



**The EU and international organisations:
partners in crisis management**

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Contents

1. Introduction	3
2. Recommendations	4
3. Changing concepts of security	7
4. The EU as a global actor	8
5. Who speaks for Europe?	11
6. The EU and the UN	13
7. The EU and the OSCE	19
8. The EU and NATO	21
9. The EU and international economic fora	23
10. Conclusion	27
11. Annex - European Union Priorities for the 60th Session of the United Nations General Assembly	32

1. Introduction¹

“As we move ahead, full European engagement will be essential. The world now looks to you to support a global multilateral framework.” Kofi Annan, speaking to the European Council in December 2004.

“We reaffirm the vital importance of an effective multilateral system.” 2005 Millennium Summit outcome.

“The Union shall assert its identity on the international scene and shall in particular ensure the consistency of its external activities as a whole.” Title V of the Common Foreign and Security Policy.

According to the European Security Strategy (ESS), the European Union stands for “effective multilateralism”, defined as “the development of a stronger international society, well-functioning international institutions and a rule-based international order”.

The United Nations was accorded a central role in the EU’s perception of a new global order, with the UN Security Council (UNSC) having the primary responsibility for international peace and security. At the same time, the ESS recognised that there might be times when international institutions are ineffective and the Union has to act alone, especially when international rules have been broken.

With regard to conflict prevention, the EU also stressed the importance of early preventive action to defuse a potential crisis. This is a different concept to the ‘pre-emptive strikes’ that received much criticism after publication of the US national security strategy in September 2002.

It is obvious, however, that if the EU wishes to promote “effective multilateralism” and ensure that conflict prevention and crisis management remain a priority, it must seek to strengthen its own role in the major international institutions as well as the institutions themselves.

Many of these bodies have been largely unreformed for several decades due to a mixture of inertia and vested interests. Some, such as the International Criminal Court (ICC), are new to the scene and the subject of considerable controversy. These institutions - covering security, political, economic, financial, development, humanitarian, legal and environmental issues - play an increasingly important role in world politics, and strengthening the EU’s role was a recurrent theme during the Convention on the Future of Europe that led to the Constitutional Treaty.

Although the Treaty is very unlikely to survive in its current form, there is a wide consensus on the importance of the EU becoming a more effective global player, especially in conflict prevention and crisis management.

Strengthening the Union's role clearly depends on more common policies, as well as the ability to react speedily and effectively to events. If the EU was able to agree in more external policy fields, this would have an impact on its standing in multilateral institutions. But these issues are already widely debated and are not discussed in detail in this paper.²

Another constant theme has been the necessity for greater coherence between the main international organisations. In its submission to the UN (see annex), the EU made a number of concrete proposals to strengthen the UN system. Regrettably, the outcome of the Millennium Summit left much to be desired, but there was progress in certain areas pertinent to conflict prevention and crisis management, including acceptance of the "responsibility to protect" principle and the agreement to establish a Peacebuilding Commission. The outcome of the Summit is assessed later.

This paper reviews the changed global security environment since the end of the Cold War, assesses the EU's growing efforts to become a global actor and speak with one voice, and examines the EU's relations with the principal international institutions - the UN, the Organization for Security and Co-operation in Europe (OSCE), NATO and the International Financial Institutions (IFIs) - that play a key role in conflict prevention and crisis management. It offers a number of recommendations both to strengthen the EU's role in - and to boost the standing of - the major international institutions.³

2. Recommendations

1. Good governance begins at home. The EU needs to develop an integrated and coherent approach to external relations and global governance. Many of the provisions in the Constitutional Treaty could, and should, be implemented as soon as possible:
 - The Council of Ministers and European Commission should create a common planning staff;
 - EU High Representative for the CFSP Javier Solana should take part in Commission meetings when external affairs are discussed;
 - Mr. Solana and External Relations Commissioner Benita Ferrero-Waldner should make joint proposals to the Council wherever possible;
 - There should be *de facto* joint Commission/Council representations in New York, Geneva and Vienna;
 - There should be a much larger budget for EU external affairs.

2. The Council urgently needs to agree to measures to improve the EU's capacity to speak with a single voice in international fora and to its partners. The Union should ensure that major issues on the agenda of the multilateral institutions are discussed in advance by the Council and a common position agreed whenever possible. In addition:
 - Mr. Solana should be relieved of his functions as Secretary General of the Council to allow him to concentrate on external affairs;
 - He should undertake more high-profile missions on behalf of the Union, and speak more often on the EU's behalf at international meetings;
 - The Council needs to discuss and agree on its aims in advance of major international meetings.

3. The Union needs an open debate on the practicalities of translating into practice its aim of strengthening the multilateral system. There should be no taboo areas. The outcome of the Millennium Summit needs to be followed up by concrete action. The EU should give full support to the new Peacebuilding Commission, as the problems associated with failed states will assume increasing importance in the future. In addition, the Union:
 - Should host an early conference to discuss how best to support the new Peacebuilding Commission;
 - Should discuss with major partners the criteria for implementing the responsibility to protect (RTP) principle;
 - Must ensure that human rights remain a top priority and hence give full support to the new Human Rights Council.

4. The EU should actively seek allies to build support for strengthening multilateral institutions. In particular:
 - The US has a critical role to play and the EU should engage Washington, together with its strategic partners - Canada, Japan, China, India, Russia and others - to ensure support for a stronger multilateral system;
 - The EU should use its political and economic leverage with countries that want an agreement with the Union to ensure support for multilateralism;
 - The EU should continue its strong support for the ICC and push for the creation of a new multilateral institution for the environment, with the EU represented by a single entity.

5. The EU needs to build up its military and civilian capabilities for conflict prevention. To this end:
 - The Union must ensure that its military force capabilities (Helsinki headline goals) are fully met on time;

- The battle groups, already important for UN operations, need to be fully in service on schedule;
 - Civilian capabilities (police, judges, local government officials, etc.) need to be further strengthened.
6. The EU should develop a strategic partnership with the OSCE:
 - EU Member States will hold the OSCE chair-in-office until 2008, which offers a unique opportunity to strengthen the EU's engagement by, for example, holding regular meetings between the Presidency, Mr. Solana, Commissioner Ferrero-Waldner and the chair in office;
 - The Union must speak with one voice in this important but often under-rated institution and identify joint strategic priorities. The OSCE could, for example, play an important supporting role in developing the European Neighbourhood Policy (ENP).
 7. The EU needs to intensify its cooperation with NATO on a regular basis to ensure coherence and complementarity regarding crisis management tasks. To this end:
 - There should be quarterly meetings between Mr. Solana, Commissioner Ferrero-Waldner and the NATO Secretary General;
 - These meetings should be complemented by intensified staff contacts between both organisations, possibly leading to informal joint task forces for particular issues (e.g. Darfur);
 - There should be greater cooperation and coordination regarding the capability development process.
 8. The EU should intensify its support for regional cooperation and integration in other parts of the world, with the proviso that such arrangements promote multilateralism. It should:
 - Continue to give priority to the Africa Union in terms of human and financial resources;
 - Develop a 'toolbox' of incentives (financial, trade, technical and other assistance) that it could offer to regional organisations with the aim of promoting confidence and stability.
 9. The EU should stand for merit as the principal criteria in the selection of leaders for international organisations. In addition:
 - The present *de facto* EU/US duopoly in the International Monetary Fund (IMF) and World Bank should be ended, and consideration should be given to a merger of the two organisations;
 - The G8 should be changed to the G20 to provide for greater legitimacy.
 10. The EU should support efforts to strengthen the World Trade Organization (as recommended in the Sutherland report). To this end:

- The Union should seek to strengthen the authority of the Director General of the WTO by allowing for a right of initiative;
- More attention should be paid to the problems of involving low-income developing countries in global governance.

