Strengthening the Global Community:
EU-UN Cooperation in Civilian Crisis Management
–
Case Studies in the Democratic Republic of Congo and Kosovo

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I.   Introduction

The EU knows it is not an island, we are part of a global community.

(Solana, 2005)

These words by Javier Solana, the European Union's former High Representative, underline the significance of the European Union's role as an internationally acknowledged actor on the one hand, but on the other hand, they also emphasise the importance of cooperation between international organisations in a system of global governance, in which states are not the primary actors anymore.

The European Union (EU) has only rather recently started to incorporate political cooperation on foreign policy and security as well as defence in its agenda, supplementing the leading role the United Nations (UN) has had in those areas until then. In this context, the Union is committed to "promote multilateral solutions to common problems in the framework of the UN" (Wouters et al., 2006, p. 1) and represents a reliable partner to the UN, rather than a competitor. The signing of the *Joint Declaration on UN-EU Cooperation in Crisis Management* (henceforth *Joint Declaration*) in 2003 reinforced the relationship between the two organisations and further institutionalised it by setting out principal areas for enhanced cooperation.

Even though the EU and the UN are said to be 'natural partners in multilateralism'[1] (Tardy, 2009; Wouters et al., 2006), this does not ensure smooth cooperation in all areas, as for instance in crisis management. Therefore, it is justified to ask: "Has the EU been successful in translating its support for the UN at the strategic level into policy practice?" (Smith, 2006, p. 118). Building upon this question, the following paper critically investigates how effectively EU-UN cooperation is implemented vis-à-vis the *Joint Declaration* at the example of two case studies – EUPOL Kinshasa and EUPOL DRC in the Democratic Republic of Congo (DRC) and EULEX in Kosovo. Thereby, our research shall complement existing literature on EU-UN cooperation in crisis management[2], which has only been increasing during the last ten years. By taking into account the guidelines laid down in the *Joint Declaration*, the implementation of the former will be evaluated on a practical level with a comparative analysis of the mentioned missions. This is of particular relevance in the light of the EU's current strife to establish itself as an internationally acknowledged global actor in the field.

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[1] "The EU and the UN are natural partners, […] united by the core values laid out in the 1945 Charter of the UN and the 1948 Universal Declaration of Human Rights" (United Nations, 2006, p. 6)

[2] For the purpose of this paper 'crisis management' shall be defined as the "organization, procedures and arrangements to control crisis and shape its future course." (Kriendler in Kronenberger & Wouters, 2004, p. 417)

In order to answer the research question, the paper is structured as follows. The first part provides the analytical framework for the paper starting with the nature of EU-UN cooperation in the area of crisis management. In the next section, we will elaborate on the possibility of the EU-UN cooperation changing to a more institutionalised cooperation through the realization of the *Joint Declaration*. This will be done by presenting the concepts of structural and operational cooperation. Accordingly, the next section consists of a presentation of six models developed by Thierry Tardy on how the EU and the UN can practically cooperate in the field of crisis management. After a justification of the choice of the concerned case studies, a subsequent analysis will be presented which critically investigates the implementation of the *Joint Declaration* in the relevant missions in the DRC and Kosovo respectively. Thereby, the fields of planning, training, communication, and best practices, which are envisioned as areas for enhanced cooperation in the declaration, will serve as parameters for investigation. A critical comparison between the two missions concerning the role of the EU and the UN will constitute the ensuing part of the paper, evaluating which factors possibly impact on the mode and effectiveness of cooperation between the two organisations.

In terms of research design, the empirical analysis - in which we will follow a deductive approach - will be based upon the official document of the *Joint Declaration*. Additionally, for the purpose of the evaluation, academic journal articles as well as statements by EU and UN officials of the relevant missions will be critically investigated. Furthermore, interviews (via telephone and email) with a specialist on the DRC and a EULEX press- and public information civil servant were conducted for background information on the situation in the respective states.

II.   Analytical framework

1. EU-UN Cooperation in Crisis Management

Cooperation between the EU and the UN began at the beginning of the 21st century with the incorporation of the EU's Security and Defence Policy (ESDP) in the Treaty of Nice in 2000. The first aim of ESDP is to spread Europe's area of prosperity and peace and contribute to a secure international environment. Secondly, it seeks to enhance the EU's role and visibility as an acknowledged global actor beyond the economic field (Keukeleire & MacNaughtan, 2008). The Treaty of Lisbon, which entered into force in January 2010, changed the name to Common Security and Defence Policy (CSDP) and turned the Union's Member States' loose cooperation in the field into a more integrated policy. However, as it is too early to evaluate the effects of the Lisbon Treaty and as the two case studies took place before its implementation, this paper concentrates on the former ESDP. Also in 2000, the UN published the so-called *Brahimi Report*[3], in which it addressed shortcomings in its peacekeeping operations primarily relating to problems in resources, support and commitment by its members (United Nations, 2000).

Those two developments "created a theoretical convergence between a form of demand on the UN side and a form of supply on the EU side" (Tardy, 2008, p.3), based on which the two organisations started to enter into loose cooperation trying to pool their strengths and work more effectively in the area of crisis management. Within the relationship, the UN provides "its unique global legitimacy and impartiality; its longstanding presence, especially in fragile countries; and its deep expertise in economic and social development" (Brantner in Luciarelli & Firamonte, 2010, p.169). The EU, in turn, "brings resources, creativity, innovation and the inspiring example of a continent that has proved to the world that peace, stability and human security can be achieved through cross-border cooperation" (ibid.). In short, the UN provides legitimacy and visibility for the Union's ESDP and the EU ensures its support as well as resources for the UN.

