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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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NOTE

From : Secretariat
To : Delegations

Subject : General Concept for an ESDP Mission in Bosnia and Herzegovina, including a Military Component

The Secretariat herewith circulates the General Concept for an ESDP Mission in Bosnia and Herzegovina, including a Military Component as approved by the Council on 26 April 2004.

This document has been issued to indicate that it is, in accordance with the Council decision, releasable to NATO.

No other changes were made to the document.

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DRAFT GENERAL CONCEPT

I. BACKGROUND

1. Mandate. In December 2003, "*The European Council confirmed the EU's readiness for an ESDP-mission in Bosnia and Herzegovina, including a military component based on the agreed Berlin Plus arrangements. The European Council welcomed NATO's readiness to start consultation with the EU. It invited the incoming Presidency and the SG/HR to take the matter forward in accordance with the agreed procedures.*" Following consultations with NATO and the BiH authorities, the report of the SG/HR to the GAERC in February, discussions at PSC, as well as EUMC and CIVCOM advice, this General Concept has been prepared as the basis for further strategic and subsequent operational planning.
2. Aim of the General Concept. It sets down the strategic parameters of the security and stabilisation tasks of the provisions of the General Framework Agreement for Peace (GFAP) to be carried out by an EU global engagement, including an EU military force (EUFOR). Since assuming the military tasks will add to the EU's existing responsibilities in BiH, this concept highlights the EU's comprehensive approach, and the organisational steps required to ensure EU coherence and unity of effort.
3. Situation Assessment. Considerable progress has been made in stabilisation, but the country still suffers from significant structural weaknesses. The constitutional order, as defined by the GFAP, is complicated, costly and does not facilitate reforms. However, reforms in the areas of defence and taxation show that incremental and politically acceptable change is possible. One of the main challenges for BiH today is to address remaining structural weaknesses and become a self-sustaining state able to maintain closer relations with the EU, ultimately with the inclusion into European and Euro-Atlantic structures. This may require a strengthening of the powers and capacity of central government and an appropriate division of responsibilities between State and Entities. The HR/EUSR has played an important role in pushing through reforms. The government of BiH now needs to take more direct responsibility for the reform process.

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The situation assessment of 20 February 2004 remains valid, and points to a number of factors that impact on the security situation (organised crime, corruption, PIFWCs, weak economy, extremism). The Situation Centre will produce an updated risk assessment to support further work.

II. ENGAGEMENT OF THE UNION

4. EU political objectives.

A strong commitment of the international community in BiH remains necessary to help building a secure, self-sustaining and democratic BiH. The Thessaloniki Declaration confirmed that the future of Western Balkans is within the EU. The SAP is the framework for the European course of BiH, all the way to the future accession. It is within this wider context of European integration that a comprehensive policy for addressing BiH's security needs has to be situated.

- a. Long Term Objective. A stable, viable, peaceful and multiethnic BiH, cooperating peacefully with its neighbours and irreversibly on track towards EU Membership.
- b. Medium-Term Objective. Supporting BiH's progress towards EU integration by its own efforts, by contributing to a safe and secure environment with the objective of the signing of a Stabilisation and Association Agreement. This complements completion of the HR/EUSR's Mission Implementation Plan (MIP) and the end of the EU's executive role in peace implementation, including through gradual transfer of ownership to BiH authorities.
- c. Short Term objectives. To ensure a seamless transition from SFOR to EUFOR in order to help maintain a secure environment for the implementation of the GFAP, as highlighted in the MIP, and the strengthening of local capacity building through support of the BiH authorities in implementing the 16 conditions in the feasibility study as part of the SAP, to make sure that the SAP and the implementation of the MIP reinforce one another.

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5. EU Political Engagement in BiH.

The EU's political engagement in BiH dates to before the GFAP of 1995. The EU remains one of the major stake-holders in the Peace Implementation Process, providing 53 percent of the Office of the High Representative's budget (ca. €11 million) and the majority of its seconded staff come from EU Member States. The EU Presidency, the European Commission, and several EU Member States are permanent members of the Peace Implementation Council Steering Board, which provides political guidance to the High Representative.

Starting in 1997 with the extension of autonomous trade measures and culminating in the Stabilisation and Association Process (SAP) launched in 1999, the EU has developed its bilateral relations with the Western Balkans including BiH. At the Thessaloniki Summit of June 2003, the SAP was enriched with elements drawn from the enlargement process. These include the establishment of European Partnerships, the promotion of high level political dialogue (in particular in Foreign And Security Policy and Justice and Home Affairs) and the possibility of participating in some Community programmes. These tools provide BiH, in partnership with the European Union, with further opportunities to shape its own European destiny.

In April 2002, the Council named Lord Ashdown its Special Representative in BiH, double-hatting the High Representative as an EU Special Representative. This decision – linked to the launch of the EU's first EDSP mission in BiH, the EUPM – demonstrated the EU's enhanced commitment to BiH's European future, to the rule of law, and its readiness to engage more operationally towards this end.

