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Master Thesis on the topic: **The European Union as a Crisis Manager on the
Case of Darfur Humanitarian Crisis**

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Contents

Introduction.....	3
Research Purpose, Research Questions and Hypothesis.....	6
Methodology and Sources	7
Literature Review	8
Chapter 1: Overview of Conflict in Darfur	11
Chapter 2: An Internal Conflict or Need for International Response?.....	13
2.1 EU Response to the Conflict.....	19
2.2 EU Member States Positions.....	25
Chapter 3: Common Foreign and Security Policy of the EU	37
3.1 CFSP/ESDP under Treaties	38
3.2 Decision-Making within ESDP	42
Chapter 4: Theoretical framework	44
Conclusion	46
Bibliography.....	48
List of Abbreviations:.....	53

Introduction

The idea of European Union (EU) derives from understanding that “the great decisions of our day will be made by speeches and majority decisions, not by blood and iron”. It shares declared values written in the EU Charter of Fundamental Rights, which states: ‘The peoples of Europe, in creating an ever close union among them, are resolved to sharing a peaceful future based on common values’ such as ‘human dignity, freedom, equality and solidarity’, the principles of democracy and the rule of law’.¹

The approach that the great powers have special responsibilities for the maintenance of international order, and hence special rights, was formalized in the UN Charter via the permanent members of the Security Council. Over the last decade, the European Union (EU) has shown a growing activism in dealing with both regional and global security challenges. However, the EU’s architecture for crisis management and its capabilities (civilian and military) do not yet meet the needs dictated by current challenges and threats.

In December 1998 the French and British governments signed an agreement at St. Malo, which paved the political path for EU governments to launch the European Security and Defence policy (ESDP) at the Cologne European Council summit in June 1999. The St. Malo Declaration stated that the European Union ‘must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises’.² It remains to be seen whether the ESDP has met those expectations or not.

¹ http://www.europarl.europa.eu/charter/pdf/text_en.pdf last accessed on June 25, 2012

² <http://www.consilium.europa.eu/uedocs/cmsUpload/French-British%20Summit%20Declaration,%20Saint-Malo,%201998%20-%20EN.pdf> last accessed on June 25, 2012

It is another matter altogether as to how effective player the European Union actually is in international stage. For example, the European Union was expected to be one of the major crisis managers in Darfur, especially due to the fact that the ESDP was declared fully operational in 2003, two years prior to its taking action into conflict. The EU supported the African Union and its peace-keeping mission in Darfur financially and politically. Later in 2005-2006 the EU deployed a military-civilian mission in the crisis region, which was later replaced by the AU-UN hybrid mission.

The paper seeks to examine the role of the European Union as a crisis manager in the international stage on the case of Darfur humanitarian crisis. The main objective of the paper is to provide the analysis how domestic and international aspects may have influence upon the activities of the player (EU in this specific case).

The author focused on the study of the EU response regarding Darfur crisis, which was considered as “the worst humanitarian crisis in the world” by the United Nations, and the behavior and steps taken by the Union in response to the crisis. The paper does not deal the Darfur crisis with its entirety; mainly, it is concentrated on the factors which caused not active involvement of the European Union. To clarify the EU’s level of involvement, it supported the mission of African Union financially and politically after the outbreak of the crisis and later deployed military-civilian mission in cooperation with the African Union also. Thus the period (2003-2005) from the outbreak of the crisis and to the EU mission (AMIS II) in Darfur and consecutive period is observed.

In order to test hypotheses, this paper and its analysis has the following format: the paper consists of five chapters. **Chapter one** is dedicated to the outline of the Darfur crisis, its causes and providing an overview of the outbreak again in 2003. **Chapter two** discusses the facts how the crisis was perceived and responded to by the international community,

including the position of the European Union Herewith, the statements of the EU Member States and its representatives are analysed. The separate subchapter is dedicated to the EU Member States stances toward the crisis as far as the decisions for CFSP/ESDP are made at an intergovernmental level. Thus the factor of consensus really matters in CFSP issues, especially in quick responses regarding certain issues. **Chapter three** deals with the Common Foreign and Security Policy. The policy is given in overview, and, in subchapters the treaties are reviewed in which the competences of CFSP, and more concretely ESDP, are defined. Special attention is paid to the outline of decision-making process within ESDP. **Chapter four** discloses the theoretical framework and examines the dependent variables in relation to the actual events to enable a thorough analysis. The concluding chapter, **Chapter five** gives the summary of the findings, which are generalizable and useful for further research, as well as drawing conclusions from the answer to the hypotheses as found in Chapter four.

Research Purpose, Research Questions and Hypothesis

The paper is focused on the EU response regarding Darfur crisis, which was considered as “the worst humanitarian crisis in the world” by the United Nations, and the behavior and steps taken by the Union in response to the crisis. The paper does not deal the Darfur crisis with its entirety; mainly, it is concentrated on the factors which caused not active involvement of the European Union. The period (2003-2005) from the outbreak of the crisis and to the EU mission (AMIS II) in Darfur and consecutive period is observed.

The main research questions tested in this research are formulated as follows: *Why did the European Union deploy its mission after two years of outbreak of the crisis? Which factors affected the European Union to be more effective and active crisis manager in case of Darfur crisis?*

The paper examines the way the European Union and its leading countries: a) responded to “the worst humanitarian crisis in the world”, and b) what factors hindered the EU in playing more active role in this aforementioned humanitarian crisis management, which resulted in the deaths of thousands of citizens, as well as rendering even more people refugees and homeless.

The hypotheses employed in this work try to answer the research questions above are elaborated herein is as follows: the lack of a) political will and b) “consensus-expectations gap” all served to hinder the EU in being active crisis manager in the Darfur humanitarian crisis.

Contained within these hypotheses are both independent and dependent variables. It is necessary to differentiate between these two types of variables: in this study, the

dependent variable is the role of the EU in the Darfur crisis management; the independent variables are a) the lack of political will and b) consensus among the EU Member States and c) the capability-expectations gap.

Methodology and Sources

The research is for a great deal based on a case study of the Darfur crisis. The qualitative research method is applied. The hypotheses are tested on the case through applying the theory as an analytical tool for identifying links between the independent and dependent variables. Generally, primary (treaties), secondary and tertiary sources are used such as books, articles, scholarly magazines, speeches of the EU officials and representatives of Member States, and reports.

Even though the paper is a case study, some contrasting arguments are given for better clarification of the issue aiming to compare facts and events. The paper provides the brief overview of the arguments developed by scholars about the effectiveness of the European Union in this specific crisis management.

Literature Review

In the book “The foreign Policy of the European Union”, Keukeleire and MacNaughtan discuss the scope of the Common Foreign and Security Policy from different perspectives. One chapter is dedicated to the main arenas of the EU Foreign Policy, dealing with Africa in subchapters. The authors mention that relations with African states were regulated by Cotonou Agreement (2000). Regarding crisis uprising in Africa, the authors note that until 2005 lacked a clear structure for foreign policy in relations with African states. It was the first time in December 2005 when the European Council adopted the Strategy for Africa developing a comprehensive, integrated and long-term framework for its relations with the continent as a whole and how the EU would promote African states to build democracy, peace and stability.

In the article “When neutrality is a sin: The Darfur crisis and the crisis of humanitarian intervention in Sudan”, Udombana argues that Darfur was a challenge to the United Nations’ norms on peace, security, human rights, and refugee issues as it was established “to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace” (UN Charter art.1).The author argues that, in the context of a military counterinsurgency campaign against rebel groups, the government of Sudan and government-backed ethnic militia committed international crimes such as genocide, “ethnic cleansing”, war crimes, and crimes against humanity in order to justify humanitarian military intervention. Herewith, the article denounces the then posture of neutrality of international community, despite obvious and overwhelming evidence of continuing atrocities and violation of human rights in Darfur.

In his article, Udombana notes that neutral position of international community and lack of humanitarian intervention in Sudan is a sin resulting in slaughter of tens of thousands of Darfurians. The author, herewith, fairly mentions some attempts of the international community to solve the Darfur crisis but assessment of them are not satisfactory.

Nadia Deans (“Tragedy of Humanity: The issue of intervention in the Darfur Crisis”) discusses the principle of sovereignty in relation to intervention under the U.N. charter and examines the legality of intervention and the organizations that would have the authority to intervene in Darfur. In the article, she also focuses on the various methods of international intervention as well as their limitations to determine which method is the best measure to apply to the crisis in Darfur, with particular attention to several factors such as social, economic or political which influence the U.N.’s decision to intervene. Social factors are reflected in the international community’s application of international intervention. Bringing Yugoslavia as an example, terms genocide and ethnic cleansing led to the intervention in such a sophisticated problem within Europe; while in the contrary the same attention was not paid to the Rwanda because of lack of depth or disinterest.

