



European Security and Defence Assembly  
Assembly of Western European Union

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**FIFTY-SIXTH SESSION**

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European Union military operations  
– reply to the annual report of the Council

**REPORT**

submitted on behalf of the Defence Committee  
by Andrea Rigoni (Italy, Liberal Group)  
and René Rouquet (France, Socialist Group), Rapporteurs



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Report transmitted to: the President of the Council of WEU; the President of the Council of the European Union; the WEU Secretary-General/EU High Representative for the Common Foreign and Security Policy; the President of the European Commission; the EU Commissioner for institutional relations and communication strategy; the Presidents/Speakers and the Chairmen of the Foreign Affairs, Defence and European Affairs Committees of the 39 national parliaments represented in the Assembly; the Presidents of the Parliamentary Assembly of the Council of Europe, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, the Baltic Assembly, the Nordic Council, the Parliamentary Assembly of the Black Sea Economic Cooperation, the CIS Parliamentary Assembly; the President of the European Parliament; the Secretaries General of the Parliamentary Assemblies of the Council of Europe, NATO and the OSCE.

*European Union military operations - reply to the annual report of the Council*

**REPORT<sup>1</sup>**

*submitted on behalf of the Defence Committee  
by Andrea Rigoni (Italy, Liberal Group)  
and René Rouquet (France, Socialist Group), Rapporteurs*

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MEMBERS OF THE COMMITTEE

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<sup>1</sup> Adopted by the Committee on 6 May 2009.

## RECOMMENDATION 839<sup>2</sup>

### *on European Union military operations – reply to the annual report of the Council*

The Assembly,

- (i) Fully supporting the European Union's efforts in the framework of its European Security and Defence Policy (ESDP);
- (ii) Recognising the scope of the missions being conducted under the ESDP for calming conflict at various points around the globe;
- (iii) Fully supporting international and regional organisations in the work they are doing to establish stability and security, for instance in Bosnia and Herzegovina or in Darfur and the neighbouring regions;
- (iv) Emphasising the important contribution the international community is making towards protecting civilians in conflict zones and in seeking lasting solutions to humanitarian crises;
- (v) Stressing furthermore that it is crucial to establish the rule of law in those areas;
- (vi) Recognising the importance of the international community's role in promoting the rule of law and creating a sound, stable and effective legal system and judicial infrastructure in conflict zones;
- (vii) Expressing its support for the peace process launched by the various parties to the conflict in Chad and the Darfur region;
- (viii) Considering that Europe has a responsibility to help calm conflict in Africa, keep the peace and protect civilians, pursuant to the relevant UN Security Council resolutions;
- (ix) Noting the difficulties encountered during the force generation phase in finding a sufficient number of contributors of troops and equipment;
- (x) Noting furthermore that certain non-EU member states had difficulty participating in the EUFOR mission for financial reasons;
- (xi) Noting also that due to those financial difficulties some troops were deployed without suitable equipment in a hostile region;
- (xii) Recognising that the contribution of non-EU member states made it possible to complete the arrangements needed to ensure the success of the EUFOR Tchad/RCA mission;
- (xiii) Considering with regard to funding that the ATHENA mechanism is no longer satisfactory, particularly for missions involving the deployment of thousands of troops for an indeterminate period;
- (xiv) Noting that the ATHENA mechanism, which covers only the common costs of the EUFOR mission amounting to less than 120 million euros, meets only a fraction of the total mission costs estimated at more than half a billion euros;
- (xv) Considering that in its deliberations on establishing a strategic partnership with Africa, the European Union must develop medium- and long-term visions that are coherent in terms of the simultaneous use of its economic, legal, civil and military crisis-management instruments;
- (xvi) Considering, in the light of the experience with EUFOR RD Congo and EUFOR Tchad/RCA, that the principles, structures and mechanisms for operational planning, force generation and the conduct and funding of civil and military crisis-management operations should be reviewed as a matter of urgency, particularly in so far as Africa is concerned;
- (xvii) Considering that the governments of the member states must coordinate more closely with their national parliaments prior to the decision to launch a military crisis-management operation in the EU or NATO frameworks, in order to better define the mission objectives and conditions of deployment (rules of engagement), given the different national interests and priorities involved,

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<sup>2</sup> Adopted by the Assembly on 4 June 2009 at the 4<sup>th</sup> sitting.

RECOMMENDS THAT THE COUNCIL INVITE THE WEU NATIONS AS MEMBERS OF THE EUROPEAN UNION TO

1. Actively support the efforts of the United Nations MINURCAT II mission and of international humanitarian organisations in Darfur and the neighbouring regions;
2. Pursue efforts at national, EU and NATO level with a view to developing and strengthening the European forces' intervention and support capabilities, above all in regard to deployability, mobility, logistics, weapons systems, interoperability and multinationality, and in particular in the framework of the Berlin Plus arrangements;
3. Maintain close relations with the United Nations so that the European Union is able to respond swiftly once the launch of a peacekeeping operation has been agreed;
4. Ensure that EU member states and non-member countries wishing to contribute troops are informed during force generation conferences of the equipment that will be required for an operation;
5. Ensure that from now on, in so far as practicable, the national parliaments are consulted before any decision to launch a military crisis-management operation and kept regularly informed of progress;
6. Monitor developments as regards the refugee situation in the Darfur region and contribute to setting up supplies and communications infrastructure that would encourage refugees to return to their home villages;
7. Encourage the MINURCAT II command to draw on the lessons learned by EUFOR and to follow the same practices as regards communicating with the villages and refugee camps and guaranteeing a visible and reassuring presence on the ground;
8. Draw up proposals for the rapid reform of the ATHENA mechanism for the funding of European Union military crisis-management operations, in order to secure at least a financial participation on the part of all states involved in the decision to launch an operation;
9. Review the principles for the selection of the framework nation as well as its role, in view of the major difficulties encountered during the force generation phase;
10. Take the necessary measures to ensure that the European Union acquires a genuinely permanent and responsive operational planning and command capability;
11. Keep the Assembly informed about the status of the EU and NATO crisis-management missions involving the deployment of the national forces of the WEU member states.