Since 2000, the two organisations have engaged in closer cooperation, the two first cases in 2003 being mission *Artemis* in the DRC, in which former Secretary General Kofi Annan asked for EU support for the UN's MONUC mission; and the EU's Althea Police Mission in Bosnia and Herzegovina which took over the UN's International Police Task Force. Both cases turned out to be successful experiences in terms of EU-UN cooperation which in turn gave the impulse for further developments. This resulted in the adoption of two

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[3] Official name: Report of the Panel on the United Nations in Peacekeeping Operations

major documents in September 2003, following the EU General Affairs Council (GAC) of the same year, which made "crisis management a priority in the EU's relations with the UN" (GAC in Novosseloff, 2004, p. 6): *The European Union and the United Nations: The Choice of Multilateralism* and the *Joint Declaration on UN-EU Cooperation in Crisis Management.* Additionally, the European Security Strategy (ESS) of December 2003, in which the Union outlined strategic objectives to "defend its security and promote its values" (Council of the European Union (CoEU), p. 6), further strengthened the EU's commitment to cooperation with the UN. With the strategy, the EU *inter alia* committed itself to *Effective Multilateralism*[4], i.e. emphasising the role of the United Nations and its Charter as the "fundamental framework for international relations" and making it a European priority to "strengthen and equip [the UN] to fulfil its responsibilities" (ibid., p.9). For many scholars, it seems obvious that he EU and the UN cooperate, regarding them as 'natural partners', who emphasise the same values and goals, namely spreading the rule of law, good governance, respect for human rights, social and political reform and fighting against corruption and abuse of power as the "best means of strengthening the international order" (Wouters et al., 2006, p.260).

2. Implementation of the Joint Declaration

a) Structural and Operational Cooperation

On the structural level of EU-UN cooperation, the adoption of the *Joint Declaration* in 2003, established "comprehensive guidelines to identify areas of cooperation" (Wouters et al., 2006, p. 244) and can be regarded as a possible step towards a more institutionalised relationship between the EU and the UN. Building upon a more integrated framework for EU-UN cooperation in crisis management, the declaration lays out principle guidelines – however, without a binding character. On the institutional level, a Joint Consultative Mechanism led by the EU-UN Crisis Management Steering Committee was introduced, meeting twice per annum at senior level but with more frequent interaction on the officials' level. It comprises of officials from the EU Council as well as the UN Secretariat, and is further complemented by a range of other actors, e.g. the United Nations Development Programme (UNDP), the Office for the Coordination of Humanitarian Affairs (OCHA) and the European Commission Humanitarian Aid Office (ECHO) (Wouters et al., 2006, p. 256, 247). The Steering

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[4] Definition Multilateralism: "an institutional form which coordinates relations among three or more states on the basis of generalized principles of conduct" (John Ruggie in Smith, 2006, p.5)

Committee is responsible for "examin[ing] ways and means to enhance mutual co-ordination and compatibility" in four areas (CoEU, 2003, p. 2).

These areas consist of cooperation in *planning,* "including reciprocal assistance in assessment missions and greater contact and co-operation between mission planning units, specifically with regard to logistical resource allocation and inventory as well as interoperability of equipment" (ibid.); in *training,* envisaging "the establishment of joint training standards, procedures and planning for military and civilian personnel" (ibid.) as well as synchronised and institutionalised training units; in *communication,* comprising "desk-to-desk dialogue" (ibid.) between offices in Brussels and New York as well as between situation centres on the ground; and finally in sharing *best practices* and information for the purpose of equally profiting from lessons one of the organisations had to learn.

Throughout our research we have perceived these four concepts as rather vague and overlapping in practice, the reason for which clarification on how we define these parameters is needed. By planning, we understand all forms of communication which have taken place between any bodies or spokespersons of the EU and the UN *before* the actual launch of cooperation on the ground. In terms of training, we look at two aspects. On the one hand, we take into account common training units of EU and UN personnel and on the other hand, we look at how cooperation between the EU and the UN is exercised when it comes to the training of local staff. Communication we conceive as being any form of exchange of information *during* the simultaneous deployment of EU and UN missions on the spot. Finally, we hold that best practices comprise day-to-day cooperation between EU and UN personnel on the ground which has shown to be most practicable in the course of cooperation.

Consequently, these ideal developments on the structural level need to be matched by an adequate implementation. Hence, the policy of structural cooperation on the institutional level has to be implemented into operational cooperation on the ground. Close cooperation thus, does not remain limited to Brussels and New York but is to be transmitted onto the heads of missions' level and in the field as such (Wouters et al, 2006).

The following table (Figure 1) shall serve to illustrate our presumption that effective implementation of the *Joint Declaration* as a step towards cooperation on a structural, institutional basis can positively influence practical EU-UN cooperation on the ground in the respective missions. Thereby, the elements of planning, training, communication and best practices as laid down by the declaration itself, shall serve as parameters to measure the effectiveness of cooperation.
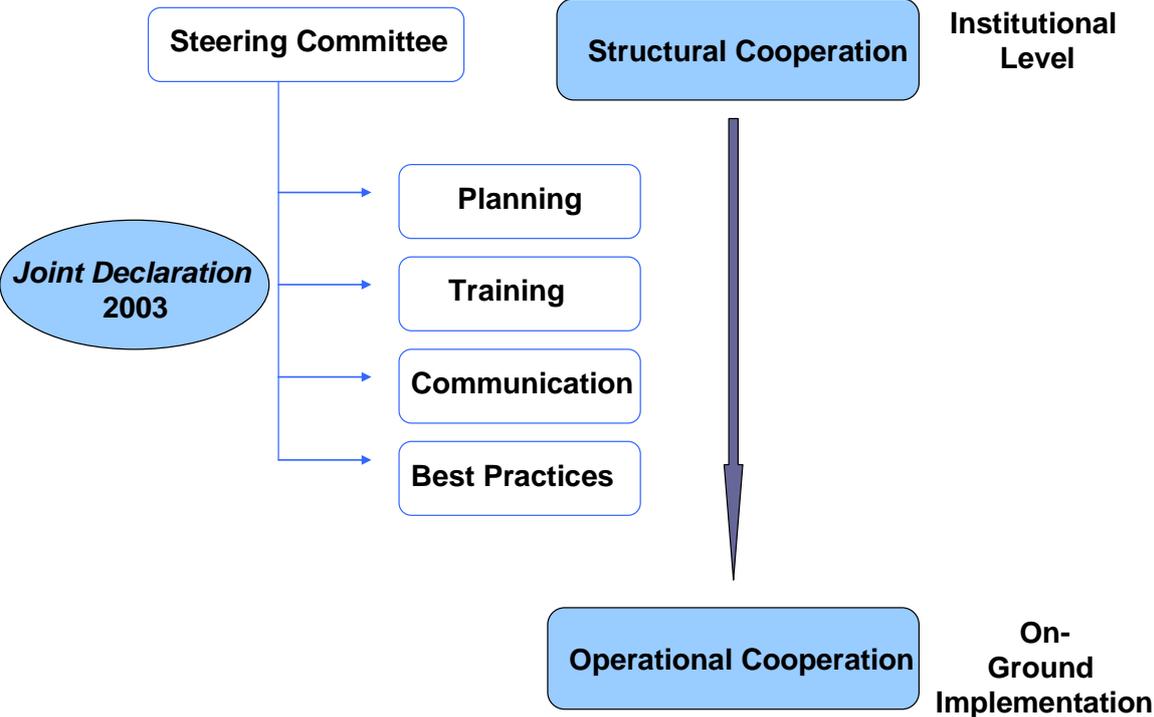

