and related EC instruments

Regulation Action	RRM	EDF	ALA	CARDS	TACIS	MEDA	Civil Protection	Mine Action	EIDHR	NGO Co- financing	Rehabilitation	Uprooted People	Food security	ECHO
Eligible regions	All	Africa, Pacific Caribbean	Asia, Latin America	SE Europe	E Europe Central Asia	Mediterranean	All	All	All	All developing	All except SE Europe	Asia, Latin America	All	All
Humanitarian Aid	(✓)	✓					✓					✓	✓	✓
Food Aid	✓	✓										✓	✓	✓
Food security	✓	✓											✓	
Securing the livelihoods and safety of refugees/ refugee return	✓	✓		✓		✓	✓		(✓)	(✓)	✓	✓		✓
Civilian emergency assistance	✓	✓	✓				✓				✓			
Mine action	✓	✓	✓	✓			✓	✓			(✓)			✓
Rehabilitation	✓	✓	✓	✓								✓		
Reconstruction	✓	✓	✓	✓							✓			
Infrastructure development	✓	✓		✓	(✓)	✓								
Economic development	✓	✓	✓	✓	✓	✓								
Budgetary support		✓	✓			✓								
Consolidation of democracy	✓	✓	✓	✓	✓	✓			✓	✓				
Rule of law	✓	✓	✓	✓	✓	✓			✓	✓				
Inst, legal and regulatory framework.	✓	✓	✓	✓	✓	✓			(✓)	(✓)				
Human rights	✓	✓	✓	✓	✓	✓			✓	✓				
Elections	✓	✓							✓					
Conflict Prevention	✓	✓	✓	✓					✓					
Customs/Border management	✓	✓	✓	✓	✓	✓					✓			

Annex 5 - Specialised sectoral assistance instruments

Rapid Reaction Mechanism (RRM)

Legal Basis:	Council Regulation (EC) 381/2001	
Objectives:	safeguarding or re-establishing the conditions under which the partner countries of the EC can pursue their long term development goals	
Areas of intervention:	<u>Short term</u> The RRM is the primary instrument for the launching of technical assessment and fact finding missions in crisis. The RRM can finance self-contained projects for up to six months in such fields as: - Mediation, arbitration and Reconciliation - Re-establishment and consolidation of rule of law and civilian administration - Rehabilitation and reconstruction - Civil Society development - High level policy advice, including the planning of economic reconstruction - Demobilisation, disarmament and reintegration	<u>Long term</u> The RRM can also finance the first phase of longer term relief, rehabilitation and reconstruction programmes, where follow-up financing is envisaged under the sectoral or geographic instruments. Such measures covers the full range of EC co-operation assistance described in Annexes 5,6 and 7
Special provisions:	No comitology - but prior information procedure with Council. Operations may be financed for no longer than 6 months.	

Humanitarian Aid

Legal Basis:	Council Regulation (EC) No 1257/96 on humanitarian aid Cotonou agreement (chapter 6)	
Coverage:	World-wide	
Objectives:	▪ to save and preserve life during emergencies and their immediate aftermath ▪ to provide relief to people affected by longer-lasting crises arising from fighting and war ▪ to finance the transport of aid and carry out rehabilitation and reconstruction necessary for the delivery of relief ▪ to cope with the consequences of movements of displaced populations ▪ to ensure preparedness for natural disasters, including civil protection	
Areas of intervention:	<u>Short term</u> ▪ emergency relief ▪ humanitarian de-mining ▪ health services and water supply ▪ emergency rehabilitation and reconstruction ▪ civil protection	<u>Longer term</u> ▪ disaster preparedness ▪ services to refugee populations
Special provisions:	Aid is delivered on the basis of need, and cannot be subjected to political considerations. Priority to those in developing countries. 'Primary emergency' provisions allow for financing decisions to be taken within hours of a crisis being detected. Emergency action of up to €10 million can be decided without comitology. EC humanitarian assistance is provided through funding to partners, which include UN agencies, funds and programmes (UNHCR, UNICEF, WHO, WFP etc), international organisations (e.g. Red Cross family), and NGOs, which deliver directly to the beneficiaries.	