Pentland in his article “the European Union and Civil Conflict in Africa” identifies historical ties between Europe and colonial Africa, thus arguing that the European Union tries to maintain its relations whether trade, political or economic with African states. Under the Treaty of Maastricht, with provisions for the Common Foreign and Security Policy of the European Union, relations with Africa was a direct reflection of the policy priorities, whereas security was a largely matter for individual European states. Bringing the relationship between the EU and the African, Caribbean, and Pacific states (ACP), which was renovated by a comprehensive agreement signed in 2000 at Cotonou, for better clarification.

The author of the article considers that even if still modest (at that time) EU capacity for joint military intervention outside Europe in support of UN or AU peace operations, with limited financially and logistically the EU military capability is not intended or appropriate for major operations when the essentials are “speed of deployment, a clear mandate, and appropriate training and equipment.

Toje in his article (The Consensus-expectations Gap: explaining Europe’s ineffective Foreign Policy) generates an idea of “consensus-expectations gap” that hinders the EU to be an effective player in the international stage. He discusses the term “capability-expectations gap”, which was elaborated by Christopher Hill in 1993 while analyzing the international role of the European Community (EC) and identified a gap between what it had been talked up to do and what the EC was actually able to deliver.

Chapter 1: Overview of Conflict in Darfur

Sudan is the largest country in Africa with a total land mass of 1.8 million sq. km. (Central Intelligence Agency, the World Fact Book)³. Darfur is an area the size of France and Sudan's largest region in western part of the country, situated on its western border with Libya, Chad and the CAR. . The population of Darfur is approximately six million people (Human Rights Watch, Darfur in Flames, Vol.16 No. 5(A)). Sedentary African farmers predominate Darfur, with the Fur and Masalit as dominant ethnic groups. These dominant ethnic groups have often intermarriage with Arabs and other Africans. The rest of Darfur population consists of nomadic Arab tribes. Though both the black African and the Arab tribes are Muslims, they have a long-standing history of clashes over land, crops and resources. The Arabs in Darfur have been favored by the central government for years causing to distrust by the Fur leaders (ibid).

The latter crisis in Darfur started in February 2003, as a result of actions by rebel forces, notably the Sudan Liberation Army (SLA), and later the Justice and Equality Movement (JEM), the members of who primarily come from the Zaghaza, Fur, and Masaalit tribes. The SLA and the JEM accused the Arab-ruled government of Sudan of decades of neglect and oppression of black Africans in favor of Arabs. They also demanded that the government address perceived political marginalization, socio-economic neglect, and discrimination towards African Darfurians by successive federal governments in Kharoum. (UNHCHR Report on Human Rights in the Darfur Region of Sudan).

On 24 and 25 April 2003, the SLA attacked government military forces at El Fasher in north Darfur. Because the government of Sudan apparently was not in possession of sufficient military resources, as many of its forces were still located in the south, it allegedly

³ <https://www.cia.gov/library/publications/the-world-factbook/geos/su.html> last accessed on August 1, 2012

sponsored a militia, composed of a loose collection of fighters mostly of Arab background, known as the "Janjaweed," to respond to the rebellion. With active government support, the militias attacked villages, systematically targeting civilian communities that share the same ethnicity as the rebel groups, killing, looting, forcibly displacing, destroying hundreds of villages, and polluting water supplies. There have been reports of deliberate aggressions against women and girls, including gang rapes (Darfur Commission Report, supra note 17). Based on Human Rights Watch report (April 2004) "Darfur in Flames: Atrocities in the Western Sudan", over 180,000 people have been killed and about two million people, mostly non-Arabs, have been forced out of their homes. Since 2003, the conflict between the government-backed Janjaweed militia and the non-Baggara people has left an estimated 340,000 people killed (BBC News Online, 16 Feb. 2005)⁴.

⁴<http://news.bbc.co.uk/2/hi/africa/4268733.stm> This widely-reported number of deaths is believed to be conservatively estimated. Last accessed on July 25, 2012

Chapter 2: An Internal Conflict or Need for International Response?

Most countries expressed their concern in statements and resolutions. As China has invested in Sudan over years recently, purchasing Sudanese oil, thus not surprisingly China advocated soft approach at the United Nations Security Council meetings. Russia held the same position. Islamic members, Algeria and Pakistan were also reluctant to support strict sanctions. The efforts of the fledging African Union (which had been set up less than two years earlier) soon became everyone's favourite excuse for washing their hands of Darfur. The West, while professing support for the safeguarding of civilian lives, was busy elsewhere (Iraq, Afghanistan, and the Balkans); the UN Secretariat argued that it was overextended and could not contemplate another peacekeeping operation. Sudan itself quickly realised that allowing the AU in would remove the pressure from elsewhere, and in late May signed an agreement with the AU on the modalities for the establishment of an observer mission. Henceforth, in all of its resolutions, the Security Council would express its support for the AU and call on the international community to support its efforts there (Fride, Weschler; 2010:6-10).

The UNHCHR also showed concern with regard to Darfur, and issued a report on the situation of human rights in the Darfur region of the Sudan in May 2004 (Situation of Human Rights in Darfur, supra note 22). On 2 April 2004, the UNSC issued a presidential statement expressing its concern about the "massive humanitarian crisis" in Darfur and called on all parties to protect civilians, to allow humanitarian agencies full access to Darfur, and to reach a ceasefire. Later on 25 May, the Council issued a second presidential statement, expressing its "deep concern at the continuing report of large-scale violations of human rights" and calling on the Sudanese government to disarm the Janjaweed. On 30 July 2004, the UNSC issued the first comprehensive resolution on Darfur (S.C. Res. 1556, U.N. Doc.

S/RES/1556) expressing the concern over the “ongoing humanitarian crisis and widespread humanitarian violations”.⁵

The aforementioned resolution considered the situation in Sudan as “a threat to international peace and security and stability in the region”. Although it acknowledged “Steps taken toward humanitarian access” but also expressed “concern at reports of violations of the Ceasefire Agreement signed in N’Djamena on 8 April 2004. The resolution was drafted by the US and cosponsored by Britain, France, Germany, Chile, Spain and Romania. The Resolution 1556 endorsed the deployment of international monitors, including by the AU, and urged to reinforce the AU monitoring team by providing personnel and other assistance such as financing, supplies, transport, vehicles. The draft Resolution imposed “sanctions” against Sudan. However, seven of the fifteen council members were reluctant to endorse and explicit threat of sanctions against Sudan, making the US soften the language of the “resolution and to substitute a reference to “further actions, including measures as provided for” in Article 41 of the UN Charter in the event of noncompliance (Udombana 2005: 1183).

The political narrative began to change after a few months. Initially, the situation in Darfur was largely seen as a campaign by the government and its allies against the civilian population of the region in which the rebel movement played only a marginal role. Gradually, however, developments in Darfur started being seen more as a classic, symmetrical conflict for which mediation would be the most appropriate tool, and a peace agreement the ultimate goal, with accountability becoming a much less central issue (Fride, Weschler; 2010:6-10).

We should also mention the measures taken by the African Union (AU) of which member is also Sudan. At the 35th session, the African Commission adopted a “Resolution on

⁵ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/446/02/PDF/N0444602.pdf?OpenElement> last accessed on July 25, 2012

the Situation of Human Rights in Darfur, Sudan”. (A.U. ACHPR, 35th sess.). the resolution expressed union’s deep concern over “the continuing humanitarian crisis and the reported human right violations committed in that region since the beginning of the crisis such as the mass killings, sexual violence as a means of warfare, and the abduction of women and children” (Ibid). As a result, the session was ended with a promise by the Commission “to send a fact-finding mission to Darfur to investigate reports on human rights violations in Darfur and to report back to it” (Ibid). Even though in July 2004, the Assembly expressed the need to address the crisis “with utmost urgency to avoid further escalation”, (Decision on Darfur, A.U. Ass. 3rd. Ord. Sess. Addis Ababa) and acknowledged that “the humanitarian situation in Darfur is serious,” the AU Assembly did not turn out to have a clearly defined position on the Darfur crisis and was reluctant to use forceful measures to end crisis (Udombana 2005: 1186).

