

Call for Evidence - Foreign and Commonwealth Office - Foreign Policy Report

Balance of Competencies: Civil Protection

Introduction

This submission is made on behalf of the Fire Sector Federation (FSF¹), which is also the UK National Committee of the International Association of Fire and Rescue Services (CTIF²)

Further to the call for evidence on the Government's review of the balance of competences between the United Kingdom and European Union, the following preliminary comments are offered in response to the invitation. The response follows the indicative list of questions and is limited to Civil Protection issues.

The comments are brief and can be elaborated upon and reflect in part results from a EU funded study³ undertaken across the EU in 2011-12 which the International Association of Fire and Rescue Services (CTIF) participated.

In summary the responses to the questions posed in the consultation are:

1. The EU adds value coordinating response and delivery of civil protection and humanitarian aid although some civil protection arrangements are not fully effective and lack the full support of Member States;
2. There is advantage in developing the current EU evolution further to make it more reflective of existing civil preparedness arrangements and the needs of civil society;
3. The efforts invested by the EU over several decades have demonstrated some success in civil protection and can be further improved;
4. Changes should be made to engage those actually providing the civil protection assets, the practitioner communities and the public at large
5. The current balance of competencies based upon the principles of subsidiarity and solidarity does not require fundamental change but development through political agreement an overarching civil protection doctrine is required;
6. Energy likely to be expended in seeking alternatives to the EU could be better used to improve the current approach; and
7. The UK has both public and private sector expertise in civil protection that could facilitate greater public safety, reduce public expenditure and increase competitiveness if more vigorously pursued through the EU.

1. In what areas of global affairs does the EU add value or deliver impact on behalf of the UK?

Assessment of the current EU crisis management system has shown that the current arrangements were not entirely satisfactory principally because the EU system of civil protection, administered

¹ The Fire Sector Federation www.firesectorfederation.co.uk

² Comité technique international de prévention et d'extinction d'Feu www.ctif.org

³ The CRYSIS Project www.crisys-project.eu

through the DG ECHO⁴ using the Mechanism and MIC (including the EERC when it becomes fully operational) and, lacks real capacity beyond coordination leaving the overall system lacking full efficiency.

This view is expressed because in part a number of current EU initiatives would not profoundly change national working arrangements, although they, for some civil crisis management operators, offer improvements in response when using the Host Nation Support Guidelines.

It is also partly due to the trans-directorate nature of civil protection policy, which also has a security and an external dimension falling within into the responsibilities of other directorates in DG HOME and the EEAS⁵ and therefore has to take account of policies.

These weaknesses include, for example, decisions taken on crisis coordination outside the EU between the Commission, United Nations and the EEAS, where EEAS leads but when it comes to civil protection response, EEAS must coordinate with ECHO and the lead then becomes unclear.

However the deeper weakness is the lack of development of the EU institutional decision-making process for crisis response that should have followed the strengthened impact of the Solidarity Clause and the lack of progression of earlier outcomes from the study⁶.

On a more positive front the EU has progressively over the past decades acted as a good facilitator in coordination and assessment allowing deployment of emergency response, especially in urban search and rescue, to be undertaken expeditiously. These frequent deployments are assisted by joint training, essential for effective operational use of assets, and also allow a more sustainable response to be acquired and prosecuted by multinational Member State resources.

Difficulties do of course occur fundamentally because DG ECHO is seeking to implement a civil protection response system based upon assets that it does not own; where it cannot 'see' the assets availability in real time; with asset capacities and skills that are not interoperable; that use modules of resources that do not meet all likely requirements; and then implement responses with limited training, planning and situational awareness.

Added to these difficult practical difficulties there is something of a political impasse in resolving how best to move forward. Assessing the contributed EU 'value' under such circumstances is therefore not without difficulty.