6. Financial Engagement.

The EU's financial engagement in BiH which has been and continues to be significant, embodies the EU's strong commitment to support BiH's efforts towards European accession. The SAP represents the anchor for reform and the framework for the European

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course of BiH. Almost €2.5 billion of EC funds have been committed to BiH since 1991. In addition, EU Member states contributed over €1.8 billion in bilateral assistance between 1996 and the end of 2001.

The European Investment Bank received a mandate in 1999, to grant up to EUR 100 million in loans to BiH which would benefit from a 2% interest-rate subsidy from the Community budget.

The aim of EU assistance is to achieve the reforms required for the SAP, by means of CARDS funding. Priorities include Justice and Home Affairs issues (i.a. fight against organised crime and border management), administrative capacity building and economic and social development. €65 million has been committed to BiH under the 2004 CARDS programme.

7. Security Engagement.

The European Union Monitoring Mission (EUMM), previously the ECMM, has operated in the Western Balkans since 1991. Its primary objective is to contribute, through information gathering and analysis, to the effective formulation of the EU policy towards the region. The EUMM's BiH operation comprises of an HQ in Sarajevo and three field offices (Tuzla, Banja Luka and Mostar).

The European Union Police Mission (EUPM) in BiH started on 1 January 2003. It followed on from the UN's International Police Task Force. In line with the general objectives of the GFAP, EUPM seeks to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice. It does so in particular through monitoring, mentoring and inspection activities. Some 500 police officers from more than 30 countries make up the mission, of which 400 come from EU Member States. The mission is established for an initial duration of 3 years. Its annual budget, financed out of the Community budget, is approximately €20 million, excluding contributions by Member States on personnel related costs, which would at least double the figure.

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On the basis of the Council Decision of 13 June 2002, Europol has started a series of initiatives for future understandings and co-operation agreements with BiH, aimed at improving co-operation in the fight against organised crime and helping to build local capacities.

8. OHR MIP

a. OHR Mission. To ensure that BiH is a peaceful, viable state on course to European integration.

b. Core Tasks¹.

(1) Entrenching the rule of law;

(2) Reforming the economy;

(3) Strengthening the capacity of BiH's governing institutions, especially at state level;

(4) Embedding defence and intelligence sector reforms so as to facilitate BiH integration into European and Euro-Atlantic structures.

9. Other International actors. The EU engagement in BiH will remain closely co-ordinated with that of other key international actors, including the United Nations, the High Representative (HR), NATO, the OSCE, the Council of Europe, the World Bank, and the IMF. Each of them have explicit roles in implementing the GFAP. The HR plays a central and unique role vested in Annex X of the GFAP. The HR is the final authority in theatre regarding interpretation of civilian implementation of the GFAP. The Peace Implementation Council and its Steering Board provide political guidance to the HR.

¹ The former Core Task 2 – « Ensuring that Extreme Nationalists, War Criminals and Organised Criminal Networks cannot reverse the Peace Implementation Process » has been merged into Core Task (1).

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III. EUFOR

10. Planning Consideration. NATO is expected to decide, at its Istanbul Summit, to terminate the SFOR operation by the end of 2004. Thereafter, the EU would lead a military operation (EUFOR) based on the agreed Berlin Plus arrangements. This military operation would be conducted under the political control and strategic direction of the PSC, under the authority of the Council. The EUMC monitors the proper execution of military operations conducted under the responsibility of the Operation Commander. DSACEUR would be the Operation Commander and the EU OHQ would be located at SHAPE. This military operation, assuming the responsibility to fulfil the role specified in Annexes 1A and 2 of the GFAP, would continue the deterrence profile, at least initially, of SFOR in its final rotation with around 7,000 troops. The EU operation would be launched in December 2004. There will be close consultation with NATO.

11. Political-Military Objective. To maintain a safe and secure environment for the achievement of the necessary political and economic reforms by leading a military operation to take over the responsibility to fulfil the role specified in Annexes 1A and 2 of the GFAP and to provide support to the OHR's MIP, within means and capabilities, in order to support the EU's short and medium-term political objectives.

12. Military Mission. To conduct the EU-led operation in BiH, under the political control and strategic direction of the PSC, under the authority of the Council, in order to provide deterrence, continued compliance with the responsibility to fulfil the role specified in Annexes 1A and 2 of the GFAP and to contribute to the safe and secure environment in line with its mandate required to achieve core tasks in the OHR's MIP and the SAP. Without prejudice to the role of the Commission, the PSC supervises the implementation of all the measures taken and assesses their effect, recommending adjustments as necessary.

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13. Military Tasks.

a. Key Military Tasks.

- (1) Provide a robust military presence in order to: deter the former Entity Armed Forces and other armed groups; monitor and ensure continued compliance with the military aspects of the GFAP; and prevent a resumption of violence;
- (2) Contribute to a safe and secure environment, support the OHR's MIP and prevent efforts to reverse peace implementation, so that all EU and other IC actors may carry out their responsibilities whilst ensuring own force protection (including counter terrorism) and freedom of movement;
- (3) Conduct information operations in support of EU political objectives;
- (4) Manage any residual aspects of GFAP including airspace management, advice on de-mining and ordnance disposal, and weapon collection programmes.

b. Key Supporting Tasks.