Figure 1: Implementation of the Joint Declaration

b) Models of cooperation

In order to evaluate on what basis the EU and the UN can cooperate in specific missions, we draw on different scenarios of cooperation which have been set out in two documents of the European Council on the Implementation of the EU-UN *Joint Declaration* in 2004 in military crisis management and civilian crisis management respectively. Those scenarios were further elaborated on and put into specific models for crisis management in general by Thierry Tardy (2005).

The first model is the so-called *clearing house process* in which the EU is expected to provide national capabilities (of military or civilian nature) and in which the Member States can thus, on a voluntary basis contribute to UN operations according to their own guidelines.

Nevertheless, the EU keeps its function as coordinator of the national contributions and point of reference and contact for the UN. In the second model, the *stand alone model,* the EU operates a mission under a UN mandate, either at the request of the UN or on its own initiative. In this model the EU is the "subcontractor" of the UN whereas the UN remains the "mandating body" in a certain mission (Tardy, 2005, p.61). However, once in place the missions do not have a clear structural link and the EU's autonomy of decision is preserved (Novosseloff, 2004, p. 8).

The third scenario is the *bridging model*, in which either an EU operation precedes an UN-led operation or *vice versa* with close coordination between the two in the planning phase as well as on the ground. This model is rather close to the stand-alone model with the difference that the UN and the EU missions stand in direct connection to one another. The idea behind it is to draw on the comparative advantages of both organisations by a division of labour between them. This model can often be recognised in cooperation between the EU and the UN in the civilian sphere of peacekeeping with a focus on on-ground cooperation between the respective police forces and administrative officers (Tardy, 2005, p. 62-64).

The fourth and fifth models envision a more institutionalised cooperation. Thereby, the fourth model, the *stand-by model* makes use of a so-called strategic reserve of the EU which is capable of reacting in a rapid manner and on short notice within a UN operation if the latter experiences difficulties. In the fifth, the *modular approach*, the EU provides one component within a UN-led operation at the latter's request. In this model, the UN remains the agenda-setter and the primary security actor, however, it can rely on the EU's support and resources in certain areas. Nevertheless, this requires the definition of "appropriate command arrangements and coordination requirements" (Tardy, 2005, p.64-67).

As graphically demonstrated by the following table (Figure 2), we have classified the five models according to their degree of institutionalisation of EU-UN cooperation. Thereby, the first two models do not call for a high level of cooperation on the structural level, wherein the EU can keep a certain degree of operational autonomy and flexibility. Within the last two models the UN remains the agenda setter on the structural level and the EU mainly acts as the on-ground implementer next to the UN in respective missions, however, the EU then needs to thoroughly coordinate its missions within the framework of the UN's structure. The bridging model can be classified in between the two, as on the one hand it implies the need for coordination on the structural as well as the operational level, but on the other hand it leaves room to the EU to manoeuvre on the ground.
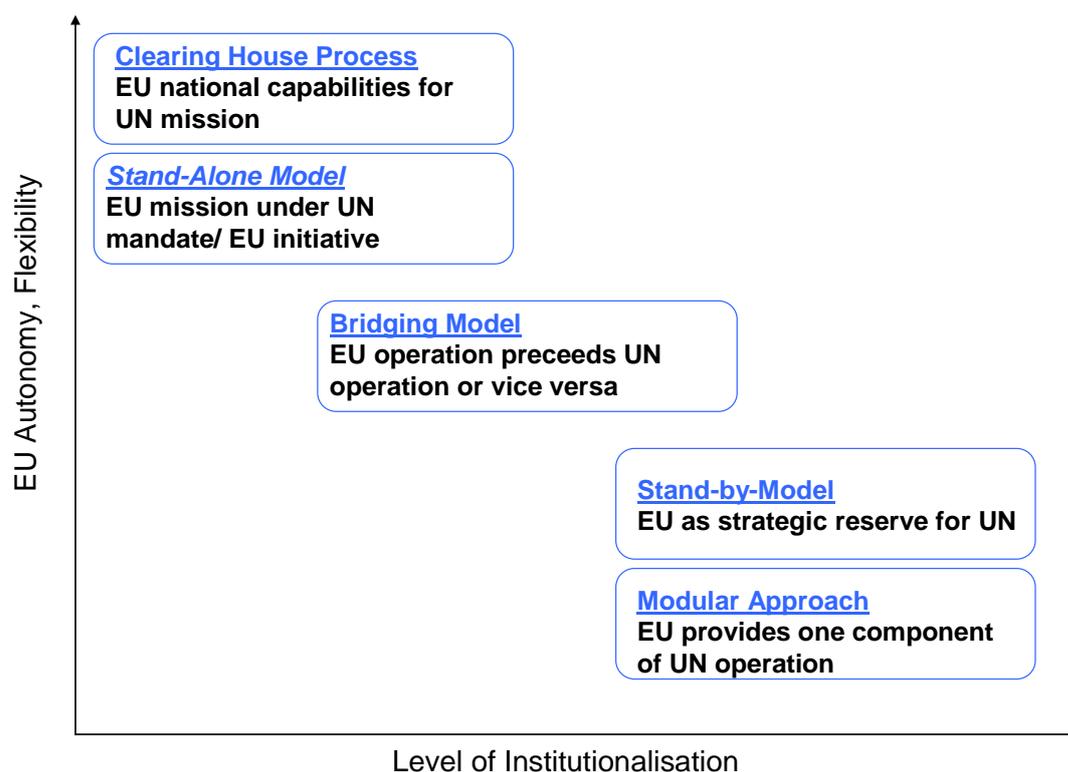
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EU Autonomy, Flexibility