NB: EC humanitarian assistance cannot be considered a crisis management tool in the sense of the crisis management procedures. It is delivered solely on the basis of need, and cannot be subsumed to the political logic of crisis management. It is mentioned here solely as a reminder that such assistance will be an important element of the overall package of assistance delivered by the EC in a crisis management situation.

Aid to uprooted people

Legal Basis:	Council and Parliament Regulation (EC) No 2130/01 on aid to uprooted people in Asia and Latin America	
Coverage:	Asian and Latin American developing countries	
Objectives:	▪ Promote the self-sufficiency, integration or reintegration of refugees, displaced persons, and demobilised soldiers ▪ To support local host populations	
Areas of intervention:	<u>Short term</u> ▪ Measures to support integration and self-sufficiency of uprooted people ▪ Aid to host communities to foster acceptance and integration of uprooted people ▪ Measures to prevent conflict	<u>Long term</u> ▪ Reconciliation ▪ Assertion of property rights ▪ Legal settlement of human rights claims ▪ Investment
Special provisions:	Regulation covers 'basic needs the basic needs of those persons from the time a humanitarian emergency subsides to the adoption of a long-term solution to resolve their status' Financing Decisions below €4 million can be taken without comitology.	
Note:	Aid to refugees can also be financed under a number of other geographical and sectoral regulations (see table at annex 4)	

Legal Basis: Council Decision of 23 October 2001/792/EC establishing a EC civil protection mechanism

Coverage: World-wide

Objectives:

- improved protection of people, the environment and property against natural, technological, radiological and environmental catastrophes inside or outside the EC.

Areas of intervention:	<u>Short term</u>	<u>Long term</u>
	▪ search and rescue ▪ fire-fighting ▪ specialised medical and forensic services ▪ evacuation ▪ environmental pollution ▪ emergency relief	▪ Co-ordination and development of Member States resources available for crisis management operations (including training) ▪ Capacity building in third countries

Special provisions: The EC civil protection mechanism is designed to promote co-operation between the EC and its member states in this field. Dedicated financing for external action is limited to the costs of assessment missions.

Nevertheless, the mechanism can be used in conjunction with financing from the Humanitarian Assistance budget, where the mission meets the requirements of the Humanitarian Aid Regulation (see above). It can be used in conjunction with funding from other sectoral and geographic instruments where the legal base allows.

The mechanism can be triggered in the event of a major emergency, or the imminent threat of one.

Democracy, human rights and the rule of law

Legal Basis:	Council Regulations (EC) 975/1999 and 976/1999 - European Initiative for Democracy and Human Rights	
Coverage :	World-wide	
Objectives:	▪ Democracy and the Rule of Law, Respect for Human rights and fundamental freedoms	
Areas of intervention:	<u>Short term</u> ▪ Human rights monitoring and observer missions ▪ Support for electoral processes, including electoral monitoring ▪ Conciliation ▪ Support to international criminal tribunals ▪ Rehabilitation of victims of torture ▪ promotion of the rule of law ▪ independent media	<u>Long term</u> ▪ promotion and protection of civil and political rights ▪ promotion and protection of economic, social and cultural rights ▪ support for minorities, ethnic groups and indigenous peoples ▪ promotion and protection of freedom of opinion, expression and conscience ▪ Promotion of international humanitarian law ▪ Humane prison systems ▪ Abolition of the death penalty
Special provisions:	Targeting of support must not be guided by political considerations (recital 21). Emergency measures may be financed up to a value of €2 million. Such measures may be taken in cases of sudden suspension of the democratic process or the emergence of a state of crisis or exceptional and imminent danger affecting all or part of the population, and posing a grave threat to the fundamental rights and freedoms of the individual.	
Note:	Democracy and human rights are essential elements of most geographical programmes, and structural reforms needed to ensure these values are systematically promoted through such instruments. Some sectoral instruments also address human rights issues (see annex 5).	