## **EXPLANATORY MEMORANDUM**

*submitted by Andrea Rigoni, (Italy, Liberal Group)  
and René Rouquet (France, Socialist Group), Rapporteurs*

### ***I. Introduction***

1. The European Union has recently conducted two external military operations under the European Security and Defence Policy (ESDP): EUFOR Tchad/RCA in Chad and the Central African Republic and EUFOR Althea in Bosnia and Herzegovina. The former has come to an end and the latter will soon be completed.
2. Not only are these two operations the largest ever undertaken by the EU in terms of cost, the number of troops and the amount of equipment deployed, but they also involve regions that have gone through or are going through major upheaval.
3. They have taken place in full view of the international community and have served as a litmus test for the ESDP: the EU has to show that it is a reliable partner in peacekeeping operations.
4. Althea and EUFOR Tchad/RCA are two very different operations. Althea took over from SFOR in Bosnia and Herzegovina, and EUFOR Tchad/RCA has been succeeded by the United Nations mission in the Central African Republic and Chad (MINURCAT II) in Africa. But however dissimilar the two operations may be in terms of the terrain, aims and organisation, the challenges involved are of equal importance. At a time when the EU is developing its policy of partnership and dialogue with the western Balkans, EUFOR Althea is bringing a certain amount of stability to Bosnia and Herzegovina where the situation remains precarious. In Chad, after the success of EUFOR RDC in the Democratic Republic of the Congo, it is vital for the EU to lend its support to developing stability in sensitive regions of Africa, in particular by protecting civilian populations on the Sudanese border.

### ***II. EUFOR Tchad/RCA***

5. Pursuant to United Nations Security Council Resolution 1778 of 25 September 2007, the European Union was authorised to deploy an operation in support of MINURCAT II. On 15 October 2007, in the framework of the European Security and Defence Policy (ESDP), the Council adopted Joint Action 2007/677/CFSP on the European Union military operation in the Republic of Chad and the Central African Republic (Operation EUFOR Tchad/RCA). Decision 2008/101/CFSP of 28 January 2008 on the launching of this operation was published in the Official Journal of the European Union on 8 February 2008.
6. The aim of the EUFOR Tchad/RCA mission was to help bring peace to the border region with Sudan, the Darfur region.
7. Darfur, in the west of Sudan, is the meeting point of three conflicts. First there is the six-year war between the rebel groups of Darfur and the Sudanese Government which began in February 2003 when, after years of political, economic and social marginalisation in Darfur, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) took up arms against the Sudanese Government. The Sudanese authorities armed the Janjaweed Arab militia to wipe out the African tribes accused of supporting the rebels among the civilian population. Second, the Darfur conflict triggered a power struggle between Chad and Sudan which fight by welcoming and supporting their adversary's rebel groups. Lastly, there are localised conflicts, arising mainly from the tensions between sedentary tribes and nomads over the allocation of land.
8. Violence and broken ceasefires continued in 2004 and 2005 in spite of peace talks and the presence of an African Union protection force since August 2004. UN officials estimate that in the Darfur region alone, which has a population in the region of 6.3 million, up to 4.7 million people are affected by the conflict, 2.7 million have been displaced and 3.8 million are dependent on food aid. At least 400 000 people have lost their lives in the conflict.
9. Pursuant to Decision 2008/101/CFSP, EUFOR Tchad/RCA was authorised to deploy in the east of Chad and the north-east of the Central African Republic. The operation objectives were to

contribute to protecting civilians in danger, particularly refugees and displaced persons; facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations; and contribute to protecting United Nations personnel, facilities, installations and equipment and to ensuring the security and freedom of movement of its staff and UN and associated personnel.<sup>3</sup>

10. The operation ended when its mandate expired on 15 March 2009, one year after having reached Initial Operational Capability (IOC), the phase preceding Full Operational Capability (FOC) which had originally been planned for between May and June but was finally achieved on 15 September 2008.

11. From every point of view, EUFOR Tchad/RCA was the first large-scale mission led by the European Union under a UN mandate. From the point of view of logistics, its range of action covered the Darfur region, on the Chad and Central African Republic side, an area the size of France in which the harsh climate and arid plains make living and working conditions difficult and lengthen transport times.

12. The deployment included a rear headquarters in N'Djamena, a headquarters in Abéché and three multinational battalions stationed respectively in the eastern Chad regions of Iriba (north), Forchana (centre) and Goz Beida (south), as well as a detachment in Birao (Central African Republic).

