

Balance of Competencies Review,
(Foreign Policy)
Foreign and Commonwealth Office

London Fire Brigade is run by
London Fire and Emergency Planning Authority

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Dear Sir, Madam

Balance of Competencies - Foreign Policy

Thank you very much for providing the opportunity to submit evidence toward the Foreign Policy report. By way of background, I am an operational officer in the London Fire Brigade with over twenty seven years experience. Since 2001 my role has involved working with partner organisations (at a national level) and International Organisations, focusing on capability building and emergency preparedness and response. In 2005 I began working with NATO to help deliver a project aimed at developing Minimum Standards and Non-Binding Guidelines for First Responders regarding Planning, Training, Procedure and Equipment for Chemical, Biological, Radiological and Nuclear (CBRN) incidents. I became a NATO Civil Expert in 2008 and work to the Civil Protection Group, within the Civil Military Planning and Support section. Over the last year I began to expand toward EU Civil Protection in an effort to increase my awareness of emergency preparedness and response within the EU and identify synergies between NATO and EU Civil Protection.

I am responding to this call for evidence in my capacity as a NATO Civil Expert with some experience of the EU Civil Protection Mechanism. As such I intend to limit my response to the Civil Protections aspects only.

This evidence is not attributable to the London Fire and Emergency Planning Authority

Q. What are the comparative advantages/disadvantages of working through the EU, rather than working independently?

Comparative Advantages

1. The structure of EU Civil Protection (CP), as envisaged in Article 196 (TFEU) is based on the principle of carrying out actions to support, coordinate and supplement the actions of Member States in preparing for and responding to natural or man-made disasters within the Union. Therefore capabilities should be forged on the desire to develop a common method of response, which should in principle have many advantages. As an example the Modular Approach introduced several years ago is designed to provide a number of predetermined capabilities to deal with a range of scenarios (fire, flood, structural collapse and medical emergencies, which a number of Member States have experienced regularly over the last few years). Modular capabilities are predefined by Member States to an

agreed standard, which has to be attained in order to declare a national capability as an EU asset. Effectively this allows the donor and the recipient nation an understanding of exactly what is to be provided. In planning and preparedness terms this is also valuable as 'theoretically' it allows international assets to be factored and integrated more easily into national response planning. The use of C P Experts is also designed to smooth the integration of assistance from participating nations into the recipient country

2. The provision of a well developed CP structure across the EU with an ability to be tasked cooperatively and simultaneously, increases and strengthens the overall level of capability available to respond to natural and man made disasters, effectively providing a much higher level of resilience across Member States in a time of need.
3. An important aspect of achieving a coordinated CP response capability is the provision of regular training and exercising. This not only improves professional skills, but also significantly improves understanding and familiarity between international responder organisations and should enhance integration. The current programme of progression training, operational exercises and exchange of Experts programme provided by the EU CP Mechanism delivers a structured and well received product and is one of the main advantages of the EU CP system as it stands.

Comparative Disadvantages

4. The CP Mechanism consists of 32 participating countries, therefore the burden of developing a capability to respond beyond a nations 'steady state' requirements is in part shared across the entire partnership alliance. However as Member States are not mandated to provide any specific asset type, capability or to develop any comparable standards (other than via the CP Modules) the standard of response provided following a request for assistance may vary significantly from one Member State to another. In line with the principles of sovereignty, it is for Member States to develop their own CP requirements to meet the threats, hazards and risks as determined in their own national risk assessments. Therefore the level of practical capability (trained responders, vehicles, equipment, procedures etc.) is designed to meet each nations overall requirement (as determined by that national assessment). Whilst there are incident types which may require HMG to consider requesting international assistance, our geographical separation from mainland Europe makes it far less likely than our mainland partners to request such assistance through the CP mechanism.
5. Multi-agency training and exercising of the UK's responder community is an invaluable component of our capability building. Whilst many local training events take place in isolation, there are very limited opportunities to practice large scale multi-agency scenarios. Although the EU offers a wide exercise programme, the UK is also not currently as active as many other Member States in either hosting or participating in the international training and exercise programme. In terms of cost/benefit, the UK receives less than other Member States, who utilise the training opportunities more frequently. Participation in any form of international training activity would be of great benefit to the UK's responder community.
6. Although in theory some advantages exist in providing a form of standard approach across Europe (equipment, procedures, training etc.) as envisaged in the principle of article 196 (TFEU), in practice it would neither be achievable nor desirable. National strategies in many other Member States divide functions between Civil Protection and conventional emergency response (fire, law enforcement, medical). Governance is also divided between different Directorates/Ministries, which often complicate aspects of preplanning and