3. Changing concepts of security

The post-Cold War world has not seen “a new world order” or “the end of history”, but could well be approaching a “clash of civilisations”. The challenge posed by radical Islam has become the most potent factor affecting security thinking in Europe and America. In the US National Security Strategy (NSS) of September 2002, the Bush administration announced a doctrine of pre-emption to deal, if necessary, with the threat of terrorism and the proliferation of weapons of mass destruction (WMD).

In the ESS, the main threats were presented as:

- Terrorism, which has become global in its “scope and is linked to religious extremism”. Europe “is both a target and a base for such terrorism”;
- The proliferation of Weapons of Mass Destruction, “potentially the greatest threat to our security”;
- Regional conflicts, both worldwide and in the EU’s neighbourhood, which have an impact on “European interests directly and indirectly and which can lead to extremism, terrorism and state failure”;
- State failure, which “undermines global governance and adds to regional instability” and which “can be associated with obvious threats, such as organised crime or terrorism”;
- Organised crime, which can be linked to terrorism and is “often associated with weak or failing states”. Organised crime has thus an “important external dimension”, such as the “cross-border trafficking of drugs, women, illegal immigrants and weapons”.

The ESS then identifies three strategic objectives: addressing the threats; building security in the EU’s neighbourhood; and an international order based on effective multilateralism. In considering the policy implications for Europe, the ESS suggests that Europe should be more active, more capable and more coherent in responding to the new security threats. It also highlights the importance of working through a strengthened multilateral system.

The European Commission drew on this call for an integrated security approach in its preparation for the Millennium Summit. It stated that: “The EU will treat security and development as complementary agendas, with the common aim of creating a secure environment and of breaking the

vicious circle of poverty, war, environmental degradation and failing economic, social and political structures.’⁴

The growing global terrorist threat and the related extenuated Iraq crisis, as well as the problems stemming from other ‘rogue’ or ‘failed’ states, have captured international attention for the past decade, prompting the UN Secretary General’s call in 2003 for a high-level panel to explore its implications for world order.⁵

The EU was highly supportive of this proposal and made a substantive contribution to the work of the UN High-Level Panel (HLP). The HLP’s report sought to draw a synthesis between the ‘hard threats’ so feared by the North and the ‘soft threats’ faced by the South (poverty, environmental stress and natural-resource depletion, endemic global health crises and migrant social pressures).

In many respects, the HLP’s report was remarkably similar to the ESS. Both documents adopted a holistic approach, with much emphasis on the concept of ‘human security’. The HLP identified the following six main security threats: a) economic and social threats, including poverty, infectious diseases and environmental degradation; b) inter state conflict; c) internal conflict, including civil war, genocide and other large-scale atrocities; d) nuclear, radiological, chemical and biological weapons; e) terrorism; f) transnational organised crime.

Most of the HLP’s recommendations were endorsed by the Secretary General in his report of 21 March 2005, *In Larger Freedom: Towards Development, Security and Human Rights for All*, which was the basis for the reform debate at the UN Millennium Summit in September 2005.

4. The EU as a global actor

Over the past decade, the EU has steadily increased its presence on the world stage. The 1992 Maastricht Treaty established the Common Foreign and Security Policy (CFSP) and, despite starting at the worst possible moment, with the break-up of former Yugoslavia, the CFSP gradually began to develop the institutional structures and instruments to enable the Union to play a more visible foreign policy role.

There were many setbacks, notably the dispute over how to deal with Iraq in 2002-03, and there have been other areas characterised by a lack of policy agreement. In addition, there have been internal rivalries between the Council and the Commission, and between the Member States and the EU institutions. But the past decade has also been marked by steady progress. Amongst the most significant developments are:

- The appointment of Javier Solana as the EU's High Representative for CFSP, supported by a policy planning unit;
- The 1999 Helsinki Headline Goals and the establishment of a common European Security and Defense Policy (ESDP);
- The establishment of the Political and Security Committee (PSC) plus a military staff and military committee, to guide and underpin the CFSP and ESDP;
- The 2001 European Council's Programme for the Prevention of Violent Conflicts ('Göteborg Programme'), which reaffirmed that "conflict prevention was one of the main objectives of the EU's external relations and should be integrated in all its relevant aspects, including the ESDP";
- The development of cooperative links with NATO through a series of agreements (Berlin Plus) over the past decade;
- The UN-EU Joint Declaration on Crisis Management, which defines their respective roles in military and civilian relief operations and disaster situations; plus the EC Communication (September 2003) on *The EU and the UN: The Choice of Multilateralism*;
- The agreement on the European Security Strategy, which proclaims "effective multilateralism" as the EU's guiding principal in its foreign policy;
- The submission of an EU policy brief (June 2004) to the UN High-Level Panel on Threats, Challenges and Change;
- The signing of the European Constitution (October 2004), which laid out the future structure of the EU's foreign and security policy.⁶

Some would add the enlargement of the Union to include the states of central and eastern Europe as perhaps the most important security development of the past decade. Some would also point to the institutional changes, while others would underline the EU's growing operational role (Balkans, Congo, Aceh, etc). The EU's involvement in pillar IV of the UN-led interim administration in Kosovo is of particular note.

Apart from seeking to strengthen its institutional arrangements, the EU has also moved to agree to the broad terms of a strategic doctrine. The Commission Communication on the UN in September 2003 and the ESS both referred to the EU's overarching "strategic objective" as the strengthening of an international order based on an effective UN system. The EU, it was argued, should further develop its ability to act as a "front-runner" in developing multilateralism; support efforts to promote regional integration; and support measures to strengthen the UN.⁷

In making its contribution to effective multilateralism, the EU recognised that it needed to become "more active, more coherent and more capable" as a single actor. It has accordingly sought a delicate balance between too

hasty and too belated a resort to force in crisis management. “Preventive engagement,” states the ESS, can avoid more serious problems in the future. Yet, when the chips are down, “we need to develop a strategic culture that fosters early, rapid and when necessary, robust intervention”.⁸

Capabilities

Partly prompted by its dismal early record in the Balkans, the EU has started to develop an operational capability in crisis management. In the past five years, it has successfully carried out a number of operational ESDP missions in Bosnia-Herzegovina, Macedonia, the Congo and Georgia. It is now working to create a 60,000-strong rapid reaction force for future humanitarian and peace-keeping missions and it has created the ‘battle group’ concept to allow the rapid deployment of forces to underpin UN operations.⁹ In addition it has reached its targets for a civilian crisis management capability - police officers, judges, local government officials, etc.

Supporting regional integration

The EU model is highly regarded elsewhere in the world and the attempts to imitate parts of the EU system are perhaps the sincerest form of flattery. In Africa, there is the increasingly important Africa Union, as well as a number of regional (ECOWAS) and sub-regional organizations; in Latin America, there is the Andean Pact and Mercosur, as well as the Central American Free Trade Association (CAFTA); in the Middle East, the Gulf Cooperation Council (GCC); and in Asia, the Association of SouthEast Asian Nations (ASEAN) and the ASEAN Regional Forum (ARF). There is also much talk of an East Asian community involving China, Japan and South Korea. The EU should do more to support these efforts through a mix of political, financial, economic and technical measures, provided that these organisations too are fully committed to multilateralism.

Partners - the importance of the US

Partly because of its own history of sharing sovereignty and constant inter-governmental negotiations, the EU has been more willing than the US and many other countries to work through multilateral institutions. It will be a major challenge for the Union to build support for “effective multilateralism” amongst its partners. These include its strategic partners (Russia, China, India, Japan and Canada) and, above all, the United States.

The active engagement of the US is crucial for the functioning of international organisations, but, in recent years, it is the US that has appeared to reject the very idea of an international order. It has a poor record with regard to UN financing, the rejection of the Kyoto protocol,

the efforts to undermine the ICC and the refusal to ratify a host of arms control treaties, notably the Comprehensive Test Ban Treaty (CTBT). Richard Haass, the former head of planning in the State Department, aptly described the attitude of the Bush administration as “à la carte multilateralism”. Another important issue that the EU needs to keep pushing concerns the opposition of the US - and Japan - to according the EU/EC full status in many international bodies. (The support of some Member States for this goal is also sometimes less than wholehearted.)