13. It also involved a large number of participants, with 22 nations represented at command level, 18 in Force Headquarters and 14 providing forces on the ground, giving a total of almost 3 400 men in the area of operation (as of November 2008). EUFOR was not only restricted to EU member states: agreements were signed, for example, with Albania (Council Decision 2008/665/CFSP), Croatia (Council Decision 2008/783/CFSP) and Russia (Council Decision 2008/868/CFSP) to secure their support on the ground.

14. Its budget, though limited, was still significant. The common costs of the mission were funded through the ATHENA mechanism and amounted to 119 600 000 euros, while the total cost of operations was in the region of 400 000 000 euros. The ATHENA mechanism, which has been used for three EU military operations to date – EUFOR Althea in Bosnia and Herzegovina (2004), EUFOR RD Congo (2006) and EUFOR Tchad/RCA (2007) – was established because Article 28(3) of the Treaty on European Union does not allow operations having military or defence implications to be financed from the Community budget.

15. It is also important to note that since the ATHENA mechanism covers only the common costs – accounting for a quarter of the total in the case of EUFOR Tchad/RCA – the bulk of the costs must be borne by the contributing states.

16. EUFOR Tchad/RCA was an ambitious mission. It was deployed in a region plagued by almost a quarter of a century of civil war, a region where refugees number in the hundreds of thousands and where daily life is dominated by the three spectres of poverty, instability and insecurity. Hundreds of different ethnic groups live side by side in the Darfur region, all with different religions and cultures. These differences are exacerbated by internal and regional power struggles and the scramble for natural resources (water, oil), which leads to permanent fighting between communities. The immediate result is a never-ending flow of refugees, caught up in a swirl of shifting alliances. Out of a total of 323 338 refugees in Chad, there are 242 600 from Sudan and 46 200 from the Central African Republic, and out of the 230 000 refugees in Sudan, 45 000 come from Chad. Sudan alone numbers 4.57 million internally displaced persons (IDPs) and Chad 185 000.

17. According to General Jean-Philippe Ganascia, Force Commander, once FOC had been reached (in mid September 2008), EUFOR's main tasks and challenges were to maintain an active presence in unknown or as yet unpatrolled areas, to provide direct support to MINURCAT II and the Chadian Integrated Security Detachment (ISD), and to plan for takeover by UN troops.<sup>4</sup>

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<sup>3</sup> <http://www.consilium.europa.eu>

<sup>4</sup> EDD No 172 – 30 October 2008.

18. The unknown areas are vast; 3 200 troops covering a territory of 287 000 km<sup>2</sup> represents one soldier for an area of 90 km<sup>2</sup>.

19. Providing support to the ISD was of major political significance as UN Security Council Resolution 1778 was based on the creation of the Chadian ISD. The ISD, which is responsible for internal security in the refugee camps, must carry out its activities inside the camps; EUFOR's task was to provide support and protection outside the camps and in transit.

20. When EUFOR's mandate ended on 15 March 2009, those states that had decided to withdraw their troops had up to two months to repatriate all their equipment. Some states, such as Belgium, decided to hand over certain equipment to the UN, giving it the benefit of robust equipment already on the spot.

21. An AU-UN mediator has been appointed to encourage talks. A troika has been set up in parallel between the Economic Community of Central African States (ECCAS) and the European Union to support development in Africa.

### *III. Overview of EUFOR Tchad/RCA*

22. On 8 December 2008, almost three and a half months before the end of operation EUFOR Tchad/RCA, the EU Council approved a review of the European Union's actions in the context of the operation.<sup>5</sup>

23. The main points in the review were:

- “EUFOR conducted joint operations to improve security in the region. It was able to maintain the frequency of its patrols even during the rainy season;
- Around 1 145 day patrols and 109 long-term patrols were conducted in the period between the achievement of the IOC and the end of October. At the same time, large-scale operations were carried out by each multinational battalion in order to expand EUFOR's presence in areas where it does not have permanent camps;
- There are regular contacts with the civilian populations and the local authorities. In each battalion area, daily meetings are organised with the authorities of the host State;
- In addition to the 155 visits which have been carried out in the area of the sites for displaced persons, a large-scale information campaign has been launched to increase acceptance of the force among the populations and help raise awareness of the specific action it has taken to make the area more secure. The activities carried out by EUFOR to neutralise unexploded ordnance (251 neutralisations to date) are also highly appreciated by the local population. In addition, EUFOR's medical units have treated 1 876 Chadian nationals in the past six months, 109 of whom underwent serious or surgical procedures;
- Since the mid-term review, EUFOR has altered the composition of its forces with the arrival of a Croatian reconnaissance unit, an Albanian protection brigade and the detachment of Russian MI-8 helicopters [...]. In the field of air transport, reference may be made to the additional efforts which have been agreed upon by certain contributors to extend the initial period of availability of their contributions, and to the generous donation of certain capabilities during some contingents' rotations;
- EUFOR has consolidated arrangements for liaising with the key stakeholders, and in particular MINURCAT, CONAFIT, the NGOs and the international organisations. A well-organised and effective network has thereby been established, which will profitably be transferred to the UN forces due to succeed EUFOR”.

24. In summary, the Council notes that: “Overall, the general level of security in EUFOR's area of action is better than it was during the equivalent period in recent years. In some areas, there has been a significant fall in the number of cases of crime and banditry compared with previous years. Some

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<sup>5</sup> <http://www.consilium.europa.eu>

United Nations agencies report reductions, in certain localities, of more than a third. However, the general security situation has not stabilised and incidents are, unfortunately, still recurring locally, affecting humanitarian workers in particular”.