operational primacy between Ministries. There will also be an inevitable degree of planning and delivery discord between nations relating to what is an “acceptable standard” (procedures, equipment, safety, terminology etc.). Currently the UK response arrangements do not mirror the structures used in most other Member States, as civil protection functions within the UK are mainly undertaken by the Fire and Rescue Service, or divided between the other primary emergency services. This means there is a clear understanding of roles and responsibilities between the response organisations and jointly developed protocols such as Command and Control ensure both the responder community and supporting organisations fully integrate into a managed response at all levels (including Government). This is not the case across all other Member States. Whilst there are some advantages of developing a common EU CP response, it is not essential. Provided the UK response organisations develop a procedural understanding of how our capabilities would integrate with international responders (should assistance be requested or provided), the UK could continue to maintain its methodology and capability independently.

- Q. How might the national interest be served by action being taken in this field at a different level, e.g. regional, national, UN, NATO, OECD, G20 – either in addition or as an alternative to action at EU level.**

Practical Assistance

7. The EU CP Mechanism has been established for a number of years to facilitate reinforced cooperation in civil protection assistance and intervention (both within and outside the EU). According to the implementing rules of the CP Mechanism, Member States requesting assistance shall bear the cost of assistance provided by the participating states. However in the majority of cases, participating states will offer assistance without charge as a gesture of solidarity. To date the majority of deployments within the EU have focused on Southern and Eastern European Nations in response to the effects of seasonal forest fires, flooding and earth quake etc. Whilst participating nations do not directly fund the CP Mechanism, the CP budget (in excess of 32 million Euros) is taken from the overall EU budget to which the UK contributes. However, the UK has yet to request or receive practical assistance from Member States via the CP Mechanism. Therefore whilst the arrangement is quite rightly available for the benefit of all Member States in time of need, some nations will benefit from the arrangement far more than others.
8. Aside from the EU CP Mechanism, other international organisations do offer a similar level of response solidarity, without the EU legislative burden and associated financial implications. NATO has a civil emergency planning role delivered through its Civil Military Planning and Support section and coordinated via the Euro Atlantic Disaster Response Coordination Centre (NATO HQ). This structure offers stricken nations access to emergency response assets (both civil and military) across the Euro Atlantic Partnership (28 NATO Allies and 22 Partner Nations, including the US and Canada). All offers of support are on a purely voluntary basis. Whilst the principle behind this response structure is the same as the EU Mechanism, NATO has access to a wider pool of resources and offers an alternative system, which may suit specific political or military objectives more readily.

Product Development

9. The UK supports the development of civil protection products via a number of different channels, designed to meet specific objectives and agendas and all of which offer comparable advantages. These include bi-lateral and multi-lateral agreements (i.e. with the US, Canada, Australia, New Zealand and France) and via membership of International Organisations providing a Civil Protection element (e.g.EU, NATO and UN).
10. Whilst some similarities with EU CP exist, an advantage of providing support via NATO is that nations can commit to develop and implement products (i.e. CBRN Minimum Standards), based on the degree of national interest and on the availability of committable resources to support the activity. Products developed by NATO Working Groups are based on best practice across a wide group of nations and any subsequent product implementation is non binding and entirely voluntary. The UK can therefore add and receive value as it sees fit, without the burden of legislation or delivery consensus, which may potentially be detrimental to the UK's interests.

Training and Exercising

11. As mentioned in section 3, one of the most positive aspects of the CP Mechanism is the comprehensive programme of training and exercising, which provides CP Experts with a dedicated training path, delivered to a high standard. EU CP also provides a comprehensive exercise programme, consisting of both practical and table top exercises. However whilst the UK regularly sends participants on Expert courses, UK responders attend very few operational exercises in comparison to Member State counterparts.
12. Although NATO does not provide the same degree of Expert training, it does provide opportunities to participate in operational field exercises with both civil and military assets in tandem. The emphasis on civil military cooperation can be of particular value to many nations planning activities such as international high visibility events.