- (1) Provide support, within means and capabilities, in co-ordination with the EU and IC actors, to the OHR's MIP core tasks and other civil implementation organisations regarding counter-terrorism, the fight against organised crime, DPRE returns, the rule of law and implementation of other civilian aspects of the GFAP;
- (2) Assist in defence reform and provision of military and technical advice to BiH authorities as appropriate over security issues;
- (3) Provide support to ICTY and relevant authorities, including the detention of PIFWCs;
- (4) Provide, in extremis, evacuation support within means and capabilities to IC officials.

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14. Military Endstate. An EU assessment, taking into account the views of the BiH authorities, judging that progress towards lasting stability in the country is self-sustaining to the extent that:
- a. military and stabilisation tasks in Annex 1A and 2 of the GFAP have been accomplished ;
 - b. democratically controlled BiH security capabilities are in place, able to maintain lasting stability;
 - c. the OHR's MiP no longer needs support by military means to back the EU's short and medium term political objectives.
15. EU/NATO tasks: questions of delineation
- a. Responsibilities. EUFOR, in close co-ordination with residual NATO presence, would be responsible for:
 - (1) Monitoring. EUFOR will have full authority, exercised through its Force Commander, to fulfil the role specified in Annexes 1A and 2 of the GFAP to monitor implementation of military aspects of the GFAP, to assess and address non-compliance by the Parties.
 - (2) Fight against Terrorism. EUFOR will contribute to a safe and secure environment in order that all EU and other IC actors may carry out their responsibilities in BiH. EUFOR will contribute to the fight against terrorism in BiH as it relates to the requirement for a secure environment and support to the OHR's MIP, particularly against efforts to reverse peace implementation.
 - (3) PIFWCs. The EU will also provide assistance to the competent authorities including the ICTY. The EU will have the authority to detain PIFWCs.

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- (4) Intelligence Sharing. At appropriate levels, the EU and NATO will co-operate on and exchange intelligence relevant to the above-mentioned tasks to the fullest extent possible.
- b. Further Delineation. There will be a need for co-operation and liaison between EUFOR and the continuing but limited NATO presence in line with an agreed delineation of tasks. The selected MSO should set down in greater clarity how the FCdr will carry out his responsibilities and what co-ordination requirements will be required with NATO. In the light of direction in the strategic planning documents, the operational planning products should detail the implementation modalities to ensure in-theatre delineation between EU and NATO. The EUMC and the PSC will keep this requirement in mind when reviewing the MSO, the CONOPS and the OPLAN. After the OPLAN has been approved by the Council, it will be the responsibility of the EU OpCdr to ensure the effective implementation of the delineation arrangements between EU and NATO operational tasks in BiH. Relevant NATO documentation will continue to be made available to the EU in line with agreed procedures.
16. EU Chain of Command. Under the authority of the Council, the political control and strategic direction of the operation is exercised by the PSC. The SG/HR will be in regular contact with the OpCdr and will report to the PSC and to the Council on all matters pertaining to the operation. The EUMC and CEUMC will exercise their responsibilities set out in their terms of reference. The military chain of command is set down below.
- a. Proposed Future Arrangements for Command and Control.
- (1) DSACEUR as OpCdr with an OHQ at SHAPE.
 - (2) The head of the EU Command Element at JFC (S).¹
 - (3) FCdr in Sarajevo.

¹ An officer from an EU Member State

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- b. Between OpCdr and FCdr. This chain of command should be complemented by direct communication, in both directions, between the OpCdr and FCdr. This would allow the OpCdr to provide rapidly and directly to the FCdr a clear understanding of specific EU matters on questions related to the BiH mission, such as political control and strategic direction and internal EU co-ordination, while keeping EU Command Element at JFC (S) fully informed.
- c. EU Presence at SHAPE, at AFSOUTH and in Sarajevo. It is necessary to set up an EU command and control and co-ordination structure, by introducing an EU dimension at each necessary level. This is essential if the EU is to deliver a comprehensive approach, as knowledge of EU structures, policies and concepts is required. This implies the early establishment of an EU presence at SHAPE, at AFSOUTH and in Sarajevo. EU Staff Group Officers assigned to SHAPE, to AFSOUTH and to Sarajevo must have equal working conditions regardless of their nationality. Before the nomination of the Operation Commander, this presence will act as a liaison element to facilitate the preparation of the EU military operation, and will work in accordance with PSC and EUMC guidance. When DSACEUR is appointed EU Operation Commander, and when the decision that the EU OHQ is located at SHAPE is taken, this presence will form the initial core of the EU OHQ at SHAPE. In addition to the military elements, an EU Political Advisor will be provided to DSACEUR. He will provide DSACEUR the necessary EU political-military and institutional advice, as well as a channel to access Brussels-based expertise. This includes, building on the lessons of Operation Concordia, the required range of geographic desk, political-military, legal and institutional expertise during the preparation of the CONOPS and the OPLAN, as well as during the operation itself.