25. As the review document states, it was only thanks to the sustained action of a number of contributor countries, particularly states not members of the European Union such as Russia and Albania, that such a positive outcome was achieved. The fact that non-EU states contribute is significant not only from a military point of view but also from a political one, as it shows that they are willing to contribute to EU external action in the area of security and defence.

26. At an informal EU Defence Ministers meeting in Prague on 12 March 2009, the Czech Defence Minister told the press that the Ministers were generally agreed that notwithstanding the demanding, not to say at times extreme conditions, the mission had been highly successful.<sup>6</sup>

27. The success of EUFOR Tchad RCA is not susceptible to quantitative analysis. It is, as General Ganascia confirmed to Terre Information magazine, a matter of perception. True, 20 countries were involved in the operation and 10 000 soldiers all told, and EUFOR made an area of 270 000 km<sup>2</sup> secure. The number of attacks from the Janjaweed militia and other armed bands has fallen significantly over the last year.

28. In February 2008, there was an attempt to overthrow the President of Chad, Idriss Deby Itno, which failed due to lack of cohesion among the rebel groups leading the attack. Another unsuccessful attempt to topple the president took place a few months later, in June 2008. Although the EUFOR troops did not intervene in the February offensive, they came under fire in the June attack and riposted. While there have been no large-scale attacks since that time, there have been a number of acts of violence against the civilian population and members of humanitarian organisations. One victim was Pascal Marlinge, Country Director of Save the Children UK, an NGO and partner organisation of UNICEF, who was killed in an ambush. Those exactions – which involve anything from pure and simple murder, gratuitous or political, to rape and child abduction, sometimes even inside the refugee camps – are perpetrated by members of both the army and rebel groups. On 19 January 2009, the eight main rebel movements announced they were uniting against President Deby “to overthrow the dictatorship”, but no major incidents were reported between the end of 2008 and the expiry of EUFOR’s mandate.

29. Nevertheless, EUFOR’s presence appeared to be deterrent above all, more preventive than curative. It went hand in hand with a political resolution to the conflict. The fact that Chad and Sudan had again exchanged ambassadors at a time when relations between them remained tense was an encouraging sign for the resumption of dialogue. All the more so as the President of Sudan, Omar Hassan al-Bashir, had declared a ceasefire in Darfur on 12 November 2008, including the disarming of the pro-government militia (though this did not make the rebels give up their arms). But while the situation remained worrying on the Chadian and Sudanese sides of Darfur, it was getting worse on the Ugandan side, spreading even into the Democratic Republic of Congo.

30. An Assembly delegation which visited Chad in January 2009 learned that European troops were visiting hundreds of villages in their zone of action to meet local communities and their leaders in order to create a climate of transparency and confidence. Having understood why the troops were there the local people were welcoming and cooperative, since they felt genuinely protected.

#### ***IV. Presence of EUFOR Tchad/RCA***

31. What particularly stood out about EUFOR Tchad/RCA was the range of member and non-member countries that took part in the operation. While it is not uncommon to see French forces participating in peacekeeping operations in Africa, it is unusual to find such a large number of Irish or Polish troops, for example.

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<sup>6</sup> Agence Europe, 13 March 2009.

32. That these countries were involved was evidence of the EU's determination to contribute to resolving the critical security problems in Africa; the fact that many of those countries' troops are staying on in Chad under UN command further confirms that resolve.

33. On the other hand, no country wished to remain too long on the ground and the majority of EU states said they were prepared to maintain a temporary presence under UN command of no more than one or two years.

34. The Assembly delegation that visited the area in January 2009 noted that the large number of contributor countries multiplied the problems of logistics, transport, communications and other practicalities. While most of the troops were well prepared and became acclimatised without too much difficulty, this was not the case for troops from all countries.

35. One non-EU member state, for example, for want of national resources, deployed troops without the proper equipment. Soldiers from other states had to lend or give these troops tents and other equipment, the cost of which, of course, was not covered by the ATHENA mechanism. Although solidarity saved the day, it is important in the future to ensure prior to deployment that troops taking part in EU operations have access to suitable equipment.

36. Regarding troop morale, the Assembly delegation noted that most of the soldiers present were aware of the challenges of the mission and expressed a certain pride in being deployed in the region; they felt that their action and the wide media coverage it received brought to world attention the role played by Europe in peacekeeping and protecting civilians. Through their almost daily contact with the local population, the troops also won the trust of village and refugee camp leaders. However, there are widespread fears for the future of the refugees who are completely dependent on international humanitarian aid.

37. The length of troops' tour of duty varied from one state to another, as did the opportunities they had to communicate with their families. Some were able to talk with their families on an almost daily basis, while for others it was a matter of once a week or once every two weeks.

38. One non-EU troop contributing nation extended its troops' tour of duty from one month to the next. The soldiers had been expecting to be deployed for a period of three months only and were demoralised after six months' service in Chad; the troops from other states had to be particularly supportive of them.

#### *V. The refugee situation*

39. There are currently over 323 000 refugees in the Chad-Darfur border region, grouped for the most part in camps of 20 000 to 40 000. They are totally dependent on the efforts of humanitarian aid organisations. Sanitary conditions pose a major problem and a new wave of refugees is expected to arrive following the departure of humanitarian NGOs from Darfur.