Similarly during the last two decades it is observed that the EU has experienced the challenge of meeting a series of diverse large-scale natural disasters and major terrorism both as 'disasters'

⁴ DG ECHO (European Community Humanitarian Office) the acronym is used by the Directorate General of Humanitarian Aid and Civil Protection who manage the Union Civil Protection Mechanism (COM(2011)934), European Emergency Response Centre and Monitoring and Information Centre

⁵ Directorate General of Home Affairs responsible for crisis and terrorism and the European External Affairs Service with foreign crisis management responsibilities

⁶ ECORYS (2009) Strengthening the EU capacity to respond to disasters: Identification of the gaps in the capacity of the Community Civil Protection Mechanism to provide assistance in major disasters and options to fill the gaps – *A scenario-based approach*

within Europe and ‘crisis’ outside the EU. This challenge is not diminishing⁷ and indeed the inherent changes in global society driven by ideology, the ongoing shifts in economic prosperity and continued concerns related to the sustainability of basic raw materials and supplies, have tended to increase personal risk to security, information control, resources and finance, not reduce it developed countries.

These tensions and continued conventional threats suggest wider collaboration is both necessary and sensible particularly with options based on alliances with countries that share our societal values and urbanised physical environment.

The UK is not been immune from this situation and has thus far shown that it can rely, and successfully operate, using its own emergency and civil response responders in most if not all emergencies. Whether this also reflects an Island culture or a highly developed self-sufficiency is unclear but the tendency has been to ‘offer not receive’ aid.

However the continued belief that all threats and risks can be managed alone is questionable as international events have consistently identified two important features:

1. The emphasis on a trans-national dimension of dependency, and
2. The necessity for multilateral cooperation to effectively cope with large and sometimes overwhelming events (to access greater capacity and wider expert competencies).

Where cooperative training and joint operations or exercises have happened, as for example between northern Ireland and the Republic of Ireland or the Channel Islands and France or in flood exercises with the Netherlands⁸, the outcome is invariably positive and usefully increases effectiveness. The physical absence of UK land borders with other Member States may therefore simply limit our vision on these benefits across the civil protection spectrum and not just within the EU contribution to global safety and UK affairs.

Statements suggest that the EU is believed to be one of the largest humanitarian donor in the World⁹ when facing international crisis even though some Member States prefer that aid and civil protection relief to be presented not as a collective EU response. This simple illustration perhaps points to a conclusion that if any Member State, including the UK, were to operate civil protection as a standalone policy, in some situations this is likely to lead to reduction in the effectiveness of the overall response.

2. What are the comparative advantages and disadvantages of working through the EU rather than working independently?

⁷ Worldwide the recorded annual number of disasters has increased fivefold from 78 in 1975 to nearly 400 today. [EU COM (2010) 600]

⁸ EU FloodEx 2009: An analysis of testing international assistance during a worst credible flood scenario in the North Sea area NIBRA

⁹ The EU is the largest provider of humanitarian assistance worldwide, delivering around 50% of official humanitarian aid. The Commission is the world's second-largest humanitarian aid donor. www.ec.europa.eu

Inevitably, in many post emergency reviews of various events' gaps, or at least the common areas for improvement, identified features are communication, capacity and coordination, together with broader trans-national level observations, regarding issues like diversity in operational practices and protocols, that are probably more easily solved within a EU context. Funding and logistics, for example, often emerge as clear gaps, particularly around issues like transportation, and likewise the essential communication and operational coordination between different national teams.

Additionally there is distance between civil and military engagement in civil protection. For example, whilst the use of military assets is foreseen for some circumstances, it is as a last resort. Partly this is because of international accords¹⁰ restrict wide use of existing military assets for peaceful purposes and partly because humanitarian response is so diverse across the EU. Going forward the reduction of military capacity suggests that better civil military collaboration across the EU will be required to meet both military and civil requirements and utilisation of military assets for public good may well become a more aligned strategy for the UK defence.

In practical terms examples such as the humanitarian crisis in Haiti¹¹ and the experience gained in the USA from the '911'¹² and Hurricane Katrina¹³ events, as with the UK floods in 2010¹⁴ that affected critical national infrastructure in Gloucestershire, indicate the shared an essential contribution made by military and civil protection authorities. In complex political situations, when the humanitarian responders themselves require protection from hostile groups, having a brokered EU or UN multinational situation is helpful is dissuading arguments and clearing routes to deliver.