┌─────────────────────────────┐
│ Clearing House Process      │
│ EU national capabilities for│
│ UN mission                  │
└─────────────────────────────┘
┌─────────────────────────────┐
│ Stand-Alone Model           │
│ EU mission under UN         │
│ mandate/ EU initiative      │
└─────────────────────────────┘

        ┌─────────────────────────────┐
        │ Bridging Model              │
        │ EU operation preceeds UN    │
        │ operation or vice versa     │
        └─────────────────────────────┘

                ┌─────────────────────────────┐
                │ Stand-by-Model              │
                │ EU as strategic reserve for UN│
                └─────────────────────────────┘
                ┌─────────────────────────────┐
                │ Modular Approach            │
                │ EU provides one component   │
                │ of UN operation             │
                └─────────────────────────────┘

                        Level of Institutionalisation
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Figure 2 : Models of Cooperation

III.   Case studies of EU – UN Cooperation in Civilian Crisis Management

Following the presentation of our analytical framework, we come to the stage of analysing our chosen case studies. However, at first there is a need to clarify the reasons for having selected the relevant missions. Firstly, the cases, EUPOL Kinshasa/ EUPOL DRC, as well as EULEX Kosovo constitute civilian peacekeeping missions, which are run parallel to the UN *Mission de l'Organisation des Nations Unies République Démocratic du Congo* (MONUC) and the United Nations Interim Administration Mission (UNMIK) – a prerequisite which is elementary to our research. Secondly, both missions have not only been launched recently but are also still ongoing, i.e. EUPOL has been present in the DRC since 2005 and EULEX resumed its work in Kosovo in 2008. The reason for which EUPOL Kinshasa and EUPOL DRC are both taken into account is due to the continuity between the two missions ensured on the one hand by the fluent transfer of mandates without any temporal disruption and on the other hand by the continued responsibility of the same Head of Mission, as well as political advisor (Vircoulon, 2009). Furthermore, the geographical location of the two case studies have been chosen in the light of advanced UN-EU cooperation especially in the Balkans and

in Africa which has even been acknowledged by both institutions in their *Joint Declaration*. Despite the mentioned similarities of the two missions, one should nevertheless keep in mind their major differences. While the EUPOL mission in the DRC was launched on the EU's own initiative, EULEX in Kosovo came into being only under UN mandate. Furthermore, the differences in size should be considered as well, as EUPOL includes around 50 staff compared to the 2000 of EULEX.

Cooperation between the UN and the EU in the respective cases of DRC and Kosovo will be analysed along the lines of the four areas mentioned: planning, training, communication and best practices. Based on the results of our case studies' investigation, an allocation to the described mode and models of cooperation will be made for which explanations will be sought in a joint evaluation following the case studies.

1. EUPOL Kinshasa/DRC and MONUC cooperation in the DRC

From Congo Free State and Belgian Congo, to the Republic of Zaire – these many changes of names for the DRC reflect the tremendous instability this country has experienced in the twentieth century and to a certain degree still does today. Having been subject to Belgian colonial rule for decades, the dictatorship of Mobutu until the late 1990s, followed by lethal war in the years of 1998 until 2003, the DRC is in an ongoing process of democratisation, security sector reform and the consolidation of a peaceful civil society. With more than five million casualties and another several million people displaced internally and externally, the war in the DRC can rightfully be called the 'African World War' taking into account the fact that nine other African states have been involved. Only with the signing of the 2002 'All Inclusive Agreement', armistice between the conflicting parties was created and the period of transition could begin. The first democratic elections took place in 2006 which confirmed transitional President Kabila in his position.

This is only the beginning of a transformation taking place in the DRC and there remain numerous challenges to be solved. Firstly, the mere size of the country – it is the fourth largest African country which amounts to an expanse as big as Western Europe – creates problems for the government based on linguistic, political and custom-built differences. While the capital Kinshasa seems to be under control, the eastern provinces of the DRC, North and South Kivu are among the most troubled areas where Rwandan and Ugandan rebels continue fighting. A further challenge is wide spread corruption which has flourished under Mobutu and is contributing to the general mistrust of the Congolese people towards the Congolese police. Hence, the security sector reform (SSR) is among the greatest priorities of

the numerous international players present in the DRC. This is also the case for the UN and the EU. While the UN has participated in the country's transition continuously since the establishment of the MONUC - under Security Council Resolution 1291 - with a wide-ranging mandate in 1999, the EU has been present in the DRC with temporally limited and task-specific missions.

Under the latest mandate valid until 31 May 2010, and defined in United Nations Security Council Resolution (UNSCR) 1906 of 2009, more than 20,000 of MONUC personnel are responsible for three main tasks: firstly, the protection of civilians, humanitarian personnel as well as UN personnel and facilities; secondly, the enhancement of disarmament, demobilisation and reintegration of Congolese armed groups as well as of foreign armed groups; and thirdly, the support of the security sector reform undertaken by the Government of the DRC (UNSCR 1906 (2009), para. 5). The EU on the other hand ran military and civilian missions in the DRC apart from each other. In the light of the paper's emphasis on cooperation in civilian crisis management between the UN and the EU, the EU's military missions in the DRC – *Artemis*, EUFOR DR Congo, as well as EUSEC DR Congo, will not be considered in the following analysis.