Food aid and food security

Legal Basis:	Council Regulation (EC) No 1292/96 on food aid policy	
Coverage:	Developing countries world-wide	
Objectives:	▪ Promotion of food security ▪ Raising the standard of nutrition ▪ Improvement of food production and security of supply ▪ Ensuring supply of drinking water ▪ Stimulation of balanced economic and social development in rural and urban areas	
Areas of intervention:	<u>Short term</u> ▪ Provision of foodstuffs ▪ Supply of seed, fertiliser, tools and other essential inputs ▪ Drinking water supply	<u>Long term</u> ▪ creation of food reserves ▪ rural credit ▪ drinking water supply ▪ storage capacity ▪ early warning systems ▪ improved marketing, distribution and processing of agricultural products ▪ applied research and training ▪ environmental protection ▪ fertiliser production
Special provisions:	Granting of food aid may be conditional on implementation of broader food security strategy by beneficiary country. In case of famine or imminent danger of famine the Commission is entitled to take “all necessary measures to speed up the supply of food aid”.	

Mine action

Legal Basis:	Council Regulations (EC) 1724/2001 and 1725/2001 on action against anti-personnel mines	
Coverage:	World-wide	
Objectives:	▪ Create the conditions necessary for economic development in countries afflicted by mines ▪ Elaboration and implementation of national mine action strategies ▪ Implementation of the Ottawa convention	
Areas of intervention:	<u>Short term</u> ▪ Survey and marking of minefields ▪ Detection and clearance ▪ Destruction of stockpiles ▪ Mine awareness education	<u>Long term</u> ▪ training of specialist personnel ▪ information management including Global Information Systems ▪ Development of mine action technologies
Special provisions:	No comitology for actions below €3 million Priority is given to countries with effective national mine action strategies - except in the case of humanitarian de-mining, or where no functioning national authorities are in place.	
Note:	Mine action can also be financed under a number of other sectoral and geographical instruments (see table at annex 4)	

Rehabilitation and reconstruction

Legal Basis:	Council Regulation (EC) No 2258/96 on rehabilitation and reconstruction	
Coverage:	World-wide except Western Balkans (covered by CARDS regulation)	
Objectives:	▪ Re-establishment of a working economy and the institutional capacities needed to restore social and political stability in developing countries that have suffered serious damage through war, civil disorder or natural disaster.	
Areas of intervention:	<u>Short term</u> ▪ Rehabilitation of basic infrastructure ▪ Mine clearance ▪ Social reintegration of refugees, displaced persons ▪ Demobilisation and reintegration of troops	<u>Long term</u> ▪ Re-launch of production ▪ Restoration of institutional capacities, particularly at local level
Special provisions:	Priority is given to least developed countries. Operations are to be of limited duration and to be launched as quickly as possible. Operations should serve the needs of the affected people as a whole.	

Annex 6 - Long term geographical assistance instruments

Africa, Caribbean, Pacific

Legal Basis:	ACP-EU Partnership Agreement of 23.06.2000 (Cotonou)	
Objectives:	▪ Economic, social and cultural development, with a view to promoting peace and security and a stable and democratic political environment ▪ Poverty reduction consistent with sustainable development and integration into world economy	
Essential Elements:	Respect for human rights, democratic principles and the rule of law. Good governance (art 9)	
Sanctions:	Consultation procedure, followed by “appropriate measure” if unsuccessful, or if in “cases of special urgency” (art 96)	
Conditionalities:	Not explicit	
Actions:	▪ Development co-operation ▪ Economic and trade co-operation ▪ Peace building ▪ Conflict prevention ▪ Humanitarian assistance	
Urgency provisions:	Commission authorised to take decisions without comitology up to €10 million (6 month duration maximum).	
Link to political dialogue:	Cotonou Agreement (article 8)	