3. How effective is the EU at combining its foreign, defence, economic and civil protection policy instruments to deliver best effect foreign policy?

Current EU and UK Civil Protection policy is viewed as really a legacy reflecting political, social and operational influences of the past rather than an effective utilisation of assets, many owned and accountable to authorities below Member State level.

However compared to Member States operating independently and entities like NATO, which has a specific military focus, the EU does have a much more comprehensive capacity to understand and combine the processes and policies that unify Europe. In one way it could be argued that the very action of having to persuade by socialising a specific form of response ultimately helps gain acceptance of the response before deployment.

¹⁰ Example NATO and the Civil-Military Cooperation (CIMIC) agreement and Guidelines on the Use of Military and Civil Defence Assets in International Disaster Relief — 'Oslo Guidelines' (re-launched by UN OCHA in November 2006).

¹¹ After the 12 January 2010 Earthquake 316,000 people were estimated to have died.

¹² The 9 September 2001 attack resulted in the creation of the USA Department of Homeland Security [DHS]

¹³ In March 2006 the DHS Office of Inspector General published a Performance Review after public criticism of FEMA (The Federal Emergency Management Agency is an agency of the DHS with the primary purpose of coordinating the response to a disaster that has occurred in the United States and that overwhelms the resources of local and state authorities) management action in response to Hurricane Katrina that made landfall on 25 August 2005

¹⁴ The Pitt Review (2008) Lessons Learnt from the 2007 Summer Floods

The EU approach on the civil protection issue, whether in prevention, preparedness or response, has been slow, arguably because it has had to be thoughtful in trying to coordinate a very diverse community. In fire and rescue where 2.7 million firefighters are engaged the differences in volunteer, part or full time employment, training, duty, deployment and equipment systems testify this diversity and produce their own problems¹⁵.

Despite this Financial Instruments, Development Aid, Humanitarian Support, Civil Protection and Military protocols and agreements have been reached. For the past two years EEAS has set about creating a civil-military planning system that will support of EU civil-humanitarian-military missions and civil protection interventions. This is effective working that will improve crisis response outside Europe when humanitarian, political, military, civil protection and development support have to be coordinated and efficient.

Whilst presently not a civil protection matter the current response to Mali¹⁶ is illustrative of a need to coordinate and share. Currently the military option is being prosecuted, with France in the lead, but experience shows that migrations, due to fighting, and post conflict reconstruction, requiring new resources, create humanitarian situations that require sustained expenditure and skilled individuals.

It is understood the UK as with other Member States has directed the EU that engaging in discussions with the military is 'not on the agenda' but as the future unfolds the question will emerge of who is best placed to lead these multi-lateral discussions affecting civil protection amongst EU Member States.

Another direct consequence of the limited accessibility and understanding of the modus operandi used by the civil protection authorities and agencies is a lack of a statement of overarching purpose, meaning the current EU Civil Protection policy operates without any well-founded or agreed rationale; or in other parlance a shared doctrine, between Member States.

It is considered that if the UK were to operate from a standalone position this would reduce still further any current cohesion and negatively affect interoperability or at least the opportunity for increased operational harmonisation. Since harmonisation is often seen as a key to releasing the full benefit of existing civil resources and increasing operational effectiveness this would suggest it might be a less effective policy.

Such a policy approach would in turn reduce the industrial and commercial research and investment opportunities necessary to gain advantages from increased human knowledge capital and technologies used to enable interoperability. This lowers the possibility of stronger Public-Private enterprises and that may offer reduction in public expenditure, lowering commercial competitiveness sometimes directly to the detriment of the UK.

4. How effective are the EU delivery mechanisms? Would any changes make them more effective, and if so, which ones and why?

¹⁵ The Working Time and Driving Time Directives are examples of resolving complex social working conditions.

¹⁶ On 11 January 2013 the French Government launch military air strikes in furtherance of the Mali UN Resolution of October 2012 after a request from the Mali Government.