Prevention, Preparedness and Response

13. The EU has made a significant investment in developing an integrated approach to disaster management, including prevention, preparedness and response. The EU also has various legislative and financial instruments to support and complement initiatives in disaster prevention. However, given the number of EU projects with a focus on CP (either completed or in progress), very little in the way of findings appear to be sited across either the UK responder community or wider Government Departments. In addition, the process of bidding for EU projects is lengthy and cumbersome. Member States that are familiar with the process and have the resources to submit a bid have a clear advantage and are far more likely to be successful than most UK emergency service bidders or Government Departments, neither of whom have either the resources nor dedicated expertise to bid with a high degree of success. Whilst the legislative framework supporting some of the prevention aspect seek to benefit all Member States, not all EU projects provide similar tangible benefits.
14. NATO Civil Emergency Planning has a comprehensive work programmes in support of its five key roles including; “to support national preparedness in response to natural and man made disasters”. Whilst many NATO allies are also Member States, the expansion of the alliance and wider partnership in recent years (EAPC, ICI, MD etc.) has effectively increased ‘buy in’ to the overall aims and principles of NATO well beyond EU boundaries, thus potentially improving global peace, security, stability and civil protection. Supporting the development of national preparedness is also a key component of NATO's

‘comprehensive approach’ policy, which seeks to develop nations post conflict. As with EU foreign policy, NATO also participates in global Non Proliferation strategies, of which national preparedness and capability building is a key component.

15. As detailed in section 6, the emergency preparedness arrangements within the UK do not mirror the structures of our European partners. Currently our practical contribution to EU Civil Protection consists of a number of CP Experts and the provision of one asset type to a CP Module (USAR). Whilst the USAR asset (delivered through the UK International Search and Rescue Team) has deployed on many occasions over the years, it has done so mainly as a UK national contribution rather than an EU component. There are clear advantages of being part of an EU team, but there are also disadvantages. A condition of providing modular cover is that (on a rotational basis) assets must be available to respond within a pre-determined time period. As the asset will be on ‘stand by’ for a number of months it could potentially negate the deployment of this asset as a UK contribution to an international relief operation (i.e. bi laterally, coordinated via NATO or the UN), as it might potentially be tied with an overall EU CP response.
16. In terms of developmental work, there are likely to be many occasions where both the EU and NATO are working on similar work streams and potentially utilising the same resources “independently”. Rather than focusing effort on one International Organisation and neglecting others, more could be achieved by identifying and developing greater synergy between the two, which ultimately benefits all participating nations.

Solidarity Clause

17. Article 222 TFEU contains the Solidarity Clause according to which the Union and its Member States shall act jointly in the spirit of solidarity, if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union is to mobilise all the means at its disposal (including military resources) made available by the Member States. However the Article does not declare or compel Member States to provide any specific levels of resource. It is for Member States to determine the most appropriate means to comply with this legislation. This essentially makes the legislation operationally meaningless as it provides no real obligation to commit. In addition, as detailed in section 7 “according to the implementing rules of the CP Mechanism, Member States requesting assistance shall bear the cost of assistance provided by the participating states. However in the majority of cases, participating states will offer assistance without charge as a gesture of solidarity”. In practice therefore Member States and other nations outside of the Union, will always offer and provide appropriate assistance to a stricken nation, without the need to legislate.

Humanitarian aid and Civil Protection

18. In 2010 the CP Mechanism merged with the Directorate General for Humanitarian Aid in an attempt to exploit synergies and reinforce the coherence of EU response operations on the grounds that the frequency, severity and intensity of disasters will continue to increase in the future. Part of the practical response arrangements to international disasters is the provision of CP Experts in the form of a CP Assessment and Coordination Team. As one of the primary functions of the CP Mechanism the role of this team is to liaison between the civil protection assets from participating Member States and the recipient nation. Whilst coordinating contributions from Member States is a valuable role, it is essentially the same role as that currently undertaken by the UN Disaster, Assessment and Coordination Teams (UNDAC), who will take the Humanitarian assessment and coordination lead outside the EU. Therefore any EU CP team deployed outside the EU

will essentially duplicate an existing function, but in a subordinate capacity to the UN Team. Member States providing financial contribution to the United Nations, will essentially be contributing to two organisations to provide very similar functions.