Legal basis:	Council Regulation EC No. 443/92 (ALA) (A revised regulation is currently under negotiation - see Commission proposal COM(2002)0340 of 2 July 2002)
Objectives:	Human development, achieved through promotion of human rights, democratisation, good governance, environmental protection, trade liberalisation
Essential Elements:	Human rights and democratic principles (art 2)
Sanctions:	In the case of fundamental and persistent violations of human rights and democratic principles, the Community could amend or even suspend the implementation of co-operation with the States concerned by confining co-operation to activities of direct benefit to those sections of the population in need (art 2)
Conditionalities:	No explicit conditionalities, but funds are allocated in priority to countries that demonstrate greatest commitment to human rights and democratic principles.
Actions:	▪ Democracy, good governance ▪ Institutional reform ▪ Private sector development ▪ Combating of drugs ▪ Environmental protection ▪ Food security ▪ Economic co-operation ▪ Child protection ▪ Protection of minorities
Urgency provisions:	Part of the funds shall be set aside for measures to deal with exceptional circumstances, in particular projects to promote reconstruction in the wake of disasters, and to meet unforeseen priorities (art 12)
Link to political dialogue:	Not explicit in the Regulation, however various forms of political co-operation exist which include reference to co-operation assistance

Eastern Europe and Central Asia (excluding accession countries)

Legal basis:	Council Regulation EC No 99/2000		
Objectives:	To promote the transition to a market economy and to reinforce democracy and the rule of law		
Essential Elements:	▪ Democratic principles and human rights ▪ Obligations under Partnership and Co-operation Agreements		
Sanctions:	“Appropriate measures” in the case of violation of democratic principles and human rights. The same applies “as a last resort” in cases of “a serious breach of the obligations of the partner states as set out in the Partnership and Co-operation Agreements” (art 16)		
Conditionalities:	N/A		
Actions:	<table> <tr> <td> ▪ support for institutional, administrative and legal reform; ▪ support to the private sector and assistance for economic development; ▪ support in addressing the social consequences of transition; </td><td> ▪ development of infrastructure networks; ▪ promotion of environmental protection and management of natural resources; ▪ development of the rural economy; </td></tr> </table>	▪ support for institutional, administrative and legal reform; ▪ support to the private sector and assistance for economic development; ▪ support in addressing the social consequences of transition;	▪ development of infrastructure networks; ▪ promotion of environmental protection and management of natural resources; ▪ development of the rural economy;
▪ support for institutional, administrative and legal reform; ▪ support to the private sector and assistance for economic development; ▪ support in addressing the social consequences of transition;	▪ development of infrastructure networks; ▪ promotion of environmental protection and management of natural resources; ▪ development of the rural economy;		
Link to political dialogue:	Partnership and Co-operation Agreements		

Legal Basis:	Council Regulation EC No. 2698/2000 (MEDA)	
Objectives:	▪ Reform economic and social structures, with a view to creating a free trade area with the EC ▪ Improve conditions for the underprivileged ▪ Mitigate social and environmental consequences of development	
Essential Elements:	Respect for democratic principles, the rule of law, human rights and the fundamental freedoms (art. 3)	
Sanctions:	Violation of essential elements “will justify the adoption of appropriate measures” (art. 4)	
Conditionalities:	Economic reform programme approved by Bretton Woods institutions	
Areas of intervention:	▪ Job creation ▪ Private sector development ▪ Industrial co-operation, investment promotion ▪ Improved economic management and legal environment ▪ Rural development, fisheries ▪ Infrastructure development ▪ Human resources development ▪ Environmental protection ▪ Democracy, human rights ▪ Migration ▪ Rule of law, including judicial and criminal co-operation ▪ Civil protection ▪ Tackling organised crime, drug trafficking and trafficking in people ▪ Development of civil society ▪ Cultural co-operation ▪ Interest rate subsidies	
Link to political dialogue:	Euro-Mediterranean partnership and Euro-Mediterranean Agreements	