The United Nations Security Council adopted Resolution 1590 on 24 March to establish the United Nations Mission in Sudan (UNMIS) for an initial period of six months proposing 10,000 military contingent-excluding “an appropriate civilian component” and “up to 715 civilian police personnel” (S.C. Res. 1590, supra note 212) in order to support implementation of the Comprehensive Peace Agreement; facilitate and coordinate the voluntary return of refugees and IDPs; provide humanitarian assistance (Udombana 2005: 1185).

This resolution, however, was subject to Sudan’s consent, something which was never given, and as a result the resolution was never implemented. Sudan’s adamant resistance was supported by Arab governments. At the AU’s insistence, by November, an entirely new concept of peacekeeping operation for Darfur emerged: in the immediate short term, the UN would considerably strengthen the existing AU mission prior to the transition to a “hybrid” mission that would be run jointly by the UN and the AU. This plan presupposed the tacit

consent of Khartoum, but in actual fact it would take another several months of exhausting negotiations for an eventual agreement to be worked out and a resolution authorising the UN-AU Mission in Darfur (UNAMID) to be adopted in late July 2007. Khartoum insisted the mission to have a “predominantly African character”. On the contrary, the mission was followed by the difficulties from the Government of Sudan side by blocking equipment at customs for months (Fride, Weschler; 2010:6-10).

According to the article 4 (h) of the AU’s Constitutive Act, signed on July 11, 2000, awarded the new organization “the right To intervene in a Member State pursuant to a decision by the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity”.⁶

To its credit, the AU arranged several inter-Sudanese Peace talks, comprising the government of Sudan, the SLA, and the JEM aiming to reach peaceful solutions to the Darfur crisis. Several agreements were concluded including the two Protocols signed in Abuja, Nigeria, on 9 November 2004. The parties agreed on “The Protocol on the Improvement of the Humanitarian Situation in Darfur,” guaranteeing unrestricted access for humanitarian workers and assistance to reach all the needy in Darfur. In order to monitor and observe compliance with all the ceasefire agreements, thje N’djamena Ceasefire Agreement, the African Union/Political Security Council established the African Mission in the Sudan (AMIS). The main task of the mission id monitor and verify the provision of security for returning IDPs, and the cessation of all hostile acts by all parties to the conflict (Udombana 2005: 1187).

The North-South agreement was signed in early 2005 and a few months later a UN peacekeeping operation in Sudan known as UNMIS was established to facilitate

⁶ http://www.africa-union.org/root/au/aboutau/constitutive_act_en.htm last accessed on July 24, 2012

implementation. With atrocities continuing in Darfur and with the AU's Darfur mission proving manifestly unable to provide the desired levels of protection, by late 2005 some Council members (mostly Western, with some African support), began suggesting a transition from the AU to a UN operation and the creation of a single UN mission that would cover all of Sudan, including Darfur (Fride, Weschler; 2010:6-10).

Considering the sovereignty of any state and how use of force is defined under the U.N. Charter, here the question arises: following these legal obligations and restricted by them, can the international community be silent and in the position of bystander not making effort to end humanitarian crisis quickly?

Even though the Security Council could not authorize military intervention under Chapter VII of the U.N. Charter unless there is a threat or breach of international peace, political influences also inhibit SC authorization of military, as far as Sudan was not attacking another state, the situation was an internal crisis within the country; therefore, according to the U.N. Charter the justification of self-defense did not apply (Emory International Law review 2005: 1679). On the other hand, if it is found that the conflict could affect the civilians of neighboring countries, there is legal basis for the SC to authorize intervention because there would be breach of international peace and security Darfur has historical ties with Libya and Chad. What happens in Darfur will affect the stability of Chad. Moreover, a number of Chadian civilians were killed as a result of Janjaweed militia pursuing Darfuri refugees into Chad (Emory International Law review 2005: 1679). Thus, in this specific case, it was not only internal conflict, there was a breach of international peace, but international community, the EU among them, did not address to bold mechanisms. The will to end the humanitarian crisis at an early stage was exceeded by other factors.

Though chapters VI (peaceful measures) and VII (coercive measures) of the U.N. Charter authorize the United Nations to use various methods to maintain international peace and security, however, the United Nations was slow in deciding what action to take. In addition, the UN seemed reluctant to classify the Darfur crisis as genocide. It took two years when in 2005 the United Nations sent an inquiry Commission to Darfur. According to the Commission report the atrocities in Darfur did not amount to genocide: “international offences such as the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide.”⁷ (Emory International Law review 2005: 1667-8).

In the article “the Responsibility to protect and the crisis in Darfur”, (2005) Williams and Bellamy identified three key factors explaining the international community’s failure to intervene in Darfur: increased skepticism towards interventionism in the West following the Iraq war, the West’s strategic interests in Darfur, and the relationship between the Darfur crisis and Sudan’s other civil wars (Toje 2008: 136). With regard to specifically the European Union, “However, given the EU’s increasing experience of peacekeeping and enforcement, the most likely explanation for its failure to contemplate intervention in Darfur was that its leaders lacked the political will to muster the necessary resources” (Williams & Bellamy, 2005: 34 cited).

⁷ COMMISSION REPORT; *supra* note 36, at 4. Acts of genocide refer to the enumerated acts of the Genocide Convention. *Id.* at 124.

2.1 EU Response to the Conflict

The links of many EU members with Africa go back into the colonial period. The British, and French and the Portuguese have maintained economic, military and cultural ties through bilateral relations, multilateral trade, aid and investment links between the EU and the African states. This relationship between the EU and the African, Caribbean, and Pacific states (ACP) has been renovated by new forms of multilateral cooperation with Africa and a comprehensive agreement signed in 2000 at Cotonou (Pentland 2004-2005: 923).

Since the European Security and Defense Policy (ESDP) was initiated in 1998, the EU has attempted to structure the economic, diplomatic and military assets of the member-states. By 2008, the capability-expectation gap has narrowed considerably (Biscop 2004). The CFSP has come a long way on an institutional level since the Maastricht Treaty on European Union (TEU) merged the EPC secretariat into the Council secretariat as the CFSP unit. The EU has institutional frameworks, through which policies can be implemented such as ministerial and official bodies, including a Policy, Planning and Early Warning Unit; a Political and Security Committee; a Military Committee; a Military Staff and a Situation Centre; a General Affairs and External Relations Council; a Committee of the Permanent Representatives; and a Committee for Civilian Aspects of Crisis Management (Toje, 2008: 124).

The lack of capabilities and coordination among the EU states was obvious during 1999 Kosovo war. Even though Saint-Malo declaration was approved with hope that “the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international

crises. The 2003 European Security Strategy (ESS) aimed to give strategic guidance to the CFSP in which different functions of the EU at the international arena is spelt out. Hill (1993:317) lists six potential functions for the EU: as a superpower, as a regional pacifier, as a global intervener, as a mediator of conflicts, as a bridge between the rich and poor, and as joint supervisor of the world economy. These roles are also mentioned in the strategy mentioned above. However, it was not until 2005, when the European Union adopted the Strategy for Africa developing a comprehensive, long-term framework for its relations with the continent of Africa (Keukeleire, Macnaughtan 2008: 288).

On the other hand, it is worth mentioning that there were several expected and “unresolved” issues identified when the EU started ESDP operations such as obvious *shortage of both civilian and military capacities* available in the member states; *financing of the operations*, particularly military ones; and the member states’ views on *priorities and strategic interest of the ESDP operations*, that are rarely discussed in public (Björkdahl, Strömvik; 2008: 11).

Although the EU has an embryonic Planning Cell, that means that any future large-scale military operations will have to be directed through framework of nations, of which France, Germany and Britain are the most likely candidates. The coordinated work of the aforementioned bodies/committees is often hindered by member states national interests. Common Foreign and Security Policy (CFSP) did not turn out to be different from European Political Cooperation (EPC) as far as consensus is often difficult to arrive at, in cases where national positions are not apart. (Toje, 2008: 124). Due to the fact that CFSP is purely intergovernmental, each member state stands in favor of national interests, thus the decision-making process is quite complex and hinders the process of coming up to consensus.

Grevi, Helly, and Keohane while assessing the ESDP 10-year operations argue that “even though considering the Darfur crisis from the beginning as a major challenge, the EU failed to fully appreciate the extent of the African Union’s capabilities and the mission’s growing requirements. As a result, it did not provide the operational and financial support necessary to ensure the mission’s effectiveness. Despite the fact that the EU made considerable contribution to the mission, AMIS never had enough critical force enablers like vehicles, helicopters and communication equipment to fulfill its objectives (Grevi, Helly, Keohane, 2009: 259). Jolyon Howorth concluded that the EU has ultimately proven unable to contribute to AMIS in a manner consistent with its future ambitions and historical responsibilities for Africa”.