Of interest are, however, EUPOL Kinshasa which lasted from 2005 until 2007 and its follow-up EUPOL DRC the mandate of which runs until June 30th, 2010. In comparison to the size of MONUC, both EUPOL missions were rather small in terms of staff, with the deployment of 23 in the first and 53 European personnel in the second mission and concentrated greatly on the reform of the Congolese police as part of the SSR which is also seen to include reforms of the army as well as the judicial system (Justaert, 2010). While EUPOL Kinshasa was dedicated to "monitoring, mentoring and advising" the Congolese Integrated Police Unit (IPU) in the light of the upcoming elections in 2006, the mandate of EUPOL DRC, also placed in Kinshasa, is broader in that it aims at supporting the Congolese authorities with the reform of the National Congolese Police in general, improving its interaction with the system of justice and ensuring coherence between the three sections of the SSR – defence, justice and police (Council Joint Actions, 2004/847/CFSP; 2007/405/CFSP). Before turning to the analysis on EU-UN cooperation, it should be mentioned that the EU set up the police missions not on request of the UN, as was the case with *Artemis*, but as a result of request from Congolese authorities.

Concerning the area of planning as part of EU-UN cooperation, it is assumed that no planning as such took place between the UN and EU before the positioning of EUPOL Kinshasa in the DRC, as the police mission was set up on the initiative of the EU in response

to the Congolese authorities' request. Nevertheless, very much aware of each others benefits, the UN realised that EU assistance in the formation of the IPU would be significant and also the EU Council regarded the EUPOL as necessary support of the UN during the electoral process (Morsut, 2009). Where, however, joint planning did occur is in the preparation of the Congolese National Police reform. Together with individual European member states and African states, the European Commission and the UN formed the 'groupe mixte de reflexion sur la reforme et la reorganisation de la police nationale congolaise (GMRRR)' which decided on the framework of the reform (Vircoulon, 2009). Hence, with the reform of the National Congolese Police being the main focus of EUPOL DRC, in-the-field planning during the mandate of EUPOL Kinshasa, constituted the pre-planning for its follow-up mission.

When coming to the area of training, it can be said that not a great degree of cooperation has taken place. No information regarding a possible exchange of staff between the UN and the EU after the launch of the EUPOL missions was found. It can only be presumed that acting on its own initiative, the EU provided its proper personnel for EUPOL Kinshasa as well as EUPOL DRC whilst any changes of MONUC personnel occurred on grounds of internal restructuring. Concerning however, the training of Congolese police for which both MONUC and EUPOL missions are responsible, one would expect a great degree of cooperation despite the allocation of differing areas of conduct; the EU being responsible in Kinshasa and the UN for the country wide reform. Nevertheless, cooperation is said to have worked rather poorly. According to Vircoulon, the project manager of Central Africa at International Crisis Group, mechanisms for coordinating the overlapping mandates for police training of UNPOL and EUPOL were inhibited by rivalry and competition which "hampered the sharing of information and have led to rather unproductive meetings." (Vircoulon, 2009, p.227). As a consequence, cooperation in communication is also affected.

Generally speaking, communication takes place in and around three fora of coordination between international players in the DRC (Interview, 2010). Firstly, the Ambassador's Forum in which the five permanent members of the UN Security Council (UNSC) are present, the Special Representative of the Secretary General, the EU Presidency and the Heads of Missions, secondly, the Working Group on the SSR including all bilateral and multilateral players and last but not least EUNUC, in which the SSR coordinator of MONUC as well as the EUPOL and EUSEC head of missions and advisors come together. While the first two fora are of a formal kind and the third one is rather informal, it is said that the effectiveness of EUNUC is much higher (Interview, 2010). However, as no minutes exist from these meetings and as the Ambassador Forum and Working Group meet only

infrequently, the access to further information on the cooperation within these fora is very limited. The efficiency of cooperation in communication might change in the near future with a new attempt to achieve best practices. In UNSCR 1906 (2009) MONUC received the role of the coordinator in the SSR process. It is requested to "coordinate the efforts of the international community, including all bilateral and multilateral actors working in this field" (UNSCR 1906, 2009, para. 30). Depending of course on the extension of both mandates of EUPOL and MONUC it yet remains to be seen what form this coordination role could take on and in how far MONUC will be able to carry it out.

Before turning to the analysis of the next case study in Kosovo some concluding remarks shall be made. The longstanding experience of the UN in peacekeeping missions is reflected in its well accessible documentation on MONUC's activities in Congo published by either the Security Council or the Secretary General. This is not at all the case with the EUPOL missions which even lack proper websites. Of course this has to be assessed with regard to the EU's shorter engagement in the region and most of all the size of the European missions, being only a fraction of that of MONUC. Yet, this gives us an indication of who is the main actor in crisis management in the DRC – the UN. Javier Solana made this also clear in his speech at the inauguration of EUPOL Kinshasa: "The support provided by the EU to the [IPU] falls within the framework of close co-operation with MONUC. I would like to recall the EU's determined commitment to bring all possible aid to the UN body which has the general mandate for security issues in the [DRC]" (Solana, 2005).