EU expertise will also have to be provided to the European Union Command Element at JFC (S), as well as to the FCdr.

17. Reserves. As the number of troops in BiH reduces, reserves become even more important. Responsive and credible reserves will be required at tactical, operational and strategic levels to anticipate and deter challenges to EUFOR.

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a. Requirements: The requirements are as follows:

- (1) Suitable command and control arrangements will be required for the generation, activation, deployment and employment of reserves;
- (2) The minimum acceptable command and control status of operational reserve forces, once deployed in BiH, would be OPCON to the EU FCdr;
- (3) There is a requirement for regional situation awareness and flexibility in the application of reserves for employment at the tactical level ;
- (4) There is a requirement to consider force generation issues for reserves at all levels.

b. Proposed arrangements for the use of Reserves:

- (1) The reserves should consist of :
 - (a) Tactical reserves within BiH and under the command and control of the FCdr.
 - (b) Operational reserves earmarked for both EU and NATO.
 - (c) Strategic reserves, the modalities relating to the use of which will require further consideration.
- (2) Decisions on the use, by the EU, of operational reserves, earmarked for both the EU and NATO, will be made following consultation between the head of the EUCE Naples and CINCSOUTH. The head of the EU Command Element will be responsible for responding to the FCdr's request for deployment of the reserve. Operational reserves deployed to reinforce the EU mission will come under the EU FCdr's command. Given his responsibilities as EU OpCdr and

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Strategic Co-ordinator, as part of his agreed responsibilities, DSACEUR will have an important role to play in facilitating the resolution of competing demands. The modalities relating to the use of the Strategic Reserve need further consideration.

- (3) It is understood that the decision on the use of operational reserves by NATO will be made following consultations between the EU and NATO.

18. Review Process. As part of the EU mission review process, a six monthly review will be held to enable the PSC to determine, taking account of the security situation and advice from EUSR/HR, FCdr, through the Chain of Command, and following EUMC military advice, what changes should be made to the size, mandate and tasks of EUFOR and on when the EU military operation should be terminated.

19. Transition and Military Technical Issues. A smooth transition between SFOR and EUFOR will depend on the early resolution of the following issues:

- a. Take-over of Deterrence Profile. A continuation of deterrence presence by the EU military component will minimise a possible local perception of a reduced or a less effective EUFOR. It will also minimise opportunities for extremists to capitalise on any dramatic change in the international military presence. Finally, it will facilitate resolution of a wide range of military-technical issues as planners can make assumptions on EUFOR infrastructure needs and its likely future footprint.
- b. Establishment of the EU FHQ. As a principle there should be a seamless transition from SFOR to EUFOR. This challenging task will be greatly assisted if a policy of pragmatic co-location is followed. At least during the initial stages of the operation, a clearly identifiable HQ EUFOR should be based in the facilities that are currently used by SFOR. Nevertheless, there could at a later stage be a value-added to locate the EUFOR FHQ close to other EU organisations in Sarajevo, in order to facilitate exchange of information among all EU actors/instruments. This would also underline

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EUFOR as a new and distinct EU mission. In addition it would be sensible to share support services with other EU actors and avoid duplication. Financial implications will have to be thoroughly investigated. A transition plan for establishing the HQ EUFOR is required. In particular, it would be important to establish how the HQ EUFOR can be built up and manned progressively prior to the Transfer of Authority. An EUMS liaison team is needed to maintain unified progress along the now co-ordinated lines of development for technical military matters.

- c. Force Generation. Troop contributions need to be identified and nominations requested but this can only be confirmed after NATO and the EU have agreed on the formal transfer of responsibility and the CONOPS and Statement of Requirement produced. The departure of the US troop contributions on the transfer of authority to the EUFOR will require the EU to generate equivalent forces and headquarters. This work needs to be addressed in sufficient time and involve an informal Force Planning Conference in early June using an illustrative statement of requirements based on the assumption to adopt the Deterrence Posture.
- d. Intelligence. As the military presence of the international community in BiH decreases, it will be all the more important to rely on robust intelligence in order to maintain a sufficient degree of situation awareness throughout BiH. Mutual support will have to be arranged between the various EU instruments deployed in the field, including the EU-led civilian presence, and between EU and NATO. The EU intelligence architecture will need to reflect the requirements for effective co-ordination between all EU instruments, including in the fight against organised crime, and with NATO. Given Priority Intelligence Requirements will concern the threat against the force and IC personnel, terrorism and the fight against organised crime, a secure and efficient exchange of intelligence at all levels, and between all actors concerned, has to be ensured.

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- e. Support Considerations. Seamless transition from NATO to EU logistic and financial arrangements demands early decisions on a range of issues¹. All these issues must be a priority for logistic and support staffs in any liaison teams established to support the planning process and they require further elaboration in the CONOPS.
- f. Financing. Due to the proposed early implementation of specific elements of the General Concept immediately after the adoption of the Joint Action detailed and structured financial planning of the military operation in the framework of ATHENA should start as early as possible.