The EU member states tended to act bilaterally with Arab states more than through EU mechanisms, a legacy in part of the EU lacking a clear structure for foreign policy. It was the first time in December 2005 when the European Council adopted the Strategy for Africa developing a comprehensive, integrated and long-term framework for its relations with the continent as a whole (Keukeleire, MacNaughtan 2008: 288). Darfur crisis erupted at a moment in 2003 “when neither the EU’s Africa policy nor the CSFP/ESDP had been consolidated” (Grevi, Helly, Keohane, 2009: 259). The Africa Strategy of 2005 explains how the EU will support African States to “build a peaceful, democratic and prospective future through its resources within 10-year period of time (Keukeleire, MacNaughtan 2008: 292).

However, the EU members often prefer to conduct EU-led operations on the request of the UN, rather than provide troops in national or EU hats for UN-led operations. On the other hand, rapidly deployable forces were another challenge for the European States, both

regarding the availability of such troops and equipment from the member states, and the national and EU capacity for quick decision-making. (Björkdahl, Strömvik; 2008: 9-10).

The Europeans have been involved in attempts to manage or resolve all of Africa's conflicts through the participation of their national armed forces in UN peace operations, through the provision of technical, logistic, and financial support for African military or police operations, and through diplomatic support. On two occasions European powers have intervened unilaterally in a troubled African country by government invitation; and there has been one instance of an EU joint action under the common foreign and security policy (Pentland 2004-2005: 930).

It must be remembered that the EU only started getting involved in 'crisis management' operations (ESDP missions) 10 years ago. Financial responses to crises too are recent, beginning in 2001. It would be fair to say that both civilian and military mechanisms are still in their nascent stages (Grevi, Helly, Keohane 2009). Also, the EU looks to the UN as the mainstay for decisions on international intervention in conflicts, and the UN had not described the situation in Darfur as genocide either. Furthermore, the EU has been limited politically by the Sudanese administration's resistance to personnel and actors from Europe. The EU strongly supported UN-led efforts to bring peace to Sudan, but for various political reasons, would not or could not act alone. In any case, as we have seen, the EU seeks to influence above all in providing long-term humanitarian and development assistance.

Even though the Security Council could not authorize military intervention under Chapter VII of the U.N. Charter unless there is a threat or breach of international peace, political influences also inhibit SC authorization of military intervention (Emory

International Law review 2005: 1677-8). Moreover, considering the use of force as an ultimate tool to control humanitarian crisis Article 103 of UN Charter clearly states: “the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail”. Despite this aforementioned article and the argument that not any decision regarding use of armed force cannot prevail the obligation in face of the UN, there are obvious examples of use of armed forces without the approval of the UN Security Council; for example, intervention in Kosovo. Here we face the lack of political will internationally, not only by the European Union side, but in this paper the focus is on the EU efforts and its responses.

As the lack of consensus among EU member states in response to Darfur crisis is another variable to be tested, one should keep in mind the intergovernmental nature of CFSP including ESDP. The institutional set up of the ESDP bodies is complex. Although the CFSP, including ESDP, is conducted jointly by the member states, other EU actors can also play important roles in agenda-setting, decision-making and implementation (Strömvik 2005, chapter 4 – Björkdahl, Strömvik; 2008: 13).

Toje develops an idea of consensus-expectations gap among the EU Member States and argues that “the CFSP will be closely linked to the overall popular support for European integration in the future. The EU will have to continue to respond to a strategic agenda that it does not control. The consensus-expectations gap is set to continue to prevent the EU from engaging in effective crisis management, leaving the Europeans to continue making statements and setting examples - rather than actually shaping world affairs” (2008: 139).

The issue whether its deployment was successful or not is a matter of fact. For instance, the EU missions functioned effectively from the perspective of short-term stabilization until the UN could take over. On the contrary, the same cannot be referred to the long-term missions as they have been limited and did not aim to root the causes of the conflicts (Vinces 2010, cited in Richard Whitman, Stefan Wolff; 2012: 78-79)

Whitman and Wolff (2012) argue the increasing status of the EU as a global actor by bringing the three circumstances which define the profile of the EU. The process of decision-making in the EU is quite complex. If the assumption that those policy-makers in Brussels, London and Paris have been aware of the circumstances it may explain the fixed time limits of EU soldiers' deployment in Africa. Herewith, it explains why the EU intervened with the expectation that the UN would continue the operations when the European soldiers had left. In addition, it expresses the willingness of the EU member states, not only of France and the UK, to vote in favor of launching the operations. These circumstances speak much more about the status of the European Union as an international actor than about Africa (Whitman, Wolff; 2012: 78-79).

The EU and its Member States supported the political, military and police efforts of the African Union to stabilize the situation in Darfur/Sudan since January 2004. The EU made planning and technical assistance, provided available equipment and financial support to the African Union's mission in Sudan/Darfur (AMIS) and deployed military observers. The EU provided a consolidated package of civilian and military measures, trained African troops, helped with tactical and strategic transportation and provide police assistance and training to support AMIS in response to a request from the AU.

2.2 EU Member States Positions

Throughout the tragedy, many EU member states have acted either bilaterally or along with others on the issue of Darfur, in particular, the UK, Italy, the Netherlands and France. The EU sees this as complementary to its own work. One of the tasks of the rotating 6 month presidency of the EU has been to coordinate the EU countries bringing pressure to bear on Sudan, such as Austria, Bulgaria, Denmark, France, Germany, Greece, the Netherlands, Romania, Spain and the UK, on both short-term and long-term issues (Giya, FRIDE 2010: 8).

For historical and domestic political reasons, the UK took a leading role on Sudan in the EU. Apart from the UK and Norway, which led on the oil issue, the other active European States were France, the Netherlands and Italy. After one year of the outbreak of the crisis, in 2004, EUR 83 million were granted in aid.⁸ Totally, the commission allocated 400 million Euros of development assistance for Sudan in 2002-2007.⁹

Apart financial support, the key issue is how the AU was able to handle the crisis when it lacked logistical and technical capacity itself. The International community, in particular the UN and AU were not effective enough to halt Khartoum policy of ethnic cleansing. This failure opened the way to the government of Sudan in its violent actions. At the Third Meeting of the Military Staff Committee held on 25 April 2005 in Addis Ababa, Ethiopia, the conclusions regarding AMIS effectiveness were the following: AMIS “is over stretched to address the security concerns” and “lacks basic elements of a balanced military

⁸ http://europa.eu/legislation_summaries/humanitarian_aid/r12539_en.htm last accessed on July 31, 2012.

⁹ <http://www.publications.parliament.uk/pa/ld201012/ldselect/lducom/160/16007.htm> last accessed on July 31, 2012

force.” The main question of this research is what factors influenced 2-year late deployment of the EU mission.

There was no ‘CNN-effect’¹⁰, or Darfur NGO pressure groups to make the EU react boldly. A proper reaction took time and it wasn’t until February 2004 that the European Commission began to mobilize funding. From March-April 2004, the EU had begun to mobilise politically, as well as through other EU instruments, including strong support for the AU mission and technical support of the AU (Giya, FRIDE 2010: 10).

Since Rwanda, 10 African conflicts have made occurring on the UN Security Council’s agenda and the EU member states are the second most-frequent contributors providing few troops, observers, or civilian police. For Europeans, participation in UN-led operations also flows from different motives, traditional interests account for why the Belgian forces were deployed in UN mission Congo, French in Ivory Coast, and British in Sierra Leone (Pentland 2004-2005: 925-6).

If the US described the situation in Darfur as genocide, the EU did not respond as quickly and issued statements, such as the advisor to the EU High Representative in August 2004, who after completing fact-finding mission stated that while there was no “situation of genocide”, considerable doubts existed as to the willingness of the Sudanese government to assume its duty to protect its civilian population from attacks. By the end of the year, the Washington Post was reporting that ‘... [The] European Parliament declared that the actions of the Sudanese government in Darfur were “tantamount to genocide,” and EU ministers threatened sanctions “if no tangible progress is achieved” in meeting U.N. demands to halt

¹⁰ Causing individuals and organizations to react more aggressively towards the subject matter being examined. Definition available at <http://www.investopedia.com/terms/c/cnneffect.asp#axzz22h4BW1az> last accessed on August 1, 2012

the killing' (The Washington post: December, 2004)¹¹. However, a stinging critique of EU structures came from Bock (a former legal adviser to the United Nations Economic Commission for Europe) and Miller, arguing that EU member states 'voice their concerns — and then excuse their inaction as bowing to the judgment of the whole (of the EU). In effect the European Union has fashioned a foreign policy mechanism by which inaction is virtually automatic — even in the face of genocide.'(FRIDE 2010: 10).