40. Security in the camps is in general provided by just a dozen or so members of the Integrated Security Detachment who come under the responsibility of the local Chadian authorities. According to some refugees, some members of the authorities are suspected of corruption, rape and other crimes, but as there is no means of recourse it is difficult to corroborate such acts. It should be noted that the presence of EUFOR troops in the region served as a stabilising factor and that there seemed to be fewer such incidents following their deployment.

41. The fact that the refugees have access to drinking water, food and protection in the camps, all of which is lacking in their home villages, poses a major problem in that they are reluctant to return any time soon to their villages in Sudan, notwithstanding their pride in their ethnic and tribal identity. Not only is the situation in Sudan too dangerous at the present time, especially since the expulsion of a large number of NGOs, but even if a degree of peace is restored to the region, they will not have access to the relative comforts provided by the refugee camps. It is therefore necessary in the post-conflict period to build a supply infrastructure in Darfur that will encourage refugees and displaced persons to return home, and given the enormous problems facing the region, this will involve a major programme spread over many years.

## *VI. The future of the region*

42. Operation EUFOR Tchad/RCA ended on 15 March 2009, the date of the official launch of the MINURCAT II mission.

43. Once it has attained full operational capability MINURCAT II will involve some 300 policemen, 25 liaison officers and more than 5 200 troops (of which 4 900 in Chad and 300 in the Central African Republic), as well as the requisite civilian staff complement. It will take over some of the troops and equipment put in place for EUFOR Tchad/RCA.

44. MINURCAT II has three objectives. The first – protection of civilians – is to be achieved through supervision of the Chadian Integrated Security Detachment (ISD) and sustained contacts with the military, police, judicial and penitentiary authorities both in Chad and the Central African Republic, with a view to fighting banditry and crime. The mission must also maintain ties with the Chadian government and UN High Commission for refugees (UNHCR) with a view to facilitating their logistics efforts, as well as fostering contacts with the Sudanese authorities and international operations on the spot such as UNAMID and BONUCA in order to combat the threats to humanitarian personnel in particular. Finally, MINURCAT II must promote a dialogue between the various ethnic groups with a view to creating a climate conducive to the return of displaced persons.

45. The mission mandate also has a human rights and rule of law component, ranging from the fight against violence, sexual violence in particular, to the efforts to put an end to the use of child soldiers. In this area too a dialogue with the local authorities is crucial.

46. In parallel to its efforts to establish security and respect for human rights, MINURCAT II also has the aim of establishing peace at regional level. Under the 13 March 2008 Dakar Agreement it has the task of ensuring that the Chadian, Sudanese and Central African governments pursue negotiations, offering assistance where necessary. This mission, established pursuant to Chapter VII of the UN Charter, is authorised to take all necessary measures within the limits of its capabilities and zone of operation.

47. The situation in Darfur was referred to the International Criminal Court (ICC) by United Nations Security Council Resolution 1593 in 2005 for investigation of alleged serious violations of international humanitarian and human rights laws. The Security Council decided that the “Government of Sudan and all other parties to the conflict in Darfur shall cooperate fully and provide any necessary assistance to the Court and the prosecutor”.

48. On 27 February 2007, the ICC prosecutor, Luis Moreno-Ocampo, submitted evidence of crimes committed by both the Sudanese Government and the Janjaweed militia. On 14 July 2008, the ICC began proceedings against Omar al-Bashir, President of the Republic of Sudan. After the submission of further evidence on 20 November 2008, the Court issued an arrest warrant for Omar al-Bashir on 4 March 2009 for war crimes and crimes against humanity, though not for genocide as the prosecutor had wanted. It is the first time an arrest warrant has been issued against a serving president. President al-Bashir reacted immediately, recalling that Sudan had not adopted the Rome Treaty recognising the competence of the ICC and denying the charges. He then ordered 13 aid organisations working in Darfur to leave the country by 9 March and said that other humanitarian organisations were under investigation and might suffer the same fate. While there are 85 international NGOs in Darfur, the organisations that have been expelled represent 6 500 aid workers, namely 40% of the personnel providing assistance on the ground. According to the Office for the Coordination of Humanitarian Affairs (OCHA), this will have a devastating impact on the local population.

49. At the same time, the President of the Republic of Sudan is actively seeking to discredit the UN and western interests. The UN is being targeted as in the short and medium term it can do nothing to prevent the forced departure of the aid workers. The authorities say they are prepared to take over from these NGOs that the Sudanese Government describes as being governmental, implying that they have facilitated the work of the ICC. Some United Nations Security Council members, including France, the United States and the United Kingdom, expressed their deep concern over the expulsion of the 13 NGOs from Sudan.

50. Some states, allies of Sudan, have called on the United Nations Security Council to invoke Article 16 of the 1998 Rome Statute establishing the ICC. Article 16 obliges the ICC to suspend investigations or prosecution for a renewable period of 12 months. The question now is to what extent the ICC can impose itself on the legal systems of countries that have not ratified the Rome Statute.

51. In the long term, the ICC's mandate will have a direct impact on the work of MINURCAT. President al-Bashir's initial adverse reactions, particularly the expulsion of a large number of NGOs, are likely to result in a mass exodus of refugees to Chad and the Central African Republic. UN forces will then have to ensure that the area remains secure and that the new arrivals will settle in an orderly manner. The humanitarian organisations in the region will also have to be able to react quickly to the sharp increase in demand for basic needs, in particular water supplies.