IV. POLICING ASPECTS INCLUDING THE FIGHT AGAINST ORGANISED CRIME

20. EU Approach.

- a. Aim. The European Union's aim is to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice. It is currently pursuing that goal through the activities of the European Union Police Mission (EUPM), supported by the Community's institution building programmes under the CARDS Regulation. Both contribute to the overall peace implementation in BiH as well as to the achievements of the Union's overall policy in the region, notably the Stabilisation and Association Process.
- b. EUPM and CARDS. EUPM will continue to build and strengthen local policing capacity, especially at state level and in the fight against organised crime. The European Community's CARDS programme will complement and reinforce these efforts. The nexus of organised crime and political extremism is a major obstacle to a viable BiH State. BiH must be able to fight organised crime of its own volition but the current capacity of the police is still limited and, until the State Investigation and Protection Agency (SIPA) is fully functioning, will continue to be so.

¹ This work for instance includes, common funding arrangements, engineering infrastructure projects, contracts, HNS arrangements, channel and aeromedevac flights and CIS connectivity and structures.

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- c. SIPA. EUPM will continue with its core programmes, under joint ownership with the BiH Police Steering Board. One of the key priorities and programmes is the effective establishment of SIPA as soon as possible. By the time that the EUFOR deploys in BiH, EUPM will be providing assistance to SIPA in the form of co-located monitoring and mentoring. Following agreement with the BiH authorities and on the advice of the EUSR, EUPM may also provide executive operational support for SIPA. This would require a change in EUPM's mandate.

Furthermore, the effective fight against organised crime is hampered by the lack of intelligence flow, especially as relates to intelligence that might lead to criminal evidence. In order to support the local police, notably SIPA, an interface between the International Community and the local police will be established by EUPM. This may take the form of a co-ordination cell.

21. IPU style capability. An IPU style capability will be deployed initially as part of EUFOR under military command. Its tasks will be: 1) to contribute to a secure environment in BiH through a capacity in the maintenance of public order; 2) as part of the EUFOR tasks, to support civilian implementation of the GFAP in accordance with the current SFOR tasks; 3) to contribute providing the tactical reserve. The size of this capability should be determined in accordance with its tasks and the security situation, as a part of the strategic planning process and kept under regular review.
22. Command and Control.
- a. Aim. The ultimate objective is that policing in BiH be under civilian command. This corresponds to EU thinking on policing, the need for local ownership in BiH and the exit strategy for the EU (EUFOR and EUPM). The EUSR is already in the chain of command of EUPM.
- b. Within EUFOR. As stated above, an IPU style capability will be deployed initially under military command. In agreement with EU FCdr, the EUSR will be able to draw on the IPU style capability in support of the OHR Rule of Law pillar/EUPM work including the fight against organised crime.

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c. Planning and Force Generation. Without prejudice to decisions which might be taken under paragraph 23, operational planning for the IPU style capability within EUFOR will be conducted by the OpCdr, building on the Strategic Options and in close association with DGE IX/Police Unit, taking into account their experience and expertise. Force Generation for the IPU style capability will be conducted by the OpCdr, in consultation with DGE IX/Police Unit, taking into account their experience and expertise.

23. Review Process. As part of the EU mission review process, mentioned in paragraph 18, a six monthly review will be held to enable the PSC to determine, taking account of the security situation and advice from HR/EUSR, the FCdr, and HoM EUPM, and following EUMC and CIVCOM advice, whether all or part of the IPU style capability should be repositioned within EUSR domain for duties in support of the Rule of Law, including in support of SIPA. In this case the composition of the police and military missions would be reviewed.
24. Endstate. The desired endstate will be full BiH ownership of all facets of policing, including the ability to fight organised crime.

V. EU COHERENCE

25. Outline. The ESDP mission should be part of a closely co-ordinated EU presence in BiH. Only as a fully coherent actor will the EU be able to make a contribution that matches its potential. Arrangements in Brussels and in Sarajevo to ensure such coherence are set out in paras 26 and 27.

All EU actors/instruments, including EUFOR, would contribute to implementing EU policies towards BiH: GFAP implementation and European integration through the Stabilisation and Association Process (SAP). The GFAP and SAP agendas should be pursued with a view to synergies, but also with appreciation for the unique character and implementation timelines of each.

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26. In Brussels.

- a. The Council, whose work is prepared by COREPER, will promote maximum coherence of the EU effort in BiH.
- b. The SG/HR will ensure overall coherence of all CFSP/ESDP instruments. He will, together with the European Commission, promote unity of effort among all EU instruments/actors.
- c. In exercising its political control and strategic direction of the ESDP missions in BiH, the PSC will promote maximum coherence of the EU effort in BiH. To this end, the PSC will invite EU representatives, including those on the ground, for direct briefings.
- d. The EUMC and the CEUMC will ensure maximum coherence of the military effort within the chain of command. Modalities for close liaison with the OHQ at SHAPE, the EUCE at JFC (S) and the FHQ in Sarajevo will be put in place.
- e. In order to promote consistency between EU political priorities and assistance priorities, efforts should be made to ensure that discussions in the CARDS Committee take into account the discussions in relevant Council working parties and vice versa.