2. EULEX and UNMIK cooperation in Kosovo

The outbreak of open ethnic conflict between Serbs and Kosovo Albanians in 1998, producing over 1.500 deaths and estimated 400.000 refugees, created serious concern among the international community. Following NATO's military *Operation Allied Forces* in March 1999, which had been launched to put an end to Yugoslavian President Milosevic's militant action against Kosovo Albanians, Yugoslavian forces were withdrawn from the Kosovo province (NATO, 2007). As a consequence, the UN initiated its civilian and security presence under UNSCR 1244 with the aim to "resolve the grave humanitarian situation in Kosovo" (United Nations, 1999). Therefore, in June 1999, the UN began to overtake Kosovo affairs by establishing the United Nations Interim Administration Mission (UNMIK) and thus, an international authority over the region. Additionally, NATO has provided for military security by virtue of its KFOR mission ever since (NATO, 2010; Bono, 2010). International presence in form of peacekeeping as well as military capacities has therefore, been a reality in Kosovo

already for over a decade. Even though the EU had always closely observed the situation in the Balkans and channelled over €2 billion to the Kosovo region since 1999, it only became involved on the ground when starting its Rule of Law mission EULEX in 2008 (Koeth, 2010).

Although EULEX is considered the largest civilian mission launched under ESDP, it originated from cooperation with the UN, as the latter organisation needed the EU to substitute its flagging UNMIK mission which lacked public confidence and resources in order to "remain indefinitely the de facto colonial overlord of a fully fledged UN protectorate" (Koeth, 2010, p. 230). However, one very sensitive issue from the very beginning of involvement relates to the question of the political status of Kosovo. Not only are the permanent members of the UN SC divided on the issue[5], but only 22 of 27 EU Member States[6] have recognised Kosovo's unilateral declaration of independence dating from 18 February 2008 (Republic of Kosovo, 2010). This implied that Kosovo Albanians were rather receptive for EULEX, whereas Serbs refused to accept the mission as long as it would not be implemented under the overall authority of the UN and thus, officially operating status-neutrally under UNSCR 1244. This difficult relation among the local and international players has been and is still central to the nature of cooperation between the UN and EU in Kosovo.

In regard to planning, the EU and UN had indeed engaged in exchange of information already before the initiation of EULEX. Informal talks about the situation in Kosovo took place already in 2004, which is relatively early in light of the fact that actual deployment of EULEX was not realised before December 2008 (Bono, 2010). Therefore it was possible to reach consensus by 2005 that the EU should step in to fill the gaps a departing UNMIK would leave (Bono, 2010). Since May 2006, the European Union Planning Team (EUPT) began to gather information about the situation in Kosovo and elaborated on deployment options with the aim of a "smooth transition between selected tasks of UNMIK and a possible EU crisis management operation" (Council of Ministers, 2006). As competent "bureaucratic structures remained small" (Dijkstra, 2010, p. 5) in Brussels, it can be assumed that the EUPT constituted an important contact point for UNMIK as well as Kosovo authorities, pointing at the EU's commitment to engage in activities on the ground.

During the planning phase, the EU made it "abundantly clear that its future presence would not be a mere continuation of UNMIK" (Dijkstra, 2010, p. 1). The commitment of being different from UNMIK and focusing on "monitoring, mentoring, and advising"

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[5] Whereas the United States, France, and the UK have recognized independence immediately on 18 February 2008, China and the Russian Federation have until now refused to do so (Republic of Kosovo, 2010).
[6] The following EU Member States have not recognised Kosovo as independent state yet: Cyprus, Greece, Hungary, Slovakial, and Spain (ibid.).

(Council of Ministers, 2008) and the concept of local ownership[7] has *inter alia* been necessary in order to be on good terms with local authorities, as UNMIK had lost confidence among the Kosovo population (Dijkstra, 2010). Here, it seems that sharing the lessons learned by UNMIK should have led to best practices carried out by EULEX. In general, the early planning phase might lead to the assumption that the organisations could thereby increase the effectiveness of their cooperation on the operational level. However, the unresolved question on the status of Kosovo necessitated the EU, contrary to its plans and in order to be accepted not only by Kosovo Albanians, but also by the Serbs, to deploy EULEX under the overall authority of the UN and the framework of the existing UNSCR 1244, which officially leaves the status question unresolved (ICO, 2008). Notably, in this context, Bono speaks of an "extraordinary pressure that EU officials put on the UNSC to legitimise the sending of the ESDP mission to Kosovo" (2010, p. 257), which again indicates strong interest and willingness on behalf of the EU to deploy its forces on the ground, but suggests hesitation on the side of the UN.

On the one hand, the final arrangement to deploy EULEX under UNSCR 1244 has indeed contributed to effectiveness in terms of general acceptance from both Kosovo's ethnic groups. Additionally, regarding best practices, the UN could back up the EU when the latter could not officially contract a Status of Mission Agreement with the Kosovo authorities by declaring unilaterally with the local authorities that "all the personnel of EULEX would receive diplomatic immunities" (Dijkstra, 2010, p. 8).

On the other hand, it rendered former plans rather obsolete so that no significant advantages in terms of effectiveness could be drawn from early planning. Also, part of UNMIK's negative image towards the local population was transferred on EULEX, as UNSCR 1244 remained in place and EULEX became - with 1.950 staff members - larger than envisaged and thus more comparable to UNMIK. Enlargement of EULEX staff had become necessary in order to effectively provide for stability on the ground in the fields of police, judiciary and customs (Koeth, 2010; EULEX Kosovo, 2008; Dijkstra, 2010).

Concerning the training of personnel, no institutionalised attempts were undertaken to synchronise exercises of EULEX and UNMIK staff. One explanation for this could be drawn from the fact that the majority of UNMIK police personnel has been "repatriated or assumed functions with EULEX" (UN Secretary-General, 2009, p. 4) until March 2009. In regard to training of local staff, the EU has elaborated specific plans for the field of police, judiciary,

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[7] EULEX is foreseen "as a joint effort with local authorities, in line with the local ownership principle, with a view to foster a self sustainable judicial and administrative system in Kosovo" (Council of the European Union, 2008a, p. 3).

and customs (EULEX Kosovo, n.d.). However, those plans have not been produced in cooperation with UNMIK. As one interviewee confirmed, "[s]ince EULEX is a mission very different from UNMIK if it comes to legal background, mandate, organisation and expertise of most of its staff, there is no co-operation in training between our mission and UNMIK" (Interview by email, 2010).