52. MINURCAT II troops will also have to continue developing contacts with the local population and refugees. It is through their presence on the ground that UN forces will maintain a deterrent effect and promote a climate of security and stability in the region.

### **VII. *EUFOR Althea***

53. The European Union proposed mounting a military operation in Bosnia and Herzegovina (BiH) under the European Security and Defence Policy (ESDP), which led to Joint Action 2004/570/CFSP, adopted on 12 July 2004 and validated by United Nations Security Council Resolution 1551 of 9 July 2004. Operation EUFOR Althea was launched on 2 December 2004. Security Council Resolution 1845 of 20 November 2008 renewed the mandate of this operation.

54. With an initial strength of 6 300 men from 33 different countries, including 22 EU member states, the operation was deployed in several stages. From 2004 to 2007, multinational task forces were located in three areas of BiH: the north-west zone, under British command; the north zone, under Finnish command; and the south-east zone under Spanish command. Each task force had a headquarters in Sarajevo. In March 2007, these zones were reconfigured and split into five areas, with a single headquarters based in Camp Butmir, Sarajevo, under Spanish command. In addition to the task forces, there is an integrated police unit which is also headquartered in Sarajevo. Finally, there are the troops deployed in theatre throughout the country.

55. Like other EUFOR missions, the common costs for Althea are funded by the ATHENA mechanism to the amount of 71 700 000 euros.

56. The objectives of operation Althea are staggered over time. The first step was to take over from the NATO SFOR mission. The operation's main objective, however, was and still is to give BiH an element of stability with the long-term aim of joining the European Union. Operation Althea is a military operation, but also has police, judicial and civil aspects.

57. While there were 6 300 troops on the ground in 2004, as of April 2007 there are 2 200, in addition to the approximately 250 NATO troops who have remained in place to help capture war criminals. EUFOR is operating in parallel with other missions led by the European Union and the international community in the region. These include military missions with KFOR (the NATO force in neighbouring Kosovo), police missions with the EUPM (the European Union Police Mission in BiH) and the OSCE mission to BiH, judicial missions with ICTY (the International Criminal Tribunal for the former Yugoslavia) and the search for war criminals from the former Yugoslavia, and political missions with the European Union Special Representative and the European Commission delegation.

58. While the security situation appears to have eased, ethnic and religious disputes are undermining a political situation that remains worrying. The Dayton Agreements signed in Paris on 14 December 1995 have still not been fully applied. A European Parliament resolution on the Stabilisation and Association Agreement (SAA) between the European Union and BiH notes that officially there are 125 072 displaced persons in the country, 8 000 of whom, according to the BiH Government, still live in collective centres, principally because of a lack of accommodation and infrastructure. The SSA, signed in June 2008, is a preliminary to BiH's future EU membership, a prospect that is open only to Bosnia as a single state. Yet the Serbian part of the country still wants to break away from or be independent of BiH, a desire that has been fuelled by the independence of

Montenegro in 2006 and in particular that of Kosovo in 2008. It is therefore difficult for the BiH institutions to find stability. On top of the deep-running differences on these issues, the economic situation is precarious.

59. The last local elections in October 2008 served as a reminder of the persistent ethnic divisions in the country, a sign that the situation could once again degenerate at any moment. While most refugees have been repatriated, because of such rifts they have either been unable to return to their homes or have preferred to go elsewhere. The capture in July 2008 of Radovan Karadžić, former leader of the Bosnian Serbs, after a search that lasted 13 years, was welcomed by the international community though not by the Serb community in BiH. Ratko Mladić and Goran Hadžić, also accused of war crimes, are still at large. As with Karadžić, the search for these two men has been hampered by active collusion from influential people. The report submitted by Serge Brammertz prosecutor of the ICTY notes that in spite of neighbouring Serbia's political will to cooperate, as yet there have been no arrests. It recalls that Serbia cannot begin the EU integration process until the criminals sought by the ICTY have been arrested.

60. A meeting held in October 2008 indicated that the EUFOR mission might quite simply be brought to an end when its mandate finished and replaced with a rapid reaction force that would initially undertake civil tasks and possibly be supported by KFOR. But there was concern among some diplomats at the risks of the international community losing interest in the situation in BiH. A decision on the future of EUFOR was postponed until March 2009.

### *VIII. Outcome of EUFOR Althea*

61. The European Union has launched an Eastern Partnership programme the aim of which is to align eastern European regional economies and political systems on those of the European Union. Although, following the conflict between Georgia and Russia in 2008, regional security challenges seem to have shifted away from Kosovo in the direction of Georgia, it shows that Europe as a continent has not been stabilised and that managing the consequences of the break-up of the Soviet Union is still a major security issue for Europeans. The European Union's strategy is one of integrating to stabilise. But the European Union also intends to protect its interests, especially in view of the present economic context. This is why the European Union remains very attentive to progress, however slight, in Bosnia and Herzegovina.

62. Although the military situation seems relatively calm, this is not true of the political scene where instability persists and is becoming more accentuated, despite attempts to smooth matters over. Bosnia and Herzegovina's two components, Republika Srpska and the Federation of Bosnia and Herzegovina are having difficulty overcoming their religious and ethnic divisions in order to achieve unity. Ethnically-based nationalism has not gone away and Bosnia and Herzegovina's politics are divided along these lines. Moreover, attempts at reform take time. Out of that instability the quiescent ghosts of the past may return once more to haunt, and inflame, the present. Neighbouring Kosovo's unilateral declaration of independence is an obvious example of this. Kosovo is still seen as an autonomous province of Serbia, both by Serbia itself and by Bosnia's Serbian entity, as Serbia's action before the UN Security Council and the International Court of Justice serves to demonstrate.<sup>7</sup> The Serb part of Bosnia and Herzegovina threatens to go down the same road to secession. 2009 is likely to prove a crucial year both for Bosnia and Herzegovina and for the western Balkans.