27. In BiH.

- a. EUSR Overall Co-ordination. Without prejudice to Community competence, the EUSR will promote overall EU political co-ordination in BiH. Dedicated EU staff will be assigned to assist the EUSR in advance of the start of EUFOR. The Joint Action relating to the EUSR in BiH should be amended accordingly.
- b. CFSP/ESDP Instruments. As far as CFSP/ESDP instruments in BiH are concerned, there will be explicit links to the EUSR in order to allow him/her to assist the SG/HR and the PSC in ensuring maximum coherence of the EU effort. The EU FCdr will, without prejudice to the chain of command, take EUSR local political advice into

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account. This is of particular importance with respect to the IPU style capability, on which the EUSR will be able to draw in agreement with the EU FCdr. In case of disagreement, EUSR and the EU FCdr will refer to their respective chains of command. For the EUPM, the EUSR is in the chain of command. With respect to EUMM, monitoring activities in BiH will be reassessed in the context of the SG/HR's annual report on EUMM. Provided that adequate and regular reporting can be ensured by the EUSR, with a dedicated support team, and ESDP missions, monitoring activities in BiH could be reconsidered.

- c. First and Third Pillar Activities. As far as first and third pillar activities are concerned, close co-ordination on all issues with the EUSR should be ensured. With a view to coherence and possible synergies, the HR/EUSR will continue to be consulted on priorities for CARDS assistance.

The modalities for co-ordination between EU instruments deployed in BiH and the JHA instruments, including Europol, need to be properly and quickly examined within the competent bodies of the Council, to be in place by the effective take over.

- d. Support To CIMIC Efforts. In case of CIMIC activities (smaller assistance projects) will be carried out by EUFOR, the European Commission could examine possibilities, in line with the agreed assistance strategy, to make available funds for limited CIMIC activities in the context of, and in principle carried out by EUFOR.
- e. Co-ordination Structures. Existing international co-ordination structures, led by the HR/EUSR, will naturally be maintained, and the EU FCdr will participate. The PIC Steering Board will continue to play an important role. Internal EU co-ordination will be reinforced. In addition to the regular meetings of EU Heads of Mission (where the EUSR and the EU FCdr, as well as the EUPM Heads of Mission, will participate or be represented) the EUSR will chair regular co-ordination meetings of EU operational actors (EU FCdr, EUPM, Commission Delegation, EUMM and EU Presidency) in BiH.

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- f. Coherence in Approach with BiH Authorities. It will be important that the entire chain of command give BiH authorities the same message and these should follow agreed lines set down by the PSC, or locally when appropriate by the EUSR.
- g. EUFOR dialogue with local authorities. EUFOR should develop and maintain a close relationship and dialogue with the Minister of Defence of BiH, and his senior staff.
- h. Pooling. Functions carried out by more than one EU actor in BiH will to the extent possible be pooled under the EUSR. Possibilities for the EUSR to co-ordinate EU political reporting on BiH will be explored. The EUSR Spokesperson will be the main EU point of contact for BiH media on CFSP/ESDP issues. While other EU actors/instruments might have dedicated press officers to deal with issues related to their respective competencies, those will, without prejudice to Community competence, function as part of an EUSR-led, single and unified, press operation.
- i. Co-location. All EU actors/instruments will strive for maximum co-location taking financial implications into account. Partial co-location (dual offices) may prove a pragmatic solution in the short-term. Whenever possible, and when considered beneficial, operational areas for different EU actors/instruments should have the same boundaries.

VI LEGAL ASPECTS

28. Legal mandate.

- a. UNSCRs. The United Nations Security Council has adopted successive resolutions¹, most recent being 1491 (2003) of 11 July 2003, acting under Chapter VII of the Charter of the United Nations, authorising, "*Member States acting through or in co-operation with the organisation referred to in Annex 1-A of the Peace Agreement to continue the multinational stabilisation force (SFOR) as established in accordance*

¹ Resolution 1031 (1995), Resolution 1088 (1996), Resolution 1423 (2002), Resolution 1491 (2003)

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with its resolution 1088 (1996) under unified command and control in order to fulfil the role specified in Annex 1-A and Annex 2 of the Peace Agreement..." UNSC Resolution 1491 (2003) extended SFOR mandate for a period of 12 months which ends in July 2004. The role specified for NATO is set out in Annex 1 A, as well as in Annex 2.