The integration of EULEX in the UN legal framework of UNSCR 1244 also brought about significant consequences for cooperation during implementation. First, the long road to the UN's decision to render EULEX legitimate by virtue of UNSCR 1244 delayed the mission's launch, indicating a lack of straightforward communication among the EU and members of the UNSC. This caused difficulties for the EU in regard to the recruitment of staff, as many selected crew members meanwhile had taken up work somewhere else (Dijkstra, 2010). Furthermore, the UN remained present on the ground in order to "retain some residual political functions" (Bono, 2010, p. 258) and thus, continued to use its offices and vehicles. Consequently, a transfer of those facilities to EULEX, agreed on in August 2008, could no longer take place according to plans (UN Secretary-General, 2008). As a result, the EU had to increase its budget and also faced overlapping competencies with UNMIK personnel which refused to hand over tasks; either in order to keep employment, or, in case of notably Russian staff members, because they were "systematically sabotaging the whole project" (National Official, in Dijkstra, 2010, p. 9). This, once more, points to deficiencies in solution-oriented and successful communication while implementing EULEX on the ground.

Since June 2008, more or less quarterly published reports of the Secretary-General to the UNSC include references to EULEX and UNMIK's reconfiguration by virtue of EU presence in Kosovo. They contain calls for close cooperation and regular reporting from the EU to the UN; since March 2009, reports by EULEX Head of Mission are annexed. However, these reports are rather descriptive and therefore, do not appear to have resulted in original input for further cooperation. No common fora for communication are installed and meetings are only held on occasion. Cooperation has also been difficult in the field of judiciary. Although the planned transfer of relevant documents from UNMIK to EULEX enabled the latter to either close or conclude a significant number of cases, the fact that EULEX had to catch up with "the enormous backlog of 1800 open cases left by UNMIK" (Dijkstra, 2010, p. 11) has evoked much frustration among EULEX staff.

Another problem relates to the fact that the EU officially must observe the legal framework stipulated under UNSCR 1244 and thus, ignore the law developed by Kosovo

authorities. On the spot, however, "EULEX judges and prosecutors do the only thing which is practicable for them, that is applying in their daily work the laws of Kosovo and ignoring UNMIK legislation" (Koeth, 2010, p. 238). In this context, the UN, though being aware of the EU's habit to by-pass UNSCR 1244, has shown to "let sleeping dogs lie, as long as appearances are kept" (ibid.). This in turn contributed to effectiveness on the ground, as EULEX could mostly apply Kosovo law in accord with the local authorities and population. As Koeth critically concludes, the "one to suffer is the rule of law, the credibility of EULEX and of the EU in general" (2010, p. 239).

IV.   Evaluation

The analysis of the two case studies in the DRC and Kosovo has aimed at showing the degree of effective implementation in the four areas of cooperation between the EU and the UN, as were determined at the structural level. The putting into practice of planning, training, communication and best practices envisaged in the *Joint Declaration* will consequently enable us to draw conclusions on the mode and model of cooperation in civilian crisis management. A comparative review of our findings is given in the following table (Figure 3) which shall illustrate the case-specific successes and deficiencies.

Areas of cooperation	DRC	Kosovo
Planning	▪ No planning before EUPOL Kinshasa ▪ Pre-planning of EUPOL DRC	▪ Early planning, at least informal, but no significant advantages
Training	▪ No transfer of personnel between MONUC and EUPOL ▪ Problems in joint training of Congolese Police	▪ Transfer of UNMIK staff to EULEX in the field of police ▪ No joint training of UNMIK / EULEX personnel ▪ EULEX solely responsible for training of local staff
Communication	▪ despite three fora, not frequent enough, lack of documentation	▪ no fora in place, reports merely informing, no institutionalised interaction
Best Practices	▪ still to be seen	▪ EULEX by-passing UNSCR resolution, UN tacitly concedes

Figure 3: Comparative Review of the Case Studies

Whereas the area of planning yielded some successful cooperation between EUPOL Kinshasa and UNPOL, the same cannot be said to have been the case in Kosovo. Although planning has begun relatively early and has been institutionalised by virtue of setting up EUPT, last-minute

adjustments and the absence of a newly set up mandate for the EU have frustrated significant advantages from long-term planning. In training, Kosovo seems to have had clearer convergence of staff of UN and EU while in the DRC, personnel stayed with their respective organisation. Concerning the training of local staff in police and judiciary, one can detect that UN and EU follow their own guidelines rather than building on joint education and instruction. Communication is not up to scratch either with lack of regularity as well as negligence in documentation at least on joint decisions. Finally, both case studies do not show obvious signs of best day-to-day practices. In the DRC, this might change in the near future with MONUC having received the coordinator role for international cooperation while in Kosovo, it just seems to be the tolerance of each other's working method which consequently leads to smoother cooperation.

We can see that implementation of the envisioned areas of cooperation is not such an easy task. What has been determined in theory in Brussels and New York in the *Joint Declaration* is still far from being implemented on the ground. There might has been gradual progress on the institutional level in the Steering Committee - "work has been conducted on training standards and modules; UN personnel have participated in EU training courses; and a continued dialogue on planning and EU-UN operational cooperation has taken place…" (Tardy, 2005, p. 58) - yet, a closer look at the specific operations show that this is not the case in the DRC and Kosovo. Especially cooperation in communication and best practices does not function effectively. Consequently, we can claim that in the field of crisis management cooperation remains to a great extent on the structural level at which ideal policies are formulated but not really implemented on the ground. As could be seen in the analysis of our case studies, one reason for this is surely the changing framework of EU-UN cooperation according to case-specific circumstances. In Kosovo, the key-constraint to EU-UN cooperation is diverging political agendas and interests most prominent in the divides among UN members' opinions on the status of Kosovo. This in turn resulted in delays of decision-making and consequently deployment, overlapping competencies and a suboptimal legal framework for EULEX. A perceivable lack of commitment on behalf of UNMIK has additionally hampered ideal cooperation. In the DRC, the mere size of the country provides a challenge to cooperation not only between the UN and the EU but all involved international organisations and sovereign states.