The Council appointed a Special EU representative, Torben Brylle, to the region with the responsibility to coordinate the EU's contributions to AMIS. The EU deployed military and civilian personnel to AMIS during the two-and-a half year mandate. This personnel comprised 30 police officers, 15 military experts and two military observers. In addition, military staff, a police officer and a political advisor were made available to support the EU Special Representative for Sudan. The member states made substantial bilateral contributions taking the overall EU contributions to AMIS to some 500 million Euros for the period 2004-2007 (Council, Factsheet 2008).¹² It has to be mentioned that without the EU member states substantial support these mission would be impossible.

The EU took note and recognised US efforts to help mitigate discussion of difficulties, but the EU did not see the need to make public announcements to reaffirm its action like the US. Responses are then discussed in the Political and Security Committee (PSC), the Permanent Representatives Committee (Coreper) and the General Affairs and External Relations Council (GAERC). On the ground in conflict situations, the 'voice and face' of the EU comes in the form of the appointment by the Council (on recommendation of the EU High Representative) of an EU Special Representative (EUSR) to the region or country, in this case, the EUSR for Sudan (FRIDE, Giya 2010: 11).

¹¹ <http://www.washingtonpost.com/wp-dyn/articles/A49825-2004Dec8.html> last accessed on July 31, 2012

¹² <http://www.consilium.europa.eu/uedocs/cmsUpload/080109-Factsheet8-AMISII.pdf> last accessed on August 5, 2012

However, the broad range of issues, and the sensitivities inevitable with the different views of 27 member states, has meant that a more strident EU public voice is more likely to come from the European Parliament, or from individual member states (FRIDE, Giya 2010: 11). For example, even though the EU was involved in discussions of the Comprehensive Peace Agreement (CPA), the UK had a large part to play, along with the US and Norway, the three being key parties in brokering the CPA. Again in 2007, a similar pattern to 2004 emerged, with the European Parliament making the strongest statement, issuing a resolution invoking the 'Responsibility to Protect' (or R2P) and calling for action in Darfur, while member states expressed their 'readiness to consider further measures.'¹³ The table below this chapter provides statements, steps taken by the EU leaders.

Initial EU discussions on Darfur considered a major military operation with some discussion over size and mandate. However, a lack of will and capacity meant that the initial ideas were downsized to a supporting mission. It is important to highlight that outsiders make a distinction between the EU's attention to different conflicts. One commentary noted that the deployment of EU personnel in Sudan/Chad was vastly different to the rapidity of the deployment in Lebanon, which is the EU's own backyard (Omar Ismail, Enough Project, 2009- cited in FRIDE report). Indeed, it is recognised within the EU that member states tend to prioritise their neighbourhood, where they see conflict as directly threatening their interests and territory, rather than "far-away" countries. Hence, at the request of the AU, the EU agreed to a supporting action for AMIS II (FRIDE, Giya 2010: 12).

There was also opposition from some EU member states themselves, such as the UK, which did not want the ESDP to set a military precedent. However, obviously resistant

¹³ <http://www.state.gov/r/pa/prs/ps/2009/oct/130672.htm> last accessed on August 4, 2012

member states eventually agreed as the support mission went ahead. The EU financed the bulk of the AMIS mission through the Commission-managed African Peace Facility from June 2004, with a total contribution of over €305 million, including €38.5 million via voluntary contributions from eight EU member states. With this financial contribution, AMIS represents the biggest African-led peace operation financed by the APF so far. The support continued until 31 December 2007 when AMIS handed over to the African Union / United Nations hybrid operation in Darfur (UNAMID). One important aspect for the EU is that it did identify that lessons learned reporting for AMIS did not go directly to the EU Special Representative, creating a potential weakness in the EU's engagement in the mission (Fride, Gya; 2010: 12)

Pressure from public opinion on parliaments, including the European Parliament, increased for the EU to act on Darfur. Despite the AMIS support operation, further direct intervention by the EU in Darfur was always going to be difficult, due to both GoNU objections, which rendered any additional intervention illegal, but also from a lack of will of EU member states. The EU also had to consider the risk of jeopardising the UN mission and the need to coordinate international efforts, as well as a lack of capacity and resources like basic equipment and water. Many EU member states were also not keen on a long term commitment, preferring a 'bridging' operation which would see the mission pass to the UN eventually (Fride, Gya; 2007)¹⁴

The Commission deals with political relations with the country and undertakes programming for most EU financial instruments and development cooperation. The main legal document relevant to development assistance to Sudan is the revised Cotonou Agreement. As regards political relations, the Commission's main priority for Sudan is the

¹⁴ http://www.isis-europe.eu/sites/default/files/programmes-downloads/2007_artrel_23_esr35chad-humanitarian.pdf last accessed on August 5, 2012

implementation of the Comprehensive Peace Agreement signed in 2005 to end the 23-year long civil war between North and South in Sudan (Fride, Gya; 2010: 15).

The contributing countries for the AMIS mission were: Austria, Belgium, Cyprus, Denmark, Germany, Finland, France, Hungary, Ireland, Italy, Netherlands, Portugal, Spain, Sweden, and United Kingdom.

Due to the fact that the paper is focused on the role of the European Union, the following table provides extract of chronology of facts, statements, and steps taken by EU and its Member States regarding Darfur crisis, herewith some other significant events. The research was conducted by the Coalition for International Justice.¹⁵

Publication Date	Event	Source
January 7, 2004	European Union called for ceasefire in Darfur. In a statement issued by Irish Presidency, the EU called on the Government of Sudan and SLM/A to respect the 3 Sept. ceasefire: “the EU urges the parties to deploy the maximum effort to ensure the full respect for human rights and the protection of the civilian population... The EU urges the parties to ensure full and unimpeded access by reluctant UN bodies and agencies and other humanitarian actors.”	Agence France- Presse (AFP), Paris- based global news wire service
April 21, 2004	European Commission donates 1.5 million Euros to support peace talks between the government of Sudan and Southern rebels as it believes talks to be in the “home stretch”.	United Nations Integrate d Regional Informati

¹⁵ The complete study is available at http://sudan.uconn.edu/CIJ_Complete_Darfur_Chronology.pdf last accessed on August 2, 2012

		on Network (IRIN)
April 28, 2004	EU head office announced it was preparing \$12 million in new aid for Darfur victims. EU commissioner Poul Nielson said he would quickly submit a proposed aid package to EU governments for approval.	Associated Press (AP), US-based global news wire service AFP
May 17, 2004	International Crisis Group (ICG) called on UN to threaten military force against Sudan. ICG urges the UN Security Council to pass a resolution condemning the government of Sudan for violations of international humanitarian law. ICG urged Security Council to authorize application of military force on "responsibility to protect" principles and calls for an arms embargo against Khartoum.	AFP
May 28, 2004	Germany, Italy, France and the Arab League all issued double-edged messages about North-South protocol signing and concern about Darfur.	AFP
May 28, 2004	The UK commended the protocol signings in North-South conflict, but remains "deeply troubled" by Darfur situation.	AFP
June 3-5, 2004	UN asked \$236 million for Darfur relief. The US had pledged it would add \$188.5 million over next 18 months and the EU pledged \$12.2 million. Jan Egeland, UN Head of Emergency Relief Coordination/UN under secretary for Humanitarian Affairs, admitted that the response to the crisis was slow: "We admit we are late".	AP, Guardian
June 3, 2004	Norway pledged US \$5.3 million for Darfur relief. "This is catastrophe that has political causes," said Norwegian Deputy Foreign Minister Vidar Helgesen, and "it is therefore necessary that the parties, especially the government in Sudan, take responsibility for protecting and helping their own people by stopping violence, disarming militia and restoring law and order."	AP
June 8, 2004	the UK to grant additional \$27 million in relief aid to Darfur	AFP
June 10, 2004	EU expressed help fund AU peacekeeping force. The EU said it would contribute US\$ 14.5 million to support quick deployment of AU force to Darfur.	AP
June 11, 2004	UN Security Council unanimously approved resolution (sponsored by UK) authorizing peacekeeping operation for South Sudan following the 5 June signing of a landmark power-sharing declaration by Government of Sudan and SPLA	AP