- b. GFAP. The authorisation for the current SFOR operation is provided for NATO in the Annex 1A of the GFAP in Article I, paragraph 1 b., which states that, *"It is understood and agreed that NATO may establish such a [Implementation] force, which will operate under the authority and subject to the direction and political control of the North Atlantic Council ("NAC") through the NATO chain of command."*
- c. New UNSCR for EUFOR. EUFOR will require a sound legal basis and should have same powers as SFOR currently has. Since there is an undisputed agreement that the GFAP shall not be reopened in any of its parts, the mandate for the European Union to conduct a military operation in BiH can only be provided by a new UNSC Resolution, which should be adopted under Chapter VII.
- d. EUPM Mandate. By the time that the EU military force deploys in BiH, EUPM will provide assistance for SIPA in the form of co-located monitoring and mentoring. Following agreement with BiH Authorities and on the advice of the EUSR, EUPM may also provide executive operational support for SIPA. This would require a change in EUPM's mandate.
- e. IPU style capability outside EUFOR. When possible future decisions regarding the transmission of IPU style capability from the EUFOR to EUSR domain for duties in support of the Rule of Law, including in support of SIPA, are taken, it will be necessary to examine how to ensure an effective legal mandate for the EU to provide executive operation support to SIPA.

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29. Legal Instruments.

- a. Joint Action. Before the Council adopts a Joint Action on the EU military operation in BiH, the UNSC Resolution, featuring language welcoming the decision of the EU to launch a military operation, along the lines of the language use on para 20 of UNSCR 1423 (2002), could be adopted. This would demonstrate wide support for the EU to undertake the preparation of a military operation. Upon the decision to launch the operation, a UNSC Resolution based on elements to be agreed by the EU Member States should have been adopted.
- b. SOFA. Further work is required.
- c. Release, Monitoring and Return or Recall of NATO Assets and Capabilities. Specific Agreement on "Principles and procedures for the Release, Monitoring and Return or Recall of Assets and Capabilities made available for a EU -led Operation" needs to be concluded between the EU and NATO. It is to be anticipated that this agreement would take the form of an exchange of letters. The agreement may have to be negotiated and concluded in different parts as this will follow the development of the Statement of Requirements by the OpCdr and the Force Generation process.
- d. Other legal considerations. The regular course of operational planning will require the assessment of legal aspects related to the conduct of the operation, such as the review of the OPLAN, the legal Annex thereto, the issue of claims settlement and the Rules of Engagement.
- e. Other related considerations. Building on work in progress and on experiences from previous crisis management operations, there is need to address issues related to trafficking in human beings as well as gender related aspects of the mission.

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VII THIRD STATES' PARTICIPATION

30. Military Force.

- a. States contributing to SFOR. The following nations currently contribute to SFOR: Albania, Argentina, Austria, Bulgaria, Canada, Chile, Czech Republic, Denmark, France, Germany, Greece, Hungary, Ireland, Italy, Morocco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, United Kingdom and United States. New Zealand contributes individuals by special arrangement with the United Kingdom. Belgium, Estonia, Finland, Iceland, Latvia, Lithuania, Luxembourg, Russia and Slovakia have previously contributed to SFOR.
- b. As the EUFOR operation will be conducted including use of NATO assets and capabilities, the non-EU European NATO members and Canada will be formally invited to take part, and will participate if they so wish in line with the agreed documents. Non-EU European NATO members will be involved in the planning and preparation of the operation, in accordance with the procedures laid down within NATO.
- c. Consultation and Co-operation Arrangements. The Nice and Seville European Councils have agreed on arrangements for consultation and co-operation on EU crisis management with non-EU European NATO members, candidates for accession to the EU as well as for Canada, Russia and Ukraine. Taking into account the respective consultation and co-operation arrangements, the Council will decide in the context of the adoption of the Joint Action on third states' participation in the EU military operation in BiH.
- d. Other Potential Contributors. In addition to countries (Bulgaria, Canada, Iceland, Norway, Romania, Russia, Turkey and Ukraine) that the EU has agreed to consult during pre-operational or operational phase, with a view to receiving their preliminary indications regarding their interest to contribute to the operation, there may be other potential contributors that the EU may want to consult in advance. A Council decision

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is required concerning other potential contributors. One possibility could be to explore whether countries which currently contribute to SFOR, should also be approached prior to the NATO Istanbul Summit in order to receive preliminary indications on their interest to contribute to an EU military operation in the BiH following SFOR. These countries would be: Albania, Argentina, Chile, and Morocco. For political reasons, or in the situation where offers indicated for the operation do not meet operational requirements, the EU may also want to consider approaching other potential partners. If necessary, it could be considered whether states that have previously contributed to EU military crisis management operations (e.g. Operation Artemis) should be approached.

- e. Committee of Contributors. Following the adoption of the Joint Action and the Force Generation Conference, the Committee of Contributors will be established. In the Committee, Third States deploying significant military forces will have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation.

- 31. Police. Third States contributing to EUPM are Bulgaria, Canada, Iceland, Norway, Romania, Russian Federation, Switzerland, Turkey and Ukraine.

The MSU comprises currently units from Italy, Hungary, Slovenia and Romania. Non-EU Member States currently contributing to the MSU could be invited to contribute to the IPU style capability, dependant on their national regulations and style of policing.

VIII. COMMUNICATIONS STRATEGY.

- 32. Outline. The ESDP mission will be supported by a comprehensive Communication/Information Strategy.¹ Public information planning will be conducted in concert with all relevant actors (notably Council Secretariat, EUSR, Commission, NATO).

¹ In accordance with the "Guidelines for ESDP Crisis Response Information Activities" (doc. 13817/02).