63. On 12 March 2009, the EU Defence Ministers met for the purpose of reconfiguring the EUFOR Althea mission in Bosnia and Herzegovina. Although initially the intention was simply to end the mission,<sup>8</sup> the ministers subsequently decided to transform what was essentially a military operation from an implementation mission to a training support one for the Bosnian army, along the lines of the European Union Police Mission (EUPM), one of the aims of which is to train the Bosnian police. Although the decision appears to be a firm one, it is not known yet how or when it will take effect. Some countries are still hesitant about it, given that the High Representative of the international

<sup>7</sup> GA/10764, 8 October 2008, decision on the request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law.

<sup>8</sup> "Les ministres de la Défense de l'UE pour un retrait de Bosnie", *Le Nouvel Observateur*, 1 October 2008.

community who is also the EU Special Representative would no longer have available to him the necessary military resources to take action. In point of fact, under the plan envisaged, only 200 of the present 2 200 troops would remain. Other countries, notably Spain, Finland and France are in favour of rapid withdrawal of a major part of their troops, for reasons that are political, operational and financial.

64. The first group takes the view that withdrawal could lead to instability within the country and that the mission and the mandate of the EU Representative/High Representative of the international community (OHR) are intrinsically linked. The United States and most western countries (unlike Russia) are known to be against ending the OHR's mandate, at least in the immediate future. A new EU Special Representative, Valentin Inzko (Austria) was appointed on 13 March 2009. There are several reasons for their opposition: in the case of Austria, a neighbouring country which took in many Bosnian refugees during the war in Yugoslavia and the country's tutelary power in former times, they are both strategic and historical; in the case of Slovakia, where the new Foreign Minister Miroslav Ladjcak was until recently the EU High Representative in Bosnia and Herzegovina, they are political – Slovakia has just deployed new assets to Operation Althea. The Netherlands has also its own historical connections (the memory of Srebrenica) while the United Kingdom sees the issue as one of principle – although its position is somewhat contradictory since it has already pulled out its troops.

65. The second group takes an opposing view that the two missions: Althea's military mandate and the political one of the OHR are not linked and the way forward now is to continue scaling down the force commitment; the political and military situation has changed from that five years ago and that the needs lie elsewhere – all of this set against a background of financial and operational constraints that places a burden upon forces deployed in the field.

66. Since there is no agreement between the two sides the status quo prevails. In practical terms, all the countries concerned could decide to withdraw some of their troops unilaterally, or to send fewer replacements. Without publicly saying so, the effect would then be a covert scaling down of the mission over the shorter or longer term. Here again, however, there are two alternatives to consider. There is the view that disorderly unilateral withdrawal would cause as much or even more damage than one that was well organised and that furthermore such action would not have the necessary "cold shower" effect on the Bosnians, forcing them to get a grip on things. Then there is the other opinion that scaling down operations without being too obvious about it avoids the backlash that a decision, once and for all, on a wholesale public withdrawal would be bound to cause. There would also be a political and military advantage to it in as much as it allows the European Union, and NATO, to keep structural cooperation between two European security organisations going on a military operation (the only one moreover) since the Althea mission is being carried out under Berlin Plus, in other words using NATO command structures.

67. The Peace Implementation Council (PIC) met on 25 and 26 March to discuss matters relating to the international presence in Bosnia and Herzegovina. The Council is responsible for ensuring the implementation of the Dayton Peace Agreements. Its 55 member countries include the United States, Russia and Turkey. It wants to be reassured that the international situation is such as to allow closure of the Office of the High Representative of the international community and the transfer of the running of the country from the latter's supervision to the Bosnia and Herzegovina authorities. For this to happen, five conditions and two aims must be met. Today the matter of the Brcko district and settlement of the question of state property are the two issues outstanding. In terms of the aims, signature of the Stabilisation and Association Agreement took place in 2008 but the situation in Bosnia and Herzegovina as regards the Dayton provisions<sup>9</sup> still remains precarious. The central institutions are not operating very satisfactorily. The Council has therefore formally confirmed Valentin Inzko's appointment as EU Special Representative for Bosnia and Herzegovina. According to Kurt Bassüner, analyst at the Democratization Policy Council, a think tank, Valentin Inzko at least has the reputation of knowing the country, an advantage certainly, but his task will nevertheless be a difficult one.

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<sup>9</sup> General Framework Agreement for Peace in Bosnia and Herzegovina.

68. Depending on the scenario one chooses, the Berlin Plus command format would be maintained which would allow Turkey to remain involved in the operation. The operational concept (CONOPS) being developed should however ensure that this new ESDP operation does not detract from the Bosnian armed forces training mission already being implemented by NATO. It is moreover on this cooperation that the decision to reconfigure the EUFOR Althea mission partly rests. If the number of forces on the ground is as small as it is, it is because it is possible to call on KFOR troops (KFOR being the Kosovo multinational armed force implemented by NATO to provide a safe and secure environment and guarantee freedom of movement). There are actually 16 000 troops currently stationed in Kosovo.