June 16, 2004	EU agreed to release 60 million Euros of 407 million Euros in assistance for humanitarian operations in Darfur that had been frozen.	AFP
June 17, 2004	UN Secretary-General Kofi Annan not ready to describe Darfur situation as “ethnic cleansing or genocide yet.” His remarks were based on the reports he had received.	AP/AFP
June 21, 2004	EU to send cease-fire observers to join AU team. “The consolidation of the cease-fire is crucial to prevent a real humanitarian crisis in Darfur, said EU foreign policy chief Javier Solana.	AP
June 22, 2004	French Deputy Foreign Minister Renaud Muselier signed agreement to donate three million euros in French aid to Sudan during a meeting with President Bashir. The agreement, signed between France, Government of Sudan and UN World Food Programme (WFP) will channel one million Euros to Darfur. Muselier stressed to Bashir the need to “eliminate all problems related to the practices of the Janjaweed.”	AFP
July 2, 2004	Finland to provide an additional \$1.35 million in aid for Darfur.	AFP
July 5, 2004	The Netherlands, holding current EU Presidency pledged additional 10 million Euros for Darfur.	AFP/AP
July 8, 2004	France doubtful that sanctions against Government of Sudan would improve situation in Darfur. “It would be better to help the Sudanese get over the crisis so their country is pacified rather than sanctions which would push them back to their misdeeds of old” said French Deputy Foreign Minister Renaud Muselier. Muselier said given the imminent North-South peace, sanctions for Darfur might not be appropriate.	AFP
July 8, 2004	AU calls on Khartoum to stop bombing Darfur. 2004 President Omar al-Bashir agrees to allow AU contingent of 300 armed soldiers to protect AU monitoring team.	AFP AP
July 12, 2004	EU offers additional 18 million Euros for Darfur	AFP
July 12, 2004	EU warns of sanctions against Sudan government over Darfur. Dutch Foreign Minister Bernard Bot said “we are waiting for the signals in the coming days and ... we will then consider whether we will have to increase pressure on the government and impose sanctions.”	AFP
July 19, 2004	Sweden urges UN Security Council to take greater steps resolve Darfur crisis. Swedish Prime Minister Goeran Persson wrote to Kofi Annan saying the international community must continue to give high priority to influencing the Government of Sudan to take the necessary measures.” Persson went on to say, “the normalization of EU relations with Sudan will depend on immediate and verifiable progress in Darfur, in particular disarmament of the militia.”	AP
July 21, 2004	UK Prime Minister Tony Blair pledges to keep up pressure on Sudan	AFP

	to end Darfur conflict. When asked about possible international intervention, Blair responds, "we will continue to monitor the situation very carefully and we rule absolutely nothing out in this situation."	
July 21, 2004	German Foreign Minister Joschka Fischer seeks Pakistan's assistance at UN in pressing Sudan to end Darfur crisis. "What we need is a majority on the security council and full cooperation above all in establishing security and disarming the Janjaweed," said Fishcer.	AFP
July 21, 2004	The international community must take measures if the government of Sudan will not perform, said Annan, "should it be sanctions? Should it be sending in a force and is that force available, and how quickly? These are issues that the council will have to take."	AFP
July 22, 2004	UK foreign Secretary Jack Straw discusses possibility of sending EU joint civilian-military team to help AU monitoring team. Straw wants that Government of Sudan faces sanctions if does not fully cooperate with UN and does not rule out use of force.	AP
July 23, 2004	US congress unanimously passes resolution calling Darfur "genocide" with Senate concurring.	AFP
July 26, 2004	EU Council of Ministers urges UN to pass resolution threatening sanctions against Sudan/Janjaweed. "There is no indication that the government of Sudan has taken real and provable steps to disarm and neutralize the armed militia, including the Janjaweed," EU foreign ministers said in a joint statement.	AFP
July 28, 2004	Germany boots aid for Darfur, providing an additional 20 million euro	AFP
July 30, 2004	UN Security Council Resolution 1556 giving Khartoum 30 days to stem conflict in Darfur or face diplomatic and economic "measures." China and Pakistan have abstained. French troops are mobilized by President Jacques Chirac to help deliver aid to Darfur. "Faced with the severity of the humanitarian situation in Darfur and the pressing needs there, the President asked for a mobilization of French military means positioned in Chad," a statement read	AP
August 6, 2004	French Defense Minister Michele Alliot-Marie pledges to support the nearly one million refugees currently housed in Chad, but calls on other EU countries to "pick up the baton."	AFP
August 11, 2004	French Foreign Minister Michael Barnier said that "there will be no lasting solution to the Darfur conflict without a political agreement,"	Le Figaro
August 24, 2004	UK Foreign Secretary Jack Straw urges president Omar al_bashir to heed calls to fulfill obligations imposed under Resolution 1556 and voluntarily accepted under the action plan for Darfur. Straw	AFP

	acknowledges some improvement in Sudan's record saying "what I understand is that there has not been aerial bombardment since the end of June that the ceasefire is broadly holding, but that atrocities have continued."	
August 25, 2004	EU announces 20 million Euros in additional aid for Darfur. Continuing violence is seriously hampering the delivery of humanitarian aid, said Poul Nilerson, EU Commission for Humanitarian Aid and Development.	AP
September 1, 2004	Swedish Foreign Minister Laila Freivalds states that it is too early to impose sanctions on Sudan saying the "threat of sanction helps move the situation forward. To actually carry out sanctions now would be "counterproductive."	AFP
September 9, 2004	UK Foreign Office Minister Chris Mullin appears to support US conclusions of "genocide" in Darfur, noting "it may well be genocide and that is why we are supporting Colin Powell's call the UN to investigate urgently. Whatever you call it, there is no doubt that grave crimes against humanity have been committed in Darfur.	AP
September 9, 2004	EU more cautious on "genocide" label, with EU spokesman Jean-Charles Ellermann-Kingombe saying "we are extremely concerned," but that "we have not discussed specifically the use of the word genocide. For us, we have noted that there is an extremely serious situation that still requires a huge humanitarian aid effort."	AP
September 9, 2004	NATO ready to cooperate with EU in Darfur. NATO Secretary General Jaap de Hoop Scheffer says "I believe that we have to think creatively how we can work together. For example by giving logistic or other assistance to the AU, if would ask."	AFP
September 10, 2004	German Foreign Ministry spokesman Walter Linder labels Darfur a "humanitarian and human rights tragedy with the potential for genocide."	AFP
September 16, 2004	EU Parliament says Darfur situation "tantamount to genocide." In a vote of 566 to 6 with 16 abstentions, the resolution passes, urging an end to impunity and calling on the international community to find a way to bring those guilty of war crimes "including those responsible in the current Sudanese regime" to justice before the International Criminal Court. EU lawmakers also urge UN Security Council "consider a global arms embargo on Sudan."	AFP/AP
September 18, 2004	German Defense Minister Peter Struck says that atrocities in Darfur amounted to genocide and that he will not rule out sending peacekeeping troops. Struck says, "We cannot simply look on when a part of the continent is experiencing genocide."	AP
	Un Security Council approves US resolution (UN SC Resolution 1564) demanding that Government of Sudan rein in Janjaweed or face possible sanctions. Vote is 11-0 with four abstentions-Russia,	AFP/AP

	China, Pakistan and Algeria. Resolution authorizes UN commission of inquiry to determine if genocide has been committed.	
October 2, 2004	The Sudanese government agrees to allow 3,500 AU troops (requested by them) into Darfur, one week ahead of a Security Council meeting over new report on Sudan's progress regarding Darfur.	AP
October 5, 2005	EU will await go-ahead from UN before considering sanctions. "The UN will first indicate if it considers necessary and useful to impose sanctions," before the EU takes a decision, says Dutch Foreign Minister. Bernard Bot.	AFP
October 6-7, 2004	In the highest-level visit from a Western government since the Darfur crisis began, British Prime Minister Tony Blair flies to Khartoum to warn Sudanese President Omar al-Bashir that he must act immediately to end the violence and refugee situation in Darfur. Bashir agrees to all of Blair's suggestions which include: a joint withdrawal of government and rebel forces in Darfur, an increase in international cease-fire monitors... a comprehensive peace agreement with rebels in Darfur and Southern Sudan by the end of the year.	Guardian, World Press (WP), (citing AP)
October 7, 2004	UN Secretary General Kofi Annan appoints Commission of Inquiry to investigate whether acts of genocide occurred in Darfur and to produce a report within three months.	AP/AFP, IRIN
October 8, 2004	Speaking at the Commission for Africa, a meeting of G-8 and EU countries, Tony Blair proposes a 15,000-person EI battle force, deployable within 10 days of instruction, to intervene in African conflicts as early as next year. Blair explains that there are times "when Africa cannot stop a conflict on its own" and "the international community must be there to help."	Guardian
October 22, 2004	EU to provide \$125 million to back AU peacekeepers in Darfur. (AP); EU will pay 100 million with individuals member providing more. EU foreign policy chief Javier Solana says, "The African Union is going to be a success with the cooperation of the international community." Solana does not classify Darfur as genocide and says, "I don't want to get into a semantic game. I would prefer to see the situation solved before we get into a definition of what it is. (AFP)	AP, AFP
November 9, 2004	Germany provides air transport for AU mission and German Cabinet has approved plan to commit up to 200 German troops to the mission.	AP
January 31, 2005	UN Commission of inquiry finds Government of Sudan committed gross, systematic human rights violations including killings of civilians, indiscriminate attacks, forcible disappearances, pillage, rape, forced displacement, all of which likely constituted war crimes and crimes against humanity, but did not constitute, in the	AFP/AP