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33. Aims. The aim of the information strategy will be to enlist and maintain support for the EUFOR mission. To this end, a key priority will be to establish adequate and early arrangements that will:
- a. prepare public expectations prior to deployment;
 - b. ensure a seamless transition from SFOR's current press and information activities to an integrated EU media operation in theatre, co-ordinated by the EUSR;
 - c. establish a transparent and integrated relationship with the EUSR's media operations, as well as other EU actors in BiH;
 - d. maintain adequate and co-ordinated information about the mission after its launch, as well as mechanisms ensuring timely reaction to events at the appropriate level.
34. Principles. The principles on which the information strategy will be based include the following:
- a. Early planning and financing: early and timely preparations, including early financing, are vital for ensuring a successful press and media operation. A number of decisions, taken well in advance of the mission's launch date, would greatly enhance the effectiveness of EUFOR's public information activities. In particular, PI officers should be recruited and working in BiH or Brussels as needed (based in the EUSR's press and information office) several months before mission launch, preferably by early summer (i.e. as soon as possible following the adoption of the Joint Action by the EU Council). They should i.a. work closely with SFOR to oversee the transfer of activities, staff and assets to the EU mission. In the same spirit, a public information campaign in advance of the mission would also help prepare public opinion. In BiH, the EUSR's office will be in a position to provide valuable support for pre-launch planning and information activities.

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- b. An integrated approach: the deployment of EUFOR requires good co-ordination of the EU's public information activities in BiH, ensuring maximum consistency, co-ordinated by the EUSR without prejudice to Community competence, on the EU's political, economic and security engagements, and should highlight the military force as part of the EU's wider engagement for the country. EUFOR's PI activities will complement the work done by the existing EU public information structures in the country, thereby also limiting duplication.
- c. Communication coherence among the different EU actors involved is a key element of the information strategy. In BiH, the EUSR's office is in a good position to co-ordinate the messages launched by the different EU actors without prejudice to Community competences. A leading role of this office would ensure that EUFOR's PI activities support the EU's wider engagement in BiH, and reinforce the military's role as guarantor of Annex 1A of the GFAP. In Brussels, the Information Strategy Team, chaired by the SG/HR's spokesperson, supports the overall co-ordinating role of the PSC notably by preparing master messages and by regularly updating them. On a daily basis, full co-ordination with EUSR's office, and through it the other EU actors, in theatre will be ensured.
- d. Co-operation with NATO will be essential in order to ensure a consistent and united message from EU and NATO as well as adequate transition arrangements in the public information field.

35. Audiences. Public information activities will aim at ensuring that the right messages reach the right audiences in a timely manner. The main target audiences are:

- a. BiH audiences (both the authorities and the local populations). In its Public Information activities, EUFOR will fully integrate the specificity of regional audiences in BiH, but at the same time will try to implement a more centralised approach that reflects the international community's efforts to achieve greater unity within BiH.

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- b. EU audiences (Brussels and Member States).
- c. International audiences.

36. Core Themes. As follows:

- a. The international community remains committed to helping BiH move closer to European and Euro-Atlantic structures, including through gradual transfer to local ownership.
- b. The international community, notably the EU and NATO, have succeeded in bringing greater stability to BiH.
- c. The proposed EU-led mission will build on the progress made by NATO and the BiH authorities, taking over the security and stabilisation tasks as set out elsewhere in this document, closely co-ordinated with the efforts of other EU and international actors.
- d. The international community - EU, NATO, UN, OSCE and others - will co-ordinate their activities closely.
- e. EUFOR would be militarily robust with robust Rules of Engagement.

IX. WAY AHEAD

37. Strategic Planning:

- a. Military Strategic Option (MSO), selected by end May
- b. Police Strategic Option (PSO), selected by end May
- c. An informal EU force planning conference, in early June.

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- d. UNSC Resolution on the renewal of SFOR mandate in July.
- e. Joint Action draft by end June and approval beginning July (designating EU OpCdr and OHQ, nominating FCdr)
- f. Initiating Military Directive (IMD), prepared by end June and sent to the OpCdr early July.
- g. Revised Joint Action for EUSR mandate in a timely manner.

38. Operational Planning.

- a. CONOPS by mid-July
- b. Force Generation Process by mid-September
- c. OPLAN by end-September
- d. Following the recommendation of the OpCdr and the EUMC, Third States' contributions may be accepted. On the basis of developed drafts for participation agreements the negotiations by the Presidency, assisted where necessary by the SG/HR, with these Third States should be conducted with a view to concluding agreements before the launch of the operation.

39. Technical.

- a. Establishment of EU Technical Team in Sarajevo by 1 May.
- b. Establishment of EU technical team in AFSOUTH ideally by mid-May.
- c. CSG will highlight issues requiring political guidance from April to December.

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40. Consultations with NATO. Consultations with NATO to continue.
41. Consultations with BiH Authorities. Consultations with BiH Authorities to continue, including on technical agreements.
42. SOFA.
43. Preparation of a UNSC Resolution.