As mentioned most assets are owned and operated below Member State level and coordination is frequently fragmented or time absorbing, not ideal in emergencies. EU funded assets tend to focus upon horizontal tasks, such as assessment, logistics and coordination, but are very limited. In the area of deployment, the EU deploy a 'team' only for crisis assessment and damage assessment and report to the MIC before there is a Member States or module deployment or before deployment of a military team in a political crisis.

This approach is vague and far less clear than seen in federated countries, for example in comparison to the USA FEMA system or NATO military protocols, being described by the EU itself as 'ad hoc'¹⁷, and reduces effectiveness.

Interoperability also mentioned earlier whilst clearly recognised and understood remains to be embedded in practice; logistics were often weak in planning and execution; and technologies like spatial observation from Space, GIS, mobile communication, software simulation and computerisation are not fully exploited.

All of this technology could be real EU assets put at the disposal of any 'national' team intervention. Changing delivery mechanisms could improve the limited use made for example of delivering supplies by logistics companies, or increase the contract leasing of aircraft to ensure their availability is earmarked; both have been demonstrated to be feasible and needed.

Most worrying is that the lack of "community engagement". In the UK engagement of the individual citizen and local community is a central strategy of public safety and protection policy. Unfortunately this extremely effective approach is frequently not seen as quiet such a fundamental part of the EU civil protection policy with citizens accepted more as a commodity to be managed by the overall civil protection process. This may result from the principle of subsidiarity but it is a weakness in areas like transportation, where common protective systems like signage, escape routes and awareness are an aid to public safety.

Improving these mechanisms is certainly manageable but only within an improved delivery system, one that the UK is well placed to influence and apply technical solutions, and it would be again detrimental to overall public safety to withdraw from this process.

5. Would a different division of EU and Member State competences produce more effective policies, if so, how and why?

Altering the division of competences could produce policies that are more effective. The suggested changes arising from the review of the Mechanism¹⁸ proposed in 2011 that Member States should move from an 'ad hoc' to a more 'planned' response. Article 3 expressed specific objectives that:

The Mechanism shall support, coordinate or supplement reinforced cooperation between the Union and Member States in pursuit of the following specific objectives:

¹⁷ "The EU civil protection response is currently based on *ad hoc* offers of assistance from Member States" COM (2010) 600.

¹⁸ Union Civil Protection Mechanism COM(2011)934

(a) to achieve a high level of protection against disasters by preventing or reducing their effects and by fostering a culture of prevention;

(b) to enhance the Union's state of preparedness to respond to disasters;

(c) to facilitate rapid and efficient emergency

The detail in the communication offered a sensible proposal that has made heavy weather as some interpretations appear to consider the proposal to be a transfer of assets and their control to the EU.

Many Fire and Rescue practitioners feel that future success in the development of a civil protection at the European level lies in striking the right balance between the two most important European principles: *subsidiarity* (to sovereign national responsibility); and *solidarity* (increasingly, protection of citizens cannot be accomplished by a Member State in isolation but by means of cooperation).

Underpinning this view three new interventions appear appropriate:

- A political movement leading towards improved governance of civil protection assets supported a stronger coordination between local, national and EU activities, so enhancing a modified European Civil Protection Policy.
- Greater legal acceptance of the creation of a practitioners and authorities advisory platform (Pan European Advisory Forum for Civil Protection) to support the deployment of the European CP Policy; and
- Further social engagement and support to involve civil society in preventing and responding actions to improve the resilience of civil society.

6. How might the national interest be served by action being taken in this field at a different level UN, NATO, OCED, G20 either as an addition or alternative?

According to Swiss Re¹⁹, a major EU re-insurance company, there is a global increase in major catastrophes, reaching a level of more than 240,000 deaths in some 310 main disasters in 2008. In the EU urban densities continue to increase with pastoral movement into cities and increased mobility and cultural change in society raises tensions and creates environments where substantial civil populations are at risk from a range of threats.

The UK continues to use conventional risk reduction and response planning yet is aware that some natural and manmade disasters can have unusually severe economic consequences²⁰ that are at times not confined by national boundaries. Under such circumstances consolidation of action within a UK frame of reference does not appear to best serve the national interest.