	commission’s opinion, “genocide.” The “crucial element of genocidal intent appears to be missing,” says the report which recommends that the matter be taken up by the International Criminal Court.	
February 1-2, 2005	France and the UK support referral of Darfur situation to the ICC	AP
march 16, 2005	UN now estimates 180,000 dead in Darfur. UN Spokeswoman Stephanie Bunker said that the figure is a “rough estimate” based on recent decreased mortality rates due to increased humanitarian assistance, and higher estimated mortality rates from pre-2004 when humanitarian aid was not getting through to Darfur.	AP
March 23, 2005	France introduces draft resolution referring Darfur cases since 1 July, 2002 to the ICC	AP
March 31, 2005	UN Security Council refers Darfur case to the ICC under Resolution 1593	AP

Even though the EU voiced their concern a year after the outbreak of the crisis in Darfur, the statements of the EU leaders, or Member States representatives were not commonly vocal. The UK took a leading role calling for the international community and EU Member States for further actions. The lack of common position and consensus was obvious in different stances, for example while the UK was in favor of sanctions against Sudan, France and Sweden (see the July 8, 2004 and September 1, 2004 in the table) were doubtful about the necessity of them, stating “it might not be appropriate” or “it is too early that helps situation move forward.” The UK was also bolder in supporting US position and statement regarding evaluating atrocities as genocide, while the EU seemed more cautious on “genocide” label. The author does not argue whether the EU states should declare the situation as genocide, in contrast the paper argues that the EU did not seem to voice common approach of Member States regarding Darfur crisis.

Chapter 3: Common Foreign and Security Policy of the EU

The main objective of the European Security and Defence Policy is to strengthen the EU's external ability to act through the development of civilian and military capabilities in Conflict Prevention and Crisis Management. The Common Foreign and Security Policy (CFSP) is the organised, agreed foreign policy of the European Union (EU) for mainly security and defence diplomacy and actions. Decisions are made unanimously among the EU member states in the Council of the European Union. Though once agreed decisions and certain aspects can be further decided by qualified majority voting. The EU's High Representative chairs and represents Foreign policy in international level (Nugent 2010).

However, since 1999, the European Union is responsible for implementing missions, such as "peace-keeping" and guardian of treaties, etc. A phrase that is often used to describe the relationship between the EU forces and NATO is "separable, but not separate". These two organizations cooperate in terms of peace-keeping operations. Moreover, according to Berlin Plus, the EU could refer to NATO forces. European Security and Defence Policy is considered a key component of CFSP. Since the ESDP was initiated in 1998, the EU has made pointed efforts at structuring the economic, diplomatic and military assets of the member-states in such a way that they could be mobilized in an EU context. The 1999 Helsinki Headline Goal was aimed at giving the EU access to the military capabilities that had so far been lacking. Although the ESDP was declared fully operational in 2003, the Thessaloniki European Council acknowledged that the EU's operational capability was still 'limited and constrained by recognised shortfalls (Toje 2008).

3.1 CFSP/ESDP under Treaties

To discuss the effectiveness of the EU toward Darfur crisis, provisions of the Treaty of Maastricht and the Treaty of Amsterdam should be discussed as far as treaties provide the main resource for the legal analysis of the diplomatic competences. Adoption of **the Treaty of Maastricht (TEU-MV)** was caused by several reasons: The most obvious one was the breakdown of Communism in 1989 and the implications this had for the wider world, respectively Europe; the reunification of Germany, the collapse of the former Yugoslavia, the first Gulf War and pressure from the US who wanted to decrease its military expenditures in Europe and insofar urged the EU to take up more responsibility for their own security.

The TEU (MV) established the so called three-pillar-model, with the CFSP being the second pillar beside the European Community (EC) as the first pillar –instead of the European Economic Community (EEC) - and the Justice and Home Affairs (JHA) as the third pillar. The main difference between the first and the other two pillars is that while in some areas qualified majority voting (QMV) is possible in the first pillar, the decision-making process in the other two is mainly undertaken intergovernmentally.

The main decision maker in the sphere of the second pillar is the European Council, which defines the principles and the general guidelines of the CFSP. Beside, the Presidency should represent the Union and be responsible for the implementation of common measures. Herein, the so called ‘Troika’ was established, which means that the previous and the next member states holding the Presidency should assist the work of the current Presidency. The role of presidency country is significant as far as they are driving forces for ESDP operations. The Commission, even though being fully associated, continued to have no right of initiative regarding CFSP matters, but should -along with the Council- be responsible for the

consistency of the CFSP. The powers of the European Parliament were also limited as far as possible and just granted the right to ask questions and to make recommendations.¹⁶

The Treaty of Amsterdam (TEU-AV) amended the Treaty of Maastricht (Treaty on European Union), it was signed in 1997 and entered into force in 1999. The amendments in the treaty on European Union were dictated by ongoing crisis situations around the borders of the EU and the wider world in the second half of 1990s; for example, 1995 enlargement and special provisions were also required for further enlargement. The European countries soon realized that the provisions made in the TEU-MV were insufficient to respond to such events. Hopes to strengthen the European identity through the framing of a CFSP insofar lead to the so called 'expectations capability- gap'.

As for new features regarding CFSP that were provisioned in the TEU-AV again aimed to bring more consistency, effectiveness and unity for the actions of the EU. The first of these new instruments were the 'Common Strategies' (see Article 12 and 13). Beside, joint actions and common positions, another important new feature is the concept of 'constructive abstention', which is laid down in Article 23.1. This new feature meant that member states could abstain from votes in the Council without preventing the adoption of these decisions. As financing is another matter of importance, according to the aforementioned treaty provisions member states, which abstained from their votes, should "not be obliged to apply the decision" or to finance them then, but should "refrain from any action likely to conflict with or impede Union action". However, if more than a third of the weighted votes should favour abstention the decision should not come into force.

¹⁶ <http://www.eurotreaties.com/maastrichtec.pdf> last accessed on August 5, 2012

In addition, it is important to mention that QMV in the Council was increased concerning the following actions:

- when adopting joint actions, common positions or taking any other decision on the basis of a common strategy; any decision implementing a joint action or a common position” (see Article 23.2).

However, for vital reasons that may be against state national interests of any member state again could prevent that a decision could be taken through QMV and matters regarding military and defence only could be decided unanimously.

A new political body, the Secretary-General of the Council and High Representative for the common foreign and security policy (HR-SG) was introduced in Article 26 and Article 18.3. According to the treaty, the main tasks of the high representative are to assist the Council and the Presidency in CFSP matters and represent the EU in international level.

Another new feature of the treaty is that the Petersberg tasks of the WEU were explicitly included into the EU (Article 17.2 TEU-AV), thus enabling the Union “to avail itself of the WEU to elaborate and implement decisions and actions” (Article 17.3). Therefore, the financial provisions were cleared insofar all operations –except for military or defence matters- to be paid by the budget of the Community.¹⁷

The Treaty of Nice (TEU-NV) entered into force in 2003. However, in response to the massive changes the EU and international community faced in the 1990s, the EU was forced to react on these changing circumstances. To prepare grounds for the 2004 enlargement was of special importance. A New instrument such as “enhanced cooperation” in terms of CSFP

¹⁷ <http://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf> last accessed on August 5, 2012

matters for the implementation of joint action or common position was introduced under Article 27 a-e. Furthermore, at least eight member states are necessary for establishing “enhanced cooperation” under new Treaty of Nice. Additionally, it allowed QMV in the field of ‘enhanced cooperation’ (see Article 40.a. (2)). However, for the latter case, member states still have the possibility to request unanimity.