69. The new EU operation should therefore act in coordination with NATO, which through its Membership Action Plan also has a presence in the country. The advisory function would be handed over to NATO experts and the EU would concentrate more on training, in parallel with the assistance mission (EUPM), now led by Stefan Feller, for helping the Bosnian police in certain areas like fighting corruption and organised crime.

70. The Berlin Plus arrangements no longer however seem vital to European operations. These arrangements were entirely logical and useful originally – back in December 2002 – as they filled a gap for the European Union (absence of command structures). The European Union today has the capability to lead a medium-scale military operation on its own (or even two at once). Chad was the litmus test for this, notwithstanding significant operational costs, and Operation Atalanta has provided further confirmation.

71. The European Union is also capable of undertaking civilian missions with a strong military or law and order connotation like the EULEX rule of law mission in Kosovo or the monitoring mission (EUMM) in Georgia. This denotes a certain maturity. Berlin Plus seems in point of fact to be suited only to a certain type of situation where there is a strong NATO military presence in an area where relief by the European Union is possible both at the military and political levels – in other words solely in the Balkans. Thus the only area where Berlin Plus can still find application, other than in Bosnia and Herzegovina, would be Kosovo. It is legitimate therefore to ask whether the EU should not take over from KFOR, for example, in a year or two's time.

72. Normally, reconstruction or security or forces advisory missions are “civilian” ones, like those in Congo or Guinea-Bissau at the present time. A reconfiguration of the Althea mission without the Berlin Plus element and hence without NATO can therefore be envisaged.

73. The direction of the future mission would thus turn on three considerations: firstly, to demonstrate politically that the EU's engagement with the region is a continuing one; secondly, that the commitment is military and thirdly, that it serves a purpose. On that basis the mission would aim rather to consolidate and provide training for Bosnia and Herzegovina's armed forces, a task that more often falls to security sector reform missions (already up and running in Guinea-Bissau and the Congo). In the case of Bosnia and Herzegovina the mission would remain a military one.

74. The advantage would be two-fold: deterrence and possibly a higher-powered force. This option is preferable to transforming the mission into a civilian one, on two counts: firstly the EU would retain a military base in the region, thus dispelling any impression of disengagement, and intrinsically acting as a deterrent. Secondly, keeping a military force in place would make it possible to power up quickly were the situation to deteriorate and such a course of action became necessary. From every point of view (operational, diplomatic, legal and economic), it is always easier to extend an operation than to contemplate a new one. The operational concept (CONOPS) and planning (OPPLAN) should therefore foresee that such escalation in strength can readily happen.

75. Any possible scaling-up of the operation is based on the battlegroups, each of which consists of a standing force of 1 500 troops minimum, which would be called in if an emergency were to arise. This option allows the operation to be returned quickly to its original format. And again, as the EU has two battlegroups permanently on stand-by, they can intervene for a period of up to four months, sufficient time to deal with any emergency and study other arrangements. In one sense the whole thing

has come full circle, since the battlegroup (which has not been used to date) is a tool conceived with the recent past and events of the Balkans in mind.<sup>10</sup>

76. In any event, the change of mandate is supposed to take place during May 2009. But the military presence in Bosnia and Herzegovina raises the difficulty of what foreign policy direction the European Union and NATO propose to take and what areas of responsibility are entailed. If they are able to cooperate with one another, such cooperation carries the risk of conflicts of responsibility, in military or political terms or both.

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<sup>10</sup> “La transformation aléatoire de la mission Althea”, Nicolas Gros-Verheyde, [www.Bruxelles2.over-blog.com](http://www.Bruxelles2.over-blog.com)

## APPENDIX

*EUFOR Tchad/RCA deployed troop numbers by country**(Source: EU Council Secretariat)*

Country	Period April-08	May-08	July-08	Nov-08	Dec-08	March-09	April-09
Albania	0	0	0	63	63	63	0
Germany	0	0	4	4	4	4	3
Austria	156	151	171	175	169	164	33
Belgium	80	113	95	69	64	64	23
Bulgaria	0	1	2	2	2	2	0
Cyprus	0	0	2	2	2	2	2
Croatia	0	0	0	15	15	15	0
Spain	1	7	87	80	112	106	81
Finland	59	61	60	61	62	68	3
France	1406	1558	1686	1711	1770	1655	430
Greece	24	1	4	15	4	4	3
Hungary	3	0	3	3	3	3	2
Ireland	221	378	414	445	447	440	23
Italy	109	107	100	99	104	97	92
Lithuania	2	0	2	2	2	2	2
Luxembourg	0	2	2	2	2	2	0
Netherlands	3	29	68	90	71	70	2
Poland	70	83	304	404	421	391	54
Portugal	30	12	2	2	2	2	1
Czech Republic	1	1	2	2	2	2	0
Romania	2	1	2	2	2	2	0
United Kingdom	3	2	4	4	4	4	2
Russia	0	0	0	0	67	98	0
Slovakia	0	0	1	1	1	1	1
Slovenia	1	1	15	15	14	15	0
Sweden	211	211	141	79	10	8	1
Ukraine	0	0	1	1	1	1	1
<b>Total</b>	<b>2382</b>	<b>2719</b>	<b>3172</b>	<b>3348</b>	<b>3420</b>	<b>3285</b>	<b>759</b>

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