In the spring of 2005, the nominations of two leading neo-conservatives - Paul Wolfowitz to head the World Bank and John Bolton to be the US Ambassador to the UN - caused considerable consternation in Europe and renewed doubts about Washington's commitment to strengthening international institutions.

There are, however, some signs of a changed approach under the second Bush administration. There has been less hostile rhetoric about the UN and the US was supportive, albeit grudgingly, of many measures in the HLP report. An important congressional report by George Mitchell and Newt Gingrich published in June 2005 was helpful in destroying many myths about the UN and arguing the case that American interests were fully compatible with UN engagement.¹⁰ There have also been developing contacts between EU officials and the new Office of the Coordinator for Reconstruction and Stabilisation in the US State Department.

5. Who speaks for Europe?

At present, the EU's external representation currently varies between different policy areas - CFSP, trade, financial, economic, environmental and development affairs. Every six months, the US Secretary of State has a new European interlocutor. It is little wonder, therefore, that Condoleezza Rice knows the telephone number of the High Representative for CFSP, Javier Solana, better than whomever of the 25 foreign ministers of the EU is currently holding the presidency of the Council.

Although Ms. Rice has Mr. Solana's telephone number, Washington may need to call one of several Commissioners - such as External Relations Commissioner Benita Ferrero-Waldner or Development Commissioner Louis Michel - dealing with different aspects of external relations. Washington may also wish to speak to one of the EU's many special or personal representatives dealing with the Middle East, the Caucasus, Bosnia, Central Asia, the Great Lakes or other regions and issues. Depending on circumstances, the EU may be represented, therefore, by Mr. Solana or the Presidency alone, the Presidency and the Commission, or by all three.

If the US, with its lengthy history of close cooperation with the EU, finds the situation baffling; other partners are often even more perplexed.

The Constitutional Treaty contained several innovative proposals, including a new post of EU foreign minister (merging the positions of Mr. Solana and Commissioner Ferrero-Waldner); the establishment of an EU External Action Service; strengthening the possibilities for some Member States to act in the name of the Union on the defence front; and creating an EU armaments agency. These measures were intended to lead to a more coherent and effective EU voice on the world stage. For example, under structured cooperation, assets of Member States engaged in EU missions could be used “outside the Union for peace-keeping, conflict prevention and strengthening international security, in accordance with the principles of the UN Charter”.¹¹

The defence agency has already been established outside the treaty, but moving ahead on other issues, such as the EU foreign minister, may have widespread support but would be politically difficult. There are, however, a number of measures the Union could take without any treaty changes to strengthen its external representation and internal coherence. These include more high-profile missions for Mr. Solana, including speaking at the UN on behalf of the EU, inviting Mr. Solana to attend discussions on external relations at Commission meetings, and creating a joint Council-Commission planning staff. There is also much preparatory work that could be done to ease the transformation of the Commission delegations into EU missions.¹²

To date, the rhetoric of EU Member States in support of “effective multilateralism” has outstripped the political will to move forward on the institutional front. Despite broad public support for an EU seat on the UNSC, Member States have failed to agree on how to reform that body.¹³ They have also been at odds over proposals to strengthen the Union’s position in other international bodies, and this has led to a less effective EU voice in crisis management situations (see below).

At the same time, there is a general trend (*pace* Iraq) for the Member States to agree increasingly on common policies toward third countries and regions, and on functional issues. The EU has also begun to play a more prominent role in conflict prevention and crisis management, with the interventions in Macedonia in 2003, Bosnia in 2004 and Aceh in 2005 being good examples.

But there is much room for improvement, as the following review of the Union’s role in international institutions makes clear. One obvious move would be for the Council to discuss and seek to adopt a

common position on important issues prior to meetings of the major international institutions.

6. The EU and the UN

The EU is a strong supporter of the UN system, being a major contributor to the general and peacekeeping budgets. But the UN also poses a problem for the Union.

Two EU Member States - Britain and France - are permanent members of the UN Security Council and are supposed to inform and take into account the views of the Union as a whole. Although coordination between Member States at the UN has improved in recent years, and there has been a convergence in voting patterns, there is still criticism of Britain and France pursuing national - as opposed to EU - interests in New York.

In January 2003, Spain and Germany joined the UNSC, but even with four major European states on this supreme international body, it was difficult to produce a coherent European voice as these four states took divergent positions in the Iraq crisis. Although both London and Paris publicly favoured reform of the UNSC, including a permanent seat for Germany, this sparked opposition from Italy, Spain and others.¹⁴

As a result of these differences, the EU's policy towards Security Council reform was inevitably rather timid. The policy brief it submitted to the HLP spoke of the need to adapt to changed realities if multilateral institutions are to remain effective and regretted that efforts to achieve comprehensive reform had not yet proven successful.¹⁵

In the EU's view, it should remain for the Council to decide on the appropriate course of action in any given situation. Resort to military intervention should only be undertaken "if there are no other valid options"; the means should be proportional to the objective; and the consequences of action should be weighed against those of inaction - all of this in clear reference to, and in an implied rebuke of, the American-led adventure in Iraq.

Security Council

The UNSC has undergone a significant change in the post-Cold War era. Since 1990, it has begun to transform itself from the traditional, narrowly conceived instrument that responds to inter-state aggression envisaged by the framers of the Charter, into a prototype body of global governance. Its "restrictive powers" - the determination of aggression or breach of the peace - have rarely been exercised. Its

“expansive powers” - the determination of a threat to the peace - have been widely and liberally exercised.

The Council’s threat perception has mutated over the years from the determination of traditional inter-state aggression, through the complex emergencies of the 1990s to territorially non-specific issues such as WMD proliferation, trans-national terrorism and crime, small arms trafficking and even ‘soft issues’ such as global health concerns. Freed from the shackles of Cold War paralysis, the Council today is according itself binding enforcement powers through identifying generic threats to the peace.¹⁶

During the same period, however, and indeed because of the expanded powers it is choosing to exercise, the Council has come under serious institutional strain that raises questions about its own legitimacy. The HLP drew attention to some of the main problems: unbalanced representation, conflicts of interest, and undeveloped decision-making procedures and mechanisms. In short, the Council is not adequately structured to carry out the overwhelming responsibilities of global governance and remains beholden to great power interests reflecting a bygone age. Regrettably, the lack of consensus at the Millennium Summit meant that the reform issue was yet again postponed. The concluding document said “we support early reform of the UNSC”, but declined to offer any indication of how this might be achieved.

EU input to the UN reform debate

Despite its lack of agreement on UNSC reform, the EU was very supportive of the HLP report and Kofi Annan’s subsequent letter to the General Assembly. The input to the HLP, agreed at the EU’s General Affairs Council on 17-18 May 2004, noted the broad new threats facing the international community, as set out in the ESS; and accepted the primacy of the UN and reiterated the Union’s desire to strengthen the UN “to fulfil its responsibilities and to act effectively”. It called on the UN to have a coordinating role with regard to the Bretton Woods institutions and for all agencies to give greater priority to conflict prevention and crisis management.

In July 2005, the General Affairs Council agreed to a further submission outlining EU priorities for the UN Millennium Summit (see annex). Speaking in the US in June 2005, Commissioner Benita Ferrero-Waldner went into more detail on the EU position. She put emphasis on the proposed Peacebuilding Commission, arguing that “it would bridge the gap between post-conflict assistance and long-term stabilisation and development”. She stated that the Peacebuilding Commission should have a broad mandate covering the whole continuum from peace-making and

peace-keeping activities to long-term development issues. It should pay particular attention to supporting democratisation and good governance, strengthening the rule of law, and ensuring respect for human rights - staying in close touch with the proposed Human Rights Council.