The continued evolution of civil protection policy in the EU, most noticeably since the adoption of the Lisbon Treaty and transfer of responsibility for administration from DG ENVIRONMENT to DG ECHO, has not fully engaged those who are responsible for its application in practice. The discussion, debate and dialogue, perhaps understandably, is between Member State and Commission without

¹⁹ Natural catastrophes and manmade disasters in 2008 Swiss Re – Sigma No 2 /2009.

²⁰ The economic impact of disaster in Europe has been estimated at € 15 billion yearly (ABI (2005) and Munich Re (2008)).

significant interaction with practitioners leading to decisions and solutions that are applied rather than developed and accepted.

The inherent weakness in this system is exclusion of those having direct governance accountabilities for the majority of the assets, material and human at the local, municipal or voluntary level. One consequence already mentioned is that decisions surrounding those actually engaged in emergencies and the individual European citizen, who is always the receptor and first line of response in any civil emergency, fails to engage these groups in policy.

The contrast to current UK policy and practice in civil preparedness is remarkable; the domestic focus is upon the community, integration of first and secondary responders in planning, preparation and response and coordination between defence, security and civil protection strategies and services.

In seeking alternatives, a first useful step would be to support the EU to find a better interpretation and implementation strategy within the principles of subsidiarity and solidarity that engages local civil protection agents and communities. Secondly, when looking at the wider range of intervention options there is correlation, in civil preparedness and response, between DG ECHO, NATO and the UN.

However past experience also suggests that practically there also appears to be little advantage in commencing a process to replace the international dimension of support from EU and other trusted partners to that which may be offered by G20 or OCED; the political dimension dictating practical solutions. Any 'new' arrangement would require 'new' negotiated foundations and a similar evolution to that mentioned [better engagement of local government and the responder community] but with the added assurances that each of the international players represented can secure complementary not competitive support.

This leads to a broad conclusion that developing a replacement option may be more difficult than enhancing, redefining or changing the existing relationships that do work and can be improved.

The difference therefore, between 'going alone' and with the EU, is the capacity of the EU to deliver a 'comprehensive approach' without multiple negotiated bilateral agreements and to better 'manage' the relationship with NATO, the UN and other international governments that collectively face civil protection crisis. This means however accepting that, due to the difficulties highlighted above, the EU continues to lack 'full efficiency' within civil protection area even with its numerous progressions over the past decade and this.

This is not a unique situation; it is understood agencies like NATO believe their operating model is not sustainable into the future without change and the organisation is believed to see itself having an extended civil protection component; likewise the UN calls for additional support seeking alternative strategies and partners.

All of these changes in landscape highlight the need for a new approach. One that recognises both the UK capacity and skilled competencies and skilled capacities of other Member States; this is not

withdrawal of the EU from the equation; rather it is agreement and explicit redefinition of what the competencies mean in hard practical terms.

This is because at a time when detrimental crisis and events increase in complexity and frequency; when Member State's assets, including the UK, are facing the shrinkage from the possibilities and realities of reduced expenditure; and when concerns over sovereignty are reasserted; putting energy into improvement action is preferably to starting afresh.

Purely from a practitioner's viewpoint the strategic weakness is in application of the political principles to create a tactical agreement that is then reinforced by an agreed EU overarching operational doctrine that drives effectiveness and efficiency.

The evidence is that local cross border working is most productive when facilitated by those who make the response as occurs in mainland Europe and in the UK with Ireland. Local understanding, shared concerns about risks and regular contact underpin this mutual assistance. The balance of competencies debate is less important in this context – rather the solution rest in a clearer negotiated understanding leading to an improved process framework.

The UK as a good neighbour needs to encourage a closer and better fit between all the parties involved to release the advantages of utilisation of shared resources, including military assets in areas like transportation, communications and logistics, without becoming embroiled in issues of sovereignty and governance.