The TEU-NV renamed the ‘Political Committee’ into ‘Political and Security Committee’ (PSC) and was given extended rights especially concerning implementing decisions and crisis management operations (see Article 25). The European Union Military Committee (EUMC), the European Union Military Staff (EUMS) and the Committee for Civilian Aspects of Crisis Management (CivCom) on a permanent basis were also.¹⁸

All in all it may be said that the provisions of the TEU-NV in general again were rather modest than really convincing. However, in the sphere of CFSP and especially ESDP (see the chapter on ESDP) some important innovations have been achieved (Wagner 2006: 20-25).

Under the Treaty of Maastricht, the character of the EU’s security role in Africa directly was one of the priorities accorded by the EU Member States. Beyond the indirect and long-term effects of trade and aid, security was largely a matter for individual European States (Pentland 2004-2005: 922).

¹⁸ http://eur-lex.europa.eu/en/treaties/dat/12001C/pdf/12001C_EN.pdf last accessed on August 5, 2012

3.2 Decision-Making within ESDP

The foreign, security and defence policy is an intergovernmental affair between 27 Member States. According to the Treaty on European Union, the European Council comprises the Heads of state and government and the Commission President and is formally the highest decision-making body in CFSP matters. Formally, member states and the commission share the right of initiative: any member states or the Commission may refer to the Council any question regarding CFSP and submit proposals to the Council (Art. 22 TEU). In practice, most proposals come from one or more member states and are voiced through the Presidency, which plays a major role in formulating proposals (Keukeleire, MacNaughtan 2008:106).

As aforementioned Treaty of Maastricht (1993) established 3-pillar system, short term military and civilian crisis response instruments come under the 2nd pillar of the EU, which take political direction from EU member state governments (hence the inter-governmental mechanism) in the form of missions under European Security and Defence Policy (ESDP). These fall under the remit of the Council General Secretariat of the EU, and follow guidance from the Political and Security Committee (PSC), the Committee for Civilian Aspects of Crisis Management (CIVCOM) and the Politico-Military Group (PMG) – all made up of representatives from each of the 27 EU member states and advised by the relevant geographic region working group (also formed with representatives of the EU 27).

The European Parliament oversees European Security and Defence Policy (ESDP) in terms of the budget for external operations (FRIDE). However, as a report notes, parliamentary scrutiny of the ESDP is at present deficient (EP October 2007) Hence it is

member states' governments that drive the direction of the EU's short term military and civilian crisis response reactions. The missions related to Darfur include EU support to AMIS II (July 2005 – December 2007) as well as the ESDP mission – EUFOR Tchad/RCA (European Union External Action).

Wolff and Whitman argue that even though the EU has pursued an active role of conflict manager in Africa, the argument that this policy has to be in reference to a merge of interests between, on the one hand, France and the UK and, on the other hand, interests within EU. There is an obvious will of acting as a global conflict manager from the EU side and common concerns for Africa. Thus, the EU managed to fund several operations/missions in Africa and closely cooperate not only among the European institutions but the United Nations and the African Union also (Richard Whitman, Stefan Wolff; 2012: 78-79).

Chapter 4: Theoretical framework

Theory of Intergovernmentalism develops from the works of Stanley Hoffman. The aforementioned theory argues the states of Europe, despite being engaged in closer integration in areas of agriculture and trade, were still entities with clear interests and willing to control over foreign policy, national security, and the use of force. The theory was generated in the 1960s. According to Hoffman, “integration occurs when sovereign states, pursuing their national interests, negotiate cooperative agreements.” This was labeled as “intergovernmentalism”.

From Hoffman point of view, this intergovernmental bargaining can result in significant cooperation when the interests of the negotiating states coincide. Otherwise cooperation halts. This exactly what Toje referred as “consensus-expectations gap?” This theory is applicable because the absence of common position among EU Member States regarding Darfur crisis was obvious.

The EU Member States, for example, did not share the same stance in favor of imposing sanctions, some states considering sanctions either too early while others demanding stronger sanctions to have influence upon the Government of Sudan. While the UK and its representatives seemed to be bolder in their statements, in the climax stage of the crisis they even shared the idea that the genocide might be occurring in Darfur; other states turned out to be more cautious “genocide” labeling.

In terms of goals, intergovernmentalists did not agree on the construction of a new federal super state. As for methods, the dilemma of governments having to choose between pursuing an integration that benefits their people could be exploited in favor of integration by men representing the common good, endowed with the advantages of superior expertise,

initiating proposals. Finally, it was assumed that this approach would both take into account the interests of the greater powers and prevent the smaller ones.

Thus applying this approach to the thesis independent variables, for historical, domestic and political reasons, the UK took a leading role on Sudan in the EU. Apart from the UK and Norway, which led on the oil issue, the other active European States were France, the Netherlands and Italy. Thus, acting for certain interests is another explanatory factor while applying this theory.

Conclusion

Critics argue that the EU has not done enough, while in contrast proponents of its policy and activities in Africa reject this idea. It is also obvious that the EU needs more efforts for better coordination, in the process of planning, implementation and assessment, and the profile of its missions, whether they are short-term or long-term ones.

Even though since the European Security and Defense Policy (ESDP) was initiated in 1998, the EU has attempted to structure the economic, diplomatic and military assets of the member-states, unfortunately, it had no specific clear policy toward African states. That factor added to the obscurity that was caused by the outbreak of the crisis in Darfur. Only 2005, after two years of the crisis, the European Council adopted the Strategy for Africa developing a comprehensive, integrated, and long-term framework for its relations with the continent as a whole.

The United Nations, like the African Union and European Union, have not declared the Darfur conflict to be an act of genocide. After two years of bloody conflict in Darfur, in 2005, the Darfur case was sent to the International Criminal Court for further observation. If it does constitute an act of genocide, international law is considered to allow other countries to intervene in the crisis considered as "the worst humanitarian crisis in the world" by the United Nations.

Two variables the paper generated as a probable answer of the European Union late response were: the lack of political will and "consensus-expectations gap". Reaching consensus on how to address the situation in Darfur was another example of the member-

states failure. Therefore, the EU was bystander while violent massacres of civilians and human rights violations were committed by guerrillas.

The factor of political will is decisive in majority of cases. However, the EU members often prefer to conduct EU-led operations on the request of the UN, rather than provide troops in national or EU hats for UN-led operations. On the other hand, rapidly deployable forces were another challenge for the European States, both regarding the availability of such troops and equipment from the member states, and the national and EU capacity for quick decision-making.

Due to the aspect of political will, it is important to highlight that outsiders make a distinction between the EU's attention to different conflicts. One commentary noted that the deployment of EU personnel in Sudan/Chad was vastly different to the rapidity of the deployment in Lebanon, which is the EU's own backyard. Indeed, it is recognised within the EU that member states tend to prioritise their neighbourhood, where they see conflict as directly threatening their interests and territory, rather than "far-away" countries. Hence, at the request of the AU, the EU agreed to a supporting action for AMIS II.

Considering the intergovernmental nature of the European Union CFSP, reaching consensus seems to be more and more difficult as far as the factor of political will and national interests will always be on the agenda in the process of decision-making. Taking into account the difficulty of arriving at consensus and considering the interests of all participant countries, it is more probable the EU to frequently face the same circumstances.

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List of Abbreviations:

ACHPR	African Commission on Human and Peoples' Rights
ACP	African, Caribbean, and Pacific states
AMIS II	EU Support to AMIS (Darfur)
AU	African Union
CFSP	Common Foreign and Security Policy
CIVCOM	Committee for Civilian Aspects of Crisis Management
COREPER	Permanent Representatives Committee
CPA	Comprehensive Peace Agreement
EC	European Community
EEC	European Economic Community
EPC	European Political Cooperation
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUMC	European Union Military Committee
EUMS	European Union Military Staff
EUSR	EU Special Representative
GAERC	General Affairs and External Relations Council
JEM	Justice and Equality Movement
JHA	Justice and Home Affairs
PMG	Politico-Military Group
PSC	Political and Security Committee

QMV	Qualified Majority Voting
SLA	Sudan Liberation Army
TEU-AV	Treaty on Amsterdam
TEU-MV	Treaty on European Union
TEU-NV	Treaty of Nice
UN	United Nations
UNAMID	African Union/United Nations Hybrid operation in Darfur
UNHCHR	United Nations Human Rights Office of the High Commissioner for Human Rights
UNMIS	United Nations Mission in Sudan
UNSC	United Nations Security Council