The Commissioner's second priority was to promote human rights and democracy. Supporting the new Human Rights Council, she hoped that elections to this Council would be based on a solid record of commitment to the highest human rights standards. The EU also supported the proposal for a Democracy Fund. The Commissioner emphasised two points: "First, the fund should be seen as an additional instrument available to the UN, in other words not replacing UNDP or the UN Electoral Assistance Division. Second, the fund should be available to both governmental and non-governmental - especially grass-roots - levels."

The third priority was eradicating poverty and promoting development. The EU was already the world's biggest donor, providing 55% of worldwide official development assistance among the Commission and Member States, worth \$43 billion in 2004. The Commissioner also acknowledged the clear link between poverty and political instability and made reference to the importance of human security.¹⁷

Millennium Summit outcome

Although far from meeting EU expectations, there were some important steps forward at the Millennium Summit, including agreement on the "responsibility to protect" principle.

One of the potentially most important was the agreement to establish a Peacebuilding Commission. Although this was downgraded to an inter-governmental advisory body with no core UN funding and an uncertain membership, it is nevertheless essential that the EU takes a lead role in building up the Commission. Apart from securing sufficient funding, the Union could promote the exchange of information about countries of concern. The European Commission's Conflict Prevention and Crisis Management Unit and the Council Situation Centre should take a lead in this exercise with the UN and like-minded countries. The EU should also contribute to the new standby police facility and the Democracy Fund.

The Summit agreed to create a Human Rights Council, but with no teeth. The sections on trade and development offered nothing new. Countries were exhorted "to work expeditiously" towards a successful outcome of the Doha development round. There was a call to reform the membership of the decision-making structures of the IFIs to make them more representative. There was little new on climate change and no definition of

terrorism. Perhaps the biggest failure was the absence of any agreement on how to tackle nuclear proliferation.

Conceptual issues

The relationship between the EU and the UN as partners in crisis management is characterised by far-reaching potential, yet also by formidable challenges. The inter-related crises of Afghanistan, Iraq, North Korea and Iran have placed a strain on a number of cardinal principles of traditional security doctrine contained in the UN Charter; namely:

- The non-use of force (except in self-defence or when authorised by the Security Council), enshrined in article 2.4 of the Charter, is challenged by the US doctrine of “threat prevention” through pre-emptive force for expanded self-defence;¹⁸
- The sanctity of traditional governmental recognition at the United Nations is challenged by the experience of unauthorised regime change in Iraq in April 2003;
- The principle of P-5 concurrence in article 27.3 is challenged by the British theory of the “unreasonable veto”;¹⁹
- The customary right of states to possess any weaponry they deem necessary for their self-defence is challenged by an emerging norm of “compulsory and selective disarmament” through a series of Security Council decisions over the past 15 years;²⁰
- The principle of domestic jurisdiction in article 2.7 is challenged by the proposed new norm of the “responsibility to protect”.²¹

The EU has been deeply divided over a number of these issues. A broad consensus exists among EU Member States over WMD disarmament and it has evinced general support for the “responsibility to protect” doctrine, although it has found this easier to embrace in Europe (Kosovo) than in Africa (Rwanda).

The major policy split, however, has emerged in response to the US unilateralist policy over Iraq. The pre-emptive use of force in March 2003, without Security Council authorisation, divided the major Member States, particularly France and Germany vis-à-vis the UK. Of perhaps greatest embarrassment for the EU, the British “unreasonable veto” theory was generated in response to a threatened French (and Russian) veto against Security Council authorisation of force. And the regime change of the Iraqi Government (universally recognised at the UN for the previous two decades despite its use of WMDs) was undertaken without any official querying of the legality of such a move.²²

Closer cooperation

Recently, the UN has recognised the far-reaching potential of relying on a more active, capable and coherent EU as an operational partner committed to “effective multilateralism”. The UN Secretary General has visited EU headquarters on a number of occasions and remains in close contact with Mr. Solana.

In June 2001, the Union’s General Affairs Council agreed on a “platform for intensified cooperation” at four levels:

- EU ministerial meetings in Troika format with the UN Secretary General;
- Meetings and contacts between the EU High Representative and the External Relations Commissioner with the UN Secretary-General and his Deputy;
- Political and Security Committee meetings with the UN Deputy Secretary-General (DSG) and Under-SGs;
- Contact between the Council Secretariat and Commission with the UN Secretariat.

These plans have been thoroughly implemented in the past four years. Effective contact between the two secretariats commenced with Department of Peace-Keeping Operations (DPKO) officials on peace-keeping in May 2001. Since April 2002, the UN’s DSG has led an annual mission to Brussels. EU military staff have identified the UN-DPKO as their UN partner, and the EU Policy Unit has identified the UN-Department of Political Affairs, (Europe branch). Joint task forces have been established to coordinate interaction over police and military missions, and foster training, with a “steering committee” now meeting biannually.

There are several sectoral and financing agreements. The two sides are currently examining issues related to planning, training, communication and best practices. Liaison offices have been strengthened in New York and Brussels. It is clear that, as far as the UN is concerned, the EU is in business as a “global actor”.

Yet, according to Hedi Annabi, head of the UN’s Department of Peace-keeping, while the EU’s 25 Member States paid 40% of the peace-keeping budget (\$3bn in 2004), they provided only 7% of total troops in the field (currently 62,000 in 17 operations in four continents). In Africa, the EU only provided 2.4% of troops. There was thus still room for improvement.²³ It is perhaps worth adding here that when one counts the number of EU forces from Member States engaged in UN-mandated peace-keeping operations but under NATO or EU command, the figure rises considerably.²⁴

Mr. Annabi also welcomed the introduction of “battle groups” as an additional tool for crisis management operations. These groups would bring more muscle to UN operations, could buy time for the UNSC to act and could be used in various ways, for example as bridging operations, as with Operation Artemis in the Democratic Republic of the Congo. These groups, however, should not be considered a substitute for participation in actual peace-keeping operations. The notion that the North paid and the South did the “dirty work” was not morally just. EU officials have been at pains to point out that the battle groups are a new EU instrument and that, for the time being, the emphasis is on bridging operations. The number of troops will depend on the existing demand. There is no automaticity; their use will be on a case-by-case basis.²⁵

Political dimension - the EU as a regional organisation?

The UN Charter accords a special place and role to “regional arrangements and agencies” in the maintenance of international peace and security. UN member states shall make “every effort” to achieve peaceful settlement of local disputes through such regional agencies before referring them to the Security Council. The Council, for its part, shall encourage the development of regional pacific settlement.²⁶

In July 2003, the UN Secretary General called for a “regional global security mechanism” that would be flexible and responsive to “our rapidly changing and integrating world”. A future arrangement in which designated “chapter VIII regional agencies” represent agreed “security regions” could be envisaged, with such agencies assuming an institutional role (representation, reporting) and an executive role for pacific settlement. Enforcement could be undertaken by either a “chapter VIII regional agency” or any other international organisation, as appropriate.²⁷

This raises the question whether the EU is to be regarded as a regional agency under chapter VIII of the UN Charter. The status of international organisations vis-à-vis chapter VIII remains imprecise and uncertain. The Secretary General has convened six high-level meetings to date with “regional organisations”. Some 21 participated in the last High Level Regional Organisations Meeting (HLROM), yet only seven were true regional agencies while the rest were sub-regional, cross-regional or trans-national. The EU was listed as three separate entities, reflecting the separate entities of the Troika (Council, Presidency and Commission).

For its part, NATO does not see itself as a “chapter VIII regional agency”, but believes that it “acts in the same spirit”.²⁸ Nor, according to one authority, does the EU consider itself to be a chapter VIII regional arrangement or agency. Rather it should be seen as *sui generis* - operating

on a plane above the nation-state but not yet, and perhaps never, a single supra-national entity.²⁹

7. The EU and the OSCE (and Council of Europe)

The OSCE is an important pan-European and transatlantic organisation involving 55 states, including the US and Canada as well as Russia and the new independent states in the Caucasus and Central Asia. It is under-resourced both in terms of budget and human resources, but has performed important tasks with regard to conflict prevention and crisis management.