7. Any General Points

The general conclusion is that the UK position, as with any other Member State for that matter, should be to maintain national sovereignty and national determination over all its civil protection assets while simultaneously constructively supporting when possible EU civil protection actions.

Specifically supporting those actions that help coordinate and share the contributions of all international partners to maximise the effective use of existing assets, facilitate savings in expenditure and build skilled capacity to improve protection in all the communities within our European Community.

These points are emphasised in the appended declaration made in 2012 by senior representatives of EU Fire and Rescue Services.

Bratislava European Fire Services Conference

Declaration

Senior representatives of the European Union Fire and Rescue Services meeting in Bratislava in the Slovak Republic, on 20 September 2012 in acknowledgement of the Treaty on the Functioning of the European Union [TFEU] adopted following the Treaty of Lisbon that entered into force on 1 December 2009, consider that:

1. The TFEU requires all EU institutions to adopt working methods that embrace solidarity to collectively improve for all European Union citizens their security, well-being and prosperity.
2. The TFEU therefore requires that the EU FRS work efficiently and effectively together to offer the best levels of protection within the European Community to better face natural and technical challenges.
3. The TFEU also recognises the need for subsidiarity for each Member State so that its' FRS may rapidly meet localised threats and risks to discharge its' responsibilities in the protection of its' people;
4. An intent of the TFEU is that the European Community offers all citizens freedom, security and justice based on the principles of transparency and democratic control and to support this aspiration;
5. The European Community has reorganised its institutions and purpose in the area of humanitarian aid and civil protection within one Department now known as Directorate General of Humanitarian Aid and Civil Protection but retaining the acronym European Community Humanitarian Office [DG ECHO];
6. Further current economic austerity requires collaboration between public authorities and dialogue between the public and private sectors to gain efficiencies and maximise investments in public protection;
7. European FRS comprise nearly 3 million firefighters, emergency medical and technical rescue practitioners, many freely volunteering their services and exposure to personal risk personal to assist local communities, play a significant part in providing humanitarian aid and civil protection at minimal cost and;
8. Express continuing support for the ideals of the European Community and a belief that stronger understanding and representation is needed in the European Parliament, the Council and the Commissions of the FRS role and practical support for improved coordination of prevention and response to civil emergencies;

And have therefore adopted the following resolution:

- A. European Community Member States Fire and Rescue Services agree they should seek closer collaborative and partnership with those that share the expressed aim of improving services to save the lives and property for all citizens.
- B. Consider through collaboration and partnership the FRS can learn from lessons of the past so that they may better face continuing threats within Europe from natural events like earthquakes, land slips, floods, wildfires and climate and technical failures or hostile actions by individuals and groups that harm or seek to terrorise.
- C. Wish the FRS to improve the safety and effectiveness of its own members through shared experiences in learning and training both to reduce injuries and losses to emergency personnel and to add to the overall body of technical knowledge that exists within Europe and the wider FRS world on prevention, response and recovery.
- D. Seek to improve FRS intra-European and international response in support of humanitarian missions though improved organisational understanding between cross border and international agencies who participate in the aftermath of crisis.
- E. Acknowledge the FRS and their partner the International Fire and Rescue Services Association [CTIF] will continue to work alongside DG ECHO to build a stronger relationship and understanding of the available European FRS contribution for use within and externally to Europe and of the possibilities to improve that contribution.
- F. Will further encourage the FRS to approach and work with all European Community Directorates to try to ensure they remain informed on how the processes of regulation and proposals for amendment of the TFEU affect the safety of the public and FRS personnel.
- G. AND, recognising that: the majority of FRS personnel undertake voluntary activities in their public service; the generality that provision of FRS infrastructure and equipment are provided by local municipal authorities; that demands and mission complexity is rising; and that financial constraints now impact on all civil society;
- H. Call upon all those that share the European Community and Fire and Rescue Services vision of a safer and more secure Europe and an effective responsive to humanitarian tragedy to appreciate and support the community-wide system of career and volunteers in the field of civil protection in the Member States who offer prevention and response in emergencies.

Issued on behalf of Conference Delegates
CTIF International Association of Fire and Rescue Services
12 October 2012