Legal basis:	Council Regulation EC No. 1726/2000	
Objectives:	▪ Sustainable economic and social development ▪ Poverty reduction ▪ Integration into the world economy ▪ Consolidation of democracy, the rule of law, human rights and fundamental freedoms	
Essential Elements:	Not explicit in the Regulation, but provided for under Articles 2 and 3 of the EC-South Africa Co-operation Agreement	
Sanctions:	Not explicit in the Regulation, but provided for under Articles 2 and 3 of the EC-South Africa Co-operation Agreement	
Conditionalities:	N/A	
Areas of intervention:	▪ Measures to address needs of previously disadvantaged communities ▪ Measures to support democratisation and protection of human rights ▪ Sound public management	▪ Measures to improve living conditions and delivery of basic social services ▪ Measures to integrate South Africa into the world economy ▪ Development of civil society
Link to political dialogue	Agreement on Trade, development and co-operation between the EC and Republic of South Africa (art V)	

South-Eastern Europe, the Balkans

Legal basis:	Council Regulation EC No. 2666/2000 (CARDS)
Objectives:	To support participation by the recipient countries in the stabilisation and association process.
Essential Elements:	“Respect for democratic principles, the rule of law, human and minority rights, fundamental freedoms and the principles of international law” (art 5).
Sanctions:	Failure to respect essential elements may lead the Council to adopt “appropriate measures” (art 5).
Conditionalities:	Instigation of democratic, economic and institutional reforms (Council Conclusions of 29 April 1997)
Areas of intervention:	▪ Reconstruction, refugee return, regional stabilisation ▪ Creation of institutional and legislative framework to underpin democracy ▪ Social development ▪ Sustainable economic development and transition to market economy ▪ Regional, transnational and cross-border co-operation
Link to political dialogue:	Stabilisation and association process

West Bank and Gaza Strip

Legal basis:	Council Regulation EC No. 1734/94 (amended by Council Regulation 2840/98)	
Objectives:	Sustainable economic, political and social development, combating of poverty	
Essential Elements:	Not explicit in the Regulation, but provided for in the Euro-Mediterranean partnership.	
Sanctions:	Not explicit in the Regulation, but provided for in the Euro-Mediterranean partnership.	
Conditionalities:	None explicit.	
Actions:	▪ Infrastructure ▪ Production ▪ Urban and rural development, ▪ Education, health ▪ Foreign trade ▪ Public administration ▪ Services ▪ Human rights ▪ Development of civil society ▪ Employment promotion	
Link to political dialogue	Euro-Mediterranean partnership	

Annex 7 - Other financing instruments

The instruments listed in annexes 5 and 6 will be the mainstay of EC financial assistance in crisis management. The following EC co-operation instruments also exist, and are mentioned here for the sake of completeness (with the exception of the pre-accession instruments):

- Council Regulation (EC) No 1659/98 on **decentralised co-operation** (developing countries). This seeks to promote the participation of local authorities, NGOs and other non-governmental associations, co-operatives, trade unions, teaching and research institutions into development programmes. It has been extended by Regulation (EC) No 955/2002
- Council Regulation (EC) No 1658/98 on **NGO co-financing** (developing countries). This seeks to strengthen role of civil society, the defence of human rights and democracy, the role of women in development, the protection of endangered cultures and the protection and improvement of the rights of the child.
- Council Decision 1999/25/Euratom on **nuclear safety** (eastern Europe and central Asia). This seeks to promote safe transport of radioactive materials and the safety of nuclear installations in the former Soviet Union.
- Council Regulation (EC) No 2493/2000 on **integrating the environmental dimension** in the development process (developing countries). This promotes environmentally sustainable development through the integration by developing countries of environmental considerations into their development strategies.