It has played a very useful role in the Balkans, for example, in supporting the Ohrid Agreement in Macedonia. In recent years, it has greatly expanded its monitoring missions both for elections and human and minority rights, as well as what is often cited as its main advantage; namely, its extensive network of field missions throughout the regions where tensions are higher than normal. Although its consensus-based system has significant disadvantages for rapid decision-making, this is, to some extent, offset by the inclusive nature of the organisation.

As far as the EU is concerned, it made only scant reference to the OSCE in the European Security Strategy, stating that “for the EU, the strength and effectiveness of the OSCE - and Council of Europe - has a particular significance”. Yet the Union provides almost half of the OSCE membership, and collectively is its main funder and provider of a majority of personnel for its field missions. In terms of representation, it is the Presidency which speaks for the Union when there is an agreed political position. But as Member States often exercise their right to speak at OSCE meetings, this tends to dilute any EU message.

The European Commission leads for the Union on issues relating to the economic and environmental dimension of the OSCE. It thus has a major role in preparing EU positions for the annual OSCE Economic Forum held in Prague in the spring, and for the various preparatory seminars held during the year. The most recent seminar was held in Prague from 23-27 May 2005, on the overall theme of “*Demographic Trends, Migration and Integrating Persons belonging to National Minorities: Ensuring Security and Sustainable Development in the OSCE area*”.

There is also an element of duplication in some EU and OSCE activities - for example, election monitoring, the police mission in Bosnia, etc - that sometimes leads to a feeling of competition rather than cooperation between the two bodies. At the same time, the OSCE also feels the EU should be taking on more responsibility in specific areas such

as Kosovo. These problems extend to the Council of Europe, where again the EU voice is diluted. The Union's involvement with the Council of Europe has developed steadily in recent years and is based on a 2001 Partnership Agreement. This provides for twice-yearly consultations at senior official level and cooperation in a number of projects relating to democracy, the rule of law, human and minority rights.

EU politicians constantly make speeches and issue declarations favouring closer EU-OSCE-Council of Europe cooperation, but efforts remain modest. For example, at the third summit of Heads of State and Government, which took place in Warsaw on 16-17 May 2005, the three organisations agreed "to enhance cooperation in areas of common concern on the basis of their specific tasks and comparative advantages, while avoiding duplication of effort".³⁰

A few months earlier, Commissioner Ferrero-Waldner, speaking at the 12th meeting of the OSCE ministerial council, said the OSCE might concentrate on trying to resolve the "frozen conflicts" in Europe. She also pledged to promote EU-OSCE synergy, giving energy security, border management, good governance and institution building as examples.³¹

There is certainly scope for greater cooperation both at the strategic and operational levels. The OSCE has considerable expertise in several countries now targeted by the EU under its New Neighbourhood Policy and the Union could make use of this expertise in implementing its Action Plans.

In terms of EU support for the OSCE, the Union is identifying specific actions in conflict areas which are aimed at promoting economic development and creating a climate conducive to reconciliation: the EU rehabilitation project in South Ossetia is a noteworthy example. There are others, such as the renovation of the Guri Dam on the Georgia-Abkhazia internal border; the TRACECA bridge between Armenia and Azerbaijan; the involvement of the Caucasus and Central Asian States, together with Moldova, Russia, Turkey and Ukraine in the INOGATE pipelines project; and the involvement of the Central Asian States in the TACIS WARMAP water management project in the Aral Sea Basin.

The EU is also supporting OSCE monitoring operations by supplying equipment to the Georgian border guard. This work has led to close cooperation with the OSCE field missions, which are encouraged to work with the EC delegations, whether in Central Asia, the Caucasus, the Baltic States or the Balkans.

There are some who argue against the EU increasing its current level of support for the OSCE, as it will have less control over how resources are

spent. But the OSCE's budget is tiny compared to that of the Union, and the EU should be willing to increase its financial and other support to the OSCE. The Union should also support the modest reform proposals put forward by OSCE chair Dimitrij Rupel designed to strengthen the organisation.³² The most important change, however, would be the EU agreeing to speak with one voice in the OSCE.

8. The EU and NATO

In developing the policy of “effective multilateralism” with the UN at the centre, the EU has also developed a partnership with NATO to deal with crisis management.³³ The Berlin Plus arrangements and the smooth handover from NATO to an EU peace-keeping force in Bosnia in January 2005 is evidence of this partnership.

Yet there are strains in the relationship, partly due to differing visions of the future of the Union and NATO on either sides of the Atlantic. Both the EU and NATO are struggling to improve their military capabilities. Both have identified similar problem areas and yet, with so much overlap, it remains unsatisfactory that the EU and NATO are not working much more closely on a common capability and procurement agenda.

A key obstacle to developing EU-NATO relations at a working level had been the difficulties in achieving security arrangements to support an inter-institutional relationship which has come to be known as “Berlin Plus”. This has become a term that symbolises all that is good and bad about recent EU-NATO relations. Its origins refer to the 1996 NATO Ministerial in Berlin where foreign ministers agreed to make NATO assets available to operations led by the Western European Union (WEU) in a bid to boost European defence within NATO. At the 1999 Washington Summit, this provision was extended to EU-led Crisis Management Operations under the European Security and Defence Policy.

The Washington communiqué said these arrangements would cover “...operations in which the Alliance as a whole is not engaged”. The original Berlin Plus comprised four principles that included:

- Assured EU access to NATO operational planning;
- Availability to the EU of NATO capabilities and common assets;
- NATO European command options for EU-led operations, including developing the European role of NATO's Deputy Supreme Allied Commander, Europe (DSACEUR);
- Adaptation of the NATO defence planning system to incorporate the availability of forces for EU operations.

Between 1999 and December 2002, the EU and NATO were prevented from formalising this agreement due to blocking manoeuvres by, alternately, Greece and Turkey. Eventually agreement was reached in December 2002 which led to a further series of EU-NATO agreements providing for:

- A NATO-EU Security Agreement;
- Assured access to NATO planning capabilities for EU-led Crisis Management Operations (CMO);
- Availability of NATO assets and capabilities for EU-led CMOs;
- Procedures for the release, monitoring, return and recall of NATO assets and capabilities (known as the “Model Contract”);
- Terms of reference for DSACEUR and the European Command Options for NATO;
- EU-NATO consultation arrangements in the context of an EU-led CMO making use of NATO assets and capabilities;
- Arrangements for coherent and mutually reinforcing capability requirements.

Berlin Plus is also, therefore, a series of institutional arrangements between the EU and NATO that enable them to exchange information securely and to establish the manner in which NATO makes available its assets.

There has long been an underlying tension between those, led by France, with a desire to have a fully autonomous ESDP and those, led by the UK, with a determination to keep ESDP wedded to NATO. These tensions increased during the Iraq war when France, Germany, Belgium and Luxembourg took the step of calling for an independent EU operational headquarters to be set up in the Brussels suburb of Tervuren. After considerable diplomatic wrangling, the idea was finally accepted with silent approval from the US on the basis of UK reassurances.

Nevertheless, one cannot help observing that Berlin Plus could be better mobilised not just to support NATO’s extraction from the legacy operations in the Balkans (from SFOR to ALTHEA), as it orients towards Afghanistan and the Middle East, but also to help develop the right framework for Europeans to transform their defences to produce real capabilities that can make them key security partners at all levels, internationally and regionally.

This could at least lead to greater inter-institutional coordination in the capability development process and, in turn, developing relations between the various NATO agencies working on capability and defence investment, the new Defence Agency and the Commission’s Green Paper on Procurement and Preparatory Action work. There should also be regular exchanges between both bodies on crisis management.