Conclusion

19. The structure of EU Civil Protection is based on the principle of carrying out actions to support Member States in preparing for and responding to natural or man made disasters. EU competence in this area was designed to legislate Member States to provide an assistance mechanism across the EU and complement national actions in preventing risk, preparing personnel and responding to disasters. There are benefits in developing and providing a unified approach across the EU, but these benefits are realised more readily in mainland Europe where geographical boundaries between nations may (in response terms) be blurred. The UK is one of the most developed nations in terms of Civil Contingency capability and has the capacity to support developmental work and international operations both within and beyond the EU. As such the UK does not benefit directly from any relinquished competence in this area. Actions to support Member States in risk prevention (industrial accidents etc.) is however an area where legislation across the EU is likely to be of greater benefit and one where EU competence should harmonise Member States.
20. Training and exercising is an essential component of improving professional skills, increasing understanding and developing interoperability between the international responder community. It is also a valuable component of the UK's capability building. Whilst training events take place in isolation, there are limited opportunities to practice large scale multi-agency scenarios. The CP Mechanism training and exercise programme is very well structured to deliver its product but is to date underutilised by the UK responder community. The UK should take advantage of the training opportunities offered through International Organisations including the EU and NATO.
21. The provision of a well developed CP response capability across the EU with an ability to be tasked cooperatively and simultaneously effectively provides a higher level of resilience across Member States and offers the facility to augment resources in times of need. However as Member States are (quite rightly) not mandated to provide specific capabilities, the standard of response is likely to vary significantly between nations and must be factored into national response planning. This is particularly relevant to the UK's response arrangements, which do not mirror systems used in other Member States. Competence in this area should be left to nations as more can be achieved by developing cooperative procedural guidelines and methodologies with Member States, which follow the principle of a response.
22. The CP Mechanism was established to facilitate reinforced cooperation in civil protection assistance and intervention. To date the majority of deployments have focused on Southern and Eastern European nations in response to seasonal events which after a number of years can be argued as foreseen (an should therefore be factored into national planning assumptions etc.). The UK has yet to request or receive practical assistance from Member States via the CP Mechanism. Whilst a cooperative arrangement should continue to exist, which inevitably benefits some nations more than others, the UK should ensure that the arrangement is not detrimental to its interests.
23. The EU is not the only International partnership which offers a level of response solidarity. NATO has a well defined and coordinated civil protection structure. This facility provides access to a wide pool of resources from ally and partner nations as an

alternative system, which may on occasion suit national objectives more readily. This is also true of developmental work relating to civil protection. Products developed via other international organisations are based in general on best practice and jointly promoted methodology, which can be implemented at national discretion. The UK can therefore add a great deal of value in the development of international best practice, whilst maintaining or expanding its global position in civil protection without the burden of legislation, which may be potentially detrimental to the UK's interests.

24. The process of bidding for EU projects is lengthy and cumbersome. Member States that are familiar with the process and have the resources to submit a bid are far more likely to be successful with that bid than the UK responder community of relevant Government Department. EU projects relating to civil protection should be scrutinised more to determine the need, the outcome and the cost / benefit to the UK (and the EU).
25. Supporting national preparedness in response to natural and man made disasters adds a great deal of benefit to all Member States. Whilst the focus does have some global outlook, it is by intention more regionally beneficial. Our partnership with NATO and its expanded alliance extends the aims and principles of NATO beyond EU boundaries, effectively improving global security, stability and civil protection.
26. The Solidarity Clause exist to provide a legislative framework to facilitate reinforced cooperation and assistance in time of need, with the principle of the cost being borne by the requesting state. However as the Article does not compel Member States to any specific type of response, there is no real obligation to commit. In practice participating states would offer assistance as a gesture of solidarity. The requirement to provide this legislative clause is therefore unnecessary.
27. In practical terms the CP Mechanism has two major components. The CP Modules, which provide a predetermined resource in response to events including fire, flood, earthquake etc. these resources were essentially developed through experience to augment national capabilities in times of increased need. The second component is the CP Expert team, which is deployed in an assessment and coordination capacity to liaise between the civil protection assets provided by Member States and the recipient nation. By agreement the CP Mechanism (Modules and Experts) can be deployed outside the EU. The role of the Expert is therefore the same as that undertaken by the UN teams (UNDAC), which in effect is a duplicated effort.
28. In overall conclusion the Civil Protection role carried out via the EU is clearly of value to all Member States. However, competence in this area should be restricted to relevant aspects of disaster prevention and not cooperative response. Competence in terms of preparing for and responding to disasters should remain with the UK. However, the UK should continue to engage with the EU alongside other International Organisations (NATO) and contribute its expertise in civil protection to the benefit of wider partnerships and alliances.

Yours sincerely

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