Annex 8 - References

EC agreements with third countries

A database of third country files describing the main agreements with third countries, the institutional arrangements in place and declarations made in the context of CFSP is maintained jointly by the Council Secretariat and the Commission. It does not yet cover all third countries. <http://ue.eu.int/pesc/default.asp>

The website of the DG External Relations is a rich and complementary source of information about contractual and institutional relations between the EC and third countries: http://europa.eu.int/comm/external_relations/index.htm

A complete list of agreements with third countries can also be searched on the website of the Council: <http://ue.eu.int/accords/default.asp>.

An analytical register of legislation in the field of external relations, including full text of all co-operation assistance regulations and agreements with third countries, is maintained on Eur-Lex the web portal of European law: http://europa.eu.int/eur-lex/en/lif/ind/en_analytical_index_11.html

Sanctions

An overview of measures already adopted can be found at: http://europa.eu.int/eur-lex/en/lif/ind/en_analytical_index_18.html

Analytical register of legislation - CFSP

This register includes a full list of CFSP actions. It can be consulted at EUR-LEX, the web portal of EC law.

- 18 Common, Foreign and Security Policy
http://europa.eu.int/eur-lex/en/lif/ind/en_analytical_index_18.html

Analytical register of legislation - external relations

The full register can be consulted at EUR-LEX, the web portal of EC law.

- 11 External relations
http://europa.eu.int/eur-lex/en/lif/ind/en_analytical_index_11.html

- 11.10 General

- 11.20 European political co-operation

- 11.30 Multilateral relations

- 11.30.10 Relations in the context of the General Agreement on Tariffs and Trade (GATT)
 - 11.30.10.10 Basic standards
 - 11.30.10.20 Bilateral questions
- 11.30.20 International commodity agreements
- 11.30.30 Multilateral customs co-operation
- 11.30.40 Co-operation with international and non-governmental organisations
- 11.30.50 Multilateral transport co-operation
- 11.30.60 Multilateral co-operation for protection of the environment, wild fauna and flora and natural resources
- 11.30.70 Other spheres of multilateral co-operation
- 11.40 Bilateral agreements with non-member countries
 - 11.40.10 European countries
 - 11.40.10.10 Member countries of the European Free Trade Association (EFTA)
 - 11.40.10.20 Mediterranean countries
 - 11.40.10.30 Countries in transition
 - 11.40.10.40 Other European countries
 - 11.40.20 The Near and Middle East
 - 11.40.30 African, Caribbean and Pacific (ACP) Group of States
 - 11.40.40 North America
 - 11.40.50 Central America and Latin America
 - 11.40.60 Asian countries
 - 11.40.70 Oceanian countries
- 11.50 Action in favour of countries in transition
 - 11.50.10 European Bank for Reconstruction and Development
 - 11.50.20 Financial and economic Aid
 - 11.50.30 Specific aid actions
- 11.60 Commercial policy
 - 11.60.10 General
 - 11.60.20 Extension or renewal of agreements with State-trading countries
 - 11.60.30 Trade arrangements
 - 11.60.30.10 Preferential arrangements
 - 11.60.30.20 Common import arrangements
 - 11.60.30.30 Common export arrangements
 - 11.60.30.40 Export guarantees and financing
 - 11.60.40 Trade protection
 - 11.60.40.10 Countervailing duties
 - 11.60.40.20 Anti-dumping measures
 - 11.60.40.30 Specific ECSC measures
 - 11.60.50 Other commercial policy measures
 - 11.60.60 Statistics on external trade (Nimexe)
- 11.70 Development policy
 - 11.70.10 General

- 11.70.20 Aid to developing countries
 - 11.70.20.10 Food aid
 - 11.70.20.20 European Development Fund (EDF)
 - 11.70.20.30 Aid to Latin American and Asian countries
- 11.70.30 Generalised system of preferences
- 11.70.40 Associations
 - 11.70.40.10 Overseas countries and territories (PTOM)
 - 11.70.40.20 African, Caribbean and Pacific (ACP) Group of States