9. The EU and international economic fora

As was acknowledged in the Millennium Summit declaration, the international financial and economic institutions play an increasingly important role in conflict prevention and crisis management; hence the need for the EU both to strengthen its own external representation and to ensure that these bodies operate as effectively as possible. At present, the confused external representation of the EU in the CFSP is mirrored in many other policy areas, from trade policy and environmental negotiations to the G8 and the International Financial Institutions (IFIs).

Trade

The one notable exception is trade policy, which has been an area of Community competence for some time. In international trade negotiations, it is the Commissioner for Trade (currently Peter Mandelson) who represents and speaks for the Union. The advantages of this approach for all Member States have been proved in many trade negotiations, from the Kennedy Round to the Doha Development Agenda.

The approach is simple. The EU Council of Ministers agrees on a mandate, which the Commission then uses as the basis for its negotiations with third parties. After agreement is reached, the Commission presents the results to the Council for approval. Such an approach could usefully be used in the foreign and international economic policy fields.

In terms of WTO reform, it is unlikely that there will be a consensus to move away from unanimity, but there are nevertheless a number of reforms that could be undertaken to strengthen the effectiveness of the WTO. The most salient were contained in a report by Peter Sutherland.³⁴ Clearly the priority under Pascal Lamy's leadership is to achieve a successful conclusion to the Doha Round. Thereafter, there could be efforts to strengthen the WTO system that Lamy once described as "medieval". These measures could include moving away from the consensus principle, giving the Director General a right of initiative, and boosting the WTO's human and financial resources. It is also necessary to support developing countries to achieve adequate representation in the WTO and other global bodies.

Environment

In the environment arena, an area of mixed competence between the Community and the member states, there has been an *ad hoc* approach in recent years. Some informal arrangements have been put in place to maximise the EU's impact in international environmental negotiations, facilitate preparations and ensure continuity. Two specific *ad hoc*

experiences deserve mention: first, the “lead-country approach” in the Commission on Sustainable Development (CSD); second, the “EU-team” approach in the biosafety negotiations.

The limitations of the six-monthly rotating EU Presidency have also been exposed in international environment negotiations, which usually last several years. As in the CFSP domain, there are substantial differences in capacities between the Member States. Some favour giving the Commission a negotiating mandate, as in trade policy, but others are opposed to what they would regard as increased power for the Commission. In the negotiations on climate change and implementation of the Kyoto Protocol, it is the Presidency which negotiates on behalf of the EU, although the Commission plays an important role, in particular on issues which need to be coordinated and harmonised.

Regrettably, the international institutions of global environmental governance leave much to be desired. The United Nations Environmental Programme (UNEP) is the best known, but struggles with low status, unclear leadership, lack of funding and an incoherent structure. There were calls for a UN environmental organisation to be created prior to the Millennium Summit, but no consensus was achieved. Eurobarometer polls suggest there is considerable public support for the EU to take a leadership role in this field.

But to do so, it would have to ensure that it set a good example to others (by meeting the Kyoto targets) before seeking to build coalitions and using its economic weight to promote environmental concerns globally, including the establishment of a UN body with teeth.³⁵ The Union should support the creation of a new multilateral institution for the environment and should ensure that it is represented as a single entity in its governance structure.

G8 and the IFIs

Despite the introduction of the euro, the EU continues to punch below its weight in international financial and economic fora. With the shift, in euro-zone countries, of monetary policy sovereignty from national level to the European Central Bank (ECB), one would have expected the Union’s role in international economic and financial governance to have increased significantly. Regrettably this has not happened, as there are still problems stemming from the fact that some Member States are not members of the euro-zone and jealousies surrounding participation in IFI board meetings and G8 meetings.

Given the importance of the International Monetary Fund (IMF) and World Bank in conflict prevention and crisis management, it is regrettable

that the EU has not only failed to move forward in terms of its representation on these bodies, but also that it does not hold discussions on the major policy issues on the agenda of ministerial meetings of the IFIs. This should be remedied as soon as possible. The most logical and efficient joint European representation at the IMF would be a chair on the board held by euro-zone countries and the ECB. It is likely, however, that such a move, even if agreed by Europeans, would be opposed by the US, which has a record of resisting EU efforts to achieve representation on international bodies.³⁶

The Union's role in the G8 has developed gradually over the years. In 1998, the European Council agreed rather complicated guidelines on the EU's external representation in financial fora. For meetings of G8 finance ministers, "the president of the ECOFIN Council, or if the president is from a non-euro area member state, the president of the Eurozone, assisted by the Commission" participates.

Union views on other issues of particular relevance to the Economic and Monetary Union (EMU) would be presented at the IMF board by "the member of the executive director's office of the Member State holding the euro presidency, assisted by a representative of the Commission". On issues of particular relevance to EMU, the European Council conclusions encouraged the Commission, Council and Member States to prepare common positions for presentation in international fora, but it was recognised that this might be hindered by not being fully associated with the preparatory processes for international meetings.

In fact, the G8 process has been very unsatisfactory from an EU institutional standpoint. It suggests that some Member States are more equal than others and dilutes the Union's coherence and visibility at one of the world's major media events. Over time, the EU must move to a single voice in a reformed G8. In recent years, there has been mounting criticism of the G8 for its lengthy communiqués, lack of follow through and transparency, and restricted membership. Given the lack of substance of G8 meetings, it is not surprising that there have been calls, not just from anti-globalisation protesters, for the G8 to be abolished. Abolition is unlikely, but the G8 should be transformed into a G20 to allow for greater representation from the south (India, Brazil, China, etc.).

So far, *ad hoc* solutions to external representation have prevailed for the IMF, G7 finance ministers, the Financial Stability Forum, the G20 and other groupings where issues relevant to EMU are discussed. Member States have begun to realise, however, that these *ad hoc* solutions are not the best way for the Community's voice to be heard internationally. There is also increasing pressure from emerging markets

and non-European G7 countries for EU representation on bodies such as the IMF to be streamlined.

In the IMF, procedurally, the euro-area dimension has been taken into account in that the euro-zone is treated like IMF Members, including EU members, with regard to Article IV consultations. Institutionally, however, less progress has been made. The 1945 IMF Articles of Agreement confer on countries the right to become members. This is difficult to reconcile with the specific nature of the Union and EMU. Furthermore, the IMF decision-making process, with countries grouped in mixed EU/non-EU constituencies, can sometimes be at odds with the Union's need to respect EU Treaty requirements on position-taking and representation.

Under the Articles of Agreement of the International Bank for Reconstruction and Development (IBRD), a country must first join the IMF before it may become a member of the World Bank. Given this, and the fact that World Bank voting constituencies are organised along similar (sometimes mixed EU/non-EU) lines as in the IMF, the situation regarding EU representation within the World Bank is similar to that within the IMF.

While ultimately it is to be hoped that there will be a single EU seat in the IFIs, the question is how to get there. There are those who argue for a gradual approach, placing the emphasis on improved coordination *sur place* in Washington. Others suggest that as the IMF agenda is increasingly dominated by issues relating to EU competence, the Union should play a more prominent role through the EU Council which deals with economic and financial issues (Ecofin). This would mean Ecofin discussing IMF issues at its regular meetings and adopting common positions.

Apart from the question of EU representation, it is important to ensure the legitimacy of the IFIs. One step to increase this would be to end the *de facto* duopoly of the EU and US always nominating the respective heads of the IMF and World Bank. The leadership of both bodies should be an open contest decided on merit alone.

There is growing recognition that the current structure of the IFI boards is unfair, while a more controversial proposal would be to merge the two bodies as there is a growing overlap in their tasks.³⁷ The IMF has its World Economic Outlook and the Bank produces World Economic Indicators. The IMF is engaging in more long-term lending, traditionally the domain of the World Bank, and both produce rather similar economic reports and analyses. Both bodies also basically share the same board of directors. If there was no consensus in favour of an immediate merger, there would still be considerable scope for merging many of their activities.