However, there seem to remain some general constraints to the EU-UN cooperation. Tardy, amongst others regards inter-institutional competition as one key constraint. Differing political agendas on the one hand and dependency of the EU and the UN on the other, pose

questions on how to divide tasks between the two organisations. A second constraint lies in the desire of the EU to keep its flexibility and autonomy of manoeuvre in operations, especially not to undermine the sovereignty of its Member States. Even though the EU is committed to *Effective Multilateralism*, its Member States are generally more willing to contribute to EU-led or UN-mandated missions than to UN-led operations. This is even more visible in operations of military nature than in civilian missions as the use of force remains a last resort in peacekeeping for the EU and its Member States contribute troops on a voluntary basis to missions. A third limitation is given by the structural differences between the two organisations. The EU is more than a mere international organisation as it pools the sovereignty of its Member States and does not only operate on a purely intergovernmental basis. This generally makes cooperation between the two rather slow and cumbersome, because, additionally, both have to constantly adapt their own structures to a changing international environment (Tardy, 2008; Smith, 2006). Fourthly, Tardy identified a lack of mutual knowledge between the two organisations. They have not yet introduced adequate mechanisms of communication and do not have a complete understanding of their respective structures. The introduction of the Steering Committee has aimed at improving coordination, however, as both organisations are of an extremely complex nature this is a challenging task, which can only be completed incrementally (Tardy, 2008).

Despite these existing constraints to EU-UN cooperation however, we are nonetheless able to allocate our case studies to the envisaged models of cooperation, which reflect the EU's autonomy and flexibility on the one hand or a more institutionalized cooperation with the UN on the other. In the DRC, cooperation is reflected most appropriately by the stand-alone model. Although not being under UN mandate, the EUPOL missions and the resulting cooperation with MONUC displays features of the stand-alone model. Being its first civilian crisis management mission in Africa, EUPOL Kinshasa was launched on the EU's own initiative and thus, provided it with independent decision-making competences. However, as the analysis revealed, this does not exclude or discourage communication between the EU and the UN, it only entails "no link with the UN structure" (Tardy, 2005, p. 61). This cannot be said to be the case in Kosovo. Nevertheless, by applying a simple process of elimination, the stand-alone model remains to be the most appropriate for UNMIK-EULEX cooperation as well, even though for different reasons than in the DRC. Even though theoretically working under UN mandate, EULEX has shown to operate rather independently from UNMIK on the spot.

Having allocated both case studies to the stand-alone model, one might assume an enhanced role of the EU in crisis management in Africa and the Balkans. Indeed, it is true that the EU has demonstrated its ability to assist in the security sector reform in the DRC and in Kosovo. Nevertheless, no wrong image shall be given here. The UN still remains the dominant player in civilian crisis management, even though the EU is the main contributor to its missions – financially as well as regarding personnel and equipment. As a matter of fact, even the EU adhered to this role allocation right from the outset. In the *Joint Declaration* the EU is united with the UN by the premise "that primary responsibility for the maintenance of international peace and security rests with the United Nations Security Council […]. Within this framework, the European Union reasserts its commitment to contribute to the objectives of the United Nations in crisis management." (CoEU, 2003). This statement has been repeated in a follow-up *Joint Statement* on EU-UN cooperation in crisis management with the only additional remark that "United Nations recognizes the considerable contribution of human and material resources on the part of the European Union in crisis management." (CoEU, 2007).

Hence, both international organisations seem to have clear conception of who has to play which role, while acknowledging the benefits of mutual cooperation in the accomplishment of the dedicated tasks.

V. Conclusion

This paper set out to investigate how effectively EU-UN cooperation is implemented vis-à-vis the *Joint Declaration* which, through enhanced cooperation in the areas of planning, training, communication and best practices, constitutes a chance for the EU and the UN to render their cooperation more structural. We assumed that this commitment to more institutionalised practices could positively influence operational cooperation, as pre-determined guidelines and rules would deliver a reliable framework for measures and actions to be taken on the ground.

However, the case studies on EUPOL Kinshasa/DRC and MONUC in the DRC and EULEX and UNMIK in Kosovo have shown that cooperation is still far from being implemented effectively on the operational level. In both cases, the EU-UN relationship can best be labelled as the stand-alone model, either on the EU's own initiative as in the DRC, or under UN mandate as in Kosovo. Our findings show that effective implementation of the *Joint Declaration* has so far not been achieved to a satisfying degree in all of the four areas. Divergences in political opinions and interests and thus, different commitments of the EU and the UN have frustrated the partnership in crisis management. Overlapping competences suggest that cooperation between the two organisations rather displays features of inter-organisational competition, whereby individual political interests remain the most important determinants. Vague formulations in reports and poor documentation of meetings, already scarce in number, are only one example for lacking commitment. Moreover, case-specific circumstances, such as the relation to locals and to other international operations within the crisis region constitute an additional factor determining EU-UN cooperation.

Nevertheless, here, it has to be mentioned that our research has been subject to certain limitations. For one, our research design merely comprised two case studies. Investigation of further cases would thus be desirable to confirm our conclusions. Additionally, as there has been no possibility for us to conduct intense field research ourselves, we had to rely on secondary literature.

In conclusion, we can state that enhancement of cooperation as called for in the *Joint Declaration* as well as a subsequent *Joint Statement on UN-EU cooperation in crisis Management of 2007* still needs to be improved in order to ensure quick, adequate and valuable aid to the needs of people in crises. In order to improve cooperation in crisis management, setting up corporate EU-UN agencies which are active on the ground and competent for specific regions of the world, would be a promising start. Such a bottom-up approach would allow for case-specific measures in response to case-specific challenges. However, as long as differences in the political agenda of EU and UN Member States remain,

outlook and outcome of cooperation will always depend on internal and external brokering. Finally, what value does Solana's insight offer, if we do not encourage the building of common bridges to connect the EU with the remaining islands in the global system?

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