The EU's position in the Bretton Woods organisations is thus highly confusing and clearly weakens the Union's position in international fora, including when discussing international assistance for crisis management purposes.

During a debate in the European Parliament on 11 June 2005, the Economic and Monetary Affairs Commissioner Joaquin Almunia deplored the disparity between the EU's political and economic weight and its participation in the governance of international financial institutions. The aim, he said, should be single EU representation in the IFIs. Speaking in the same debate, Luxembourg European Affairs Minister Nicolas Schmit pointed out that the EU's 25 Member States held 28% of the votes at the World Bank, compared to 18% for the US. But the influence of the US was far greater as it spoke with one voice.

MEPs who spoke in the debate were unanimous in calling for greater EU coordination in the IFIs as a prelude to single representation. It is time the major EU Member States recognised the increased benefits for the Union of speaking with one voice in the IFIs. One such benefit would be the transfer of the IMF headquarters from Washington to Europe as, under the articles of agreement, it states that the IMF will be located in the country of the largest shareholder.

10. Conclusion

This paper has sought to examine some of the problems facing the EU in promoting "effective multilateralism" and in seeking to strengthen the major international institutions.

The external representation of the Union is a complicated process and likely to undergo further changes as and when there is political will to implement some or all of the proposals in the Constitutional Treaty. The EU is gradually increasing its profile in the world, and more and more countries are looking to Brussels for a lead on global issues. Yet there are clear challenges to more effective Union participation in international bodies.

First, the lack of political will means that there are challenges for reaching common EU positions. This applies on the economic and financial front as well as the political front. For example, the Union has been largely invisible in international efforts to deal with the recurrent financial and banking crises often caused by the sharp swings in capital flows to emerging markets.

No coherent EU position has ever been developed and defended, even in cases where Europe's strategic interests are clear, e.g. Turkey. In contrast, the US usually has well-defined positions and is highly effective at influencing multilateral bodies such as the IMF. Second, how to develop effective and coherent EU representation within bodies that were set up for a membership comprising only states? Some argue that an EU seat at the UN would not be possible under present international law. But if the Union was able to speak with one voice it would greatly help in overcoming procedural problems. It is important not to give up the long-term goal of a EU seat at the UN. This is after all the logic of a Common Foreign and Security Policy.

Another challenge is enlargement. If the enlarged Union of 25 - and soon to be 27 - Member States can speak with one voice, then clearly it will increase its influence on the world stage. But the Iraq crisis revealed substantial differences between the Member States, especially in attitudes towards the US. It is likely, however, that the new Member States will align themselves, as they have done in the past few years, with the mainstream of EU policies. They will recognise the value of the Union speaking with one voice. Already, apart from prospective member Romania, they have withstood US pressure to sign bilateral agreements on the ICC.

The EU must also ensure that "effective multilateralism" does not remain an empty phrase. There are different approaches to the concept of multilateralism. These include the "assertive multilateralism" of the early 1990s when the US took the lead, within the framework of the existing multilateral framework, and the international community was largely prepared to follow. Under the first administration of George W. Bush, there was a period of "hegemonic multilateralism" when the US forcefully led the world in the war on terrorism. The EU has opted for "effective multilateralism" which involves a commitment to the current international legal framework, and combating WMD proliferation is pursued through "constructive engagement" rather than pre-emptive force.

If collective action is to be effective, however, the US must be convinced that its national needs can be met and its fears assuaged through multilateral approaches, institutions and mechanisms, without having to resort to the unilateral use of force outside the Charter provisions. The other major powers - in particular Russia, China and the EU - must be satisfied that the US can be expected to operate within the constraints of international law, and that their interests will not suffer through an unbridled 'assertive hegemony'. The economically-impooverished South and the politically dispossessed people in the Arab world must also be reassured that the broader challenges of 'human security' that can generate

violent conflict in their regions are genuinely being addressed in the global security system.

These goals - US national security, a rules-based international system and global human security - comprise the multiple requirements for effective collective action in the future. The US often criticises the multilateral system as sometimes ineffective, and the EU needs to prove that multilateralism will bring greater results in the long run. It remains now for the Union to forge a greater internal coherence while, at the same time, strengthening its operational partnership with the UN and other international institutions in conflict prevention and crisis management as an alternative to unilateralist pre-emption. From the spate of global opinion polls over the past 18 months, there is little doubt which of these alternative strategic doctrines the majority of the world's citizens prefer. Implementing this strategy will be a major challenge for the EU but one it cannot allow to fail.

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Endnotes

¹ I am grateful to a number of people for input and comments on this paper, particularly Sven Biscop of the Belgian Royal Institute for International Affairs, Kennedy Graham of the United Nations University, Monika Wohlfeld of the OSCE, Markus Schulte of the IMF, and Joly Dixon, former Commission official.

² See for example Christopher Hill and Michael Smith, The External Relations of the European Union, (Oxford University Press, 2005).

³ Lack of space excludes coverage of several institutions such as the IAEA, OECD, ILO, ICC, etc. that from time to time play important roles in conflict prevention. The establishment of the ICC is particularly noteworthy in giving many would-be dictators second thoughts.

⁴ COM (2005) 134 final "Policy Coherence for Development. Accelerating Progress towards Attaining the MDGs".

⁵ UN High-Level Panel on Threats, Challenges and Change see www.un.org for details

⁶ for a detailed analysis of the Constitutional Treaty, see www.theEPC.be

⁷ "The EU should adopt a determined 'front-runner' approach to the negotiation and implementation of important UN initiatives in the fields of sustainable development, poverty reduction, and international security, taking a more proactive approach to the development of international instruments and specific EU implementing actions. Moreover, the EU should give renewed impetus to the UN reform." EC Communication COM (2003) 526, September 2003, p. 9.

⁸ "A Secure Europe in a Better World: European Security Strategy," Brussels (12 December 2003): p. 11. See also Sven Biscop The European Security Strategy - A Global Agenda for Positive Power (Ashgate, Aldershot, 2005)

⁹ See EPC Working Paper no 11 on "ESDP- The State of Play" and ICG report no 160 on "EU Crisis Response Capability Revisited".

¹⁰ George Mitchell/Newt Gingrich report "American Interests and UN Reform" available at www.usip.org

¹¹ The Constitution of the European Union, article I-41.

¹² See the author's article in the *European Voice*, 6 September 2005

¹³ 60% of Europeans are in favour of a single EU seat according to the September 2005 GMF poll results.

¹⁴ The EU is only represented as such by the Commission in the Food and Agricultural Organization (FAO).

¹⁵ EU Paper for Submission to the High-Level Panel on "Threats, Challenges and Change", (May 2004).

<http://ue.eu.int/uedocs/cmsUpload/EU%20written%20contribution2.pdf>

¹⁶ see Kennedy Graham's "The EU and the UN-Partners in Crisis Management" *EPC Working Paper* no 13.

¹⁷ speech at the International Peace Academy, New York, 3 June 2005.

¹⁸ US National Security Strategy, September 2002. This has been questioned by the UN Secretary General: "Mr. Annan said the UN now had to decide whether radical change was needed in the face of this new doctrine of pre-emptive force...The new doctrine represented a fundamental challenge to the principles of collective security and the UN Charter, which had guided the world body since its foundation, Mr. Annan said, and he was concerned it could lead to a proliferation of unilateral and lawless use of force. According to this argument, Mr. Annan continued, countries were not obliged to wait until there was agreement in the Security Council but instead, reserved themselves the right to act unilaterally, or in ad hoc coalitions. 'This logic represents a fundamental challenge to the principles on which, however imperfectly, world peace and stability have rested for the last fifty-eight years,' he said." *UN News Centre*, 23 September 2003.

¹⁹ The view, articulated by the British Prime Minister, that if, after all 'reasonable efforts' have been made to ensure Security Council unanimity among the P-5, one permanent member threatens to veto a proposed use of force, the other permanent members may proceed around the Council and employ force through a 'coalition of the willing.'

²⁰ The binding decision of April 1991 that Iraq shall not possess WMDs; the Presidential Statement of January 1992 that the proliferation of WMDs constitutes a 'threat to peace and security'; the querying of North Korea's stated reason for its intention to withdraw from the NPT in January 1993; and its refusal to recognise nuclear weapon 'status' on India and Pakistan in May 1998.

²¹ The view that, if a government of a Member State is unable or unwilling to protect its own citizens from the widespread and systematic abuse of human rights, then the responsibility to do so falls by default to the international community, which may be exercised through, as a last resort, military intervention. (See 'The Responsibility to Protect,' Report of the International Commission on Intervention and State Sovereignty; IDRC, Ottawa, 2001).

²² It did of course lead to the resignation of Robin Cook from Tony Blair's government

²³ speaking at an EPC seminar in June 2004.

²⁴ The EU member states are currently deploying some 32,000 troops in support of UN operations.

²⁵ Jim Cloos speaking at same seminar.

²⁶ UN Charter, article 52.

²⁷ See K Graham and T. Felício, "Regional Security and Global Governance", *UNU-CRIS Policy Brief* No. 1, September 2004.

²⁸ Joop de Hoop Scheffer, NATO SG, Address to the New Defence Agenda Conference, Brussels, 17 May 2004.

²⁹ See Dr. Thierry Tardy, Geneva Centre for Security Policy, "Limits and Opportunities of UN-EU Relations in Peace Operations: Implications for DPKO," External Study for UN DPKO Best Practices Unit, (September 2003), p. 9.

³⁰ see also speech by Solana to the OSCE Permanent Council in Vienna, 25 September 2002.

³¹ speech in Sofia 6 December 2004.

³² see the report '*Common Purpose: towards a more effective OSCE*' available at www.osce.org Among the modest recommendations were identifying those countries blocking a consensus, redefining the roles of the chairman in office and the Secretary general and financing field missions from the core OSCE budget.

³³ Milestones in this process include: January 1994, when NATO supported the development of a European Security and Defence Identity as called for in the Maastricht Treaty; January 2001, when the EU and NATO established a formal relationship; December 2002, when a Joint Declaration on ESDP outlined political principles for co-operation in crisis management and conflict prevention, giving the EU assured access to NATO's planning and logistics capabilities; and March 2003, when agreement was reached on a set of 'crisis management arrangements' ('Berlin Plus') aimed at avoiding duplication of military resources.

³⁴ Sutherland Report on "The Future of the WTO: Addressing Institutional Challenges in the New Millennium", available at www.wto.org

³⁵ See European Essay no 36 of the Federal Trust.

³⁶ Among those arguing for an EU seat are Michael Camdessus and Fritz Fischer; see the fascinating collection of papers presented at the 2005 colloquium of the International Institute of Economics in Washington DC. http://www.iie.com/prog_imf_reform.cfm

³⁷ see report of the IMF Managing Director of 15 September 2005 available at www.imf.org and also the article in *The Globalist* of 12 January 2005 by Fritz Fischer, the former German executive director for the World Bank, on merging the two organisations - available in www.theglobalist.com

ANNEX

European Union Priorities for the 60th Session of the United Nations General Assembly

Introduction

1. The European Union is deeply committed to the United Nations, to upholding and developing international law, and to effective multilateralism as a central element of its external action. This commitment was strongly reaffirmed by the European Council in its conclusions of 16-17 June. During the course of the 60th General Assembly of the United Nations, the European Union will give the highest priority to engaging with its UN partners on implementation of the agreements reached at the September Millennium Review Summit. It will also engage with UN partners on other key issues such as co-operation in crisis management, refugees/displaced persons, negotiations of the next UN Budget and the Capital Master Plan.

2005 High Level Event

2. The 60th Session of the United Nations General Assembly has special significance this year in view of the meeting of Heads of State and Government on 14-16 September 2005 for the High-Level Plenary Event of the General Assembly in New York. Five years after the 2000 UN Millennium Summit, the 2005 Summit will assess the implementation of the Millennium Declaration, the Millennium Development Goals and the outcome of major UN summits and conferences in the economic, social and related fields. The Summit will also adapt the UN to new realities and define specific tasks in this respect.

3. The European Union stresses that the Secretary General's report "In Larger Freedom" is a good basis for the negotiation of an outcome document for the Summit in September and considers it crucial to agree on a package of development, human rights, security and UN institutional reforms. The result should be a strengthened and more effective United Nations, better able to address the interconnected and multidimensional threats and challenges to international peace, security and development. The EU will strengthen its efforts in a common endeavour to work for an ambitious and balanced outcome at the Summit and is committed to working constructively with UN partners during the 60th General Assembly and elsewhere to implement the agreements made at the Summit.

4. The EU stresses the high importance of development issues in the 60th UNGA. The EU's recent commitment to new levels of ODA, notably to reach a collective 0.56% ODA/GNI by 2010 and 0.7% by 2015 which will result in an additional annual 20 billion euros ODA by 2010, underlines the priority the EU attaches to financing for development. The EU will strive for an ambitious and concrete programme of action, involving more and better financing for development, including through innovative mechanisms; commitments and action, at national level, by developing countries to create and reinforce the necessary governance structures and environment for economic growth; and adopting ambitious national development strategies and policies, as well as paying special attention to the particular needs of Africa. In this regard, the EU recalls its collective commitment to allocate at least 50% of the agreed increase in ODA resources to Africa. UNGA60 should signal clearly the need for longer term, more radical reform of the UN development architecture.

5. The EU underlines the importance of taking into account the social dimension of globalisation in various policies and in international co-operation. The EU will promote employment and decent work for all.

6. The EU regards the creation of the Peacebuilding Commission, conflict prevention, the fight against terrorism, the adoption of general principles concerning the use of force, disarmament, the non-proliferation of weapons of mass destruction and their means of delivery and the strengthening of the United Nations peace-keeping capabilities as its priorities in the preparation of the Summit as far as the issue of peace and security is concerned.

7. The EU welcomes and strongly supports the establishment of a Peacebuilding Commission, to assist countries in making the transition from the end of armed conflict to the resumption of sustainable development activities and to better co-ordinate all bilateral and multilateral actors. The EU will work for an effective Peacebuilding Commission which can prevent conflicts re-occurring.

8. Regarding the fight against terrorism, the EU welcomes the proposal for a clear statement that violence targeted against civilians and non-combatants is not justified under any circumstances. It urges all states to unite behind the clear political declaration on this proposed by the Secretary General. The EU also supports the UN comprehensive counter-terrorism strategy proposed by the Secretary General in Madrid, including the elaboration of a universal definition of terrorism. The EU calls for agreement at the 60th GA on the Co-ordinator's text of the Comprehensive Convention on International Terrorism, and for the signature and ratification of all 13 existing UN counter-terrorism conventions.

9. The EU also welcomes the prominent place given to human rights, the rule of law and democracy in the reform proposals. In this connection, the EU reaffirms the importance of the responsibility to protect. It supports the Secretary-General's proposals to reinforce the role and resources of the High Commissioner for Human Rights and to establish a Human Rights Council, with a robust mandate, in order to truly elevate the Commission on Human Rights. The EU would favour establishing the Human Rights Council as a main free-standing charter body of the UN, linked to the GA, meeting throughout the year and reflecting, at the institutional level, the universality of human rights and their central position in the UN system, as well as the concern to place human rights on the same footing as issues of development, peace and security. Pending a decision the General Assembly might take on the establishment of such a body, the Human Rights Council should be established as a subsidiary body of the General Assembly, thus creating a link with a universal body. The EU supports the strengthening of gender equality in all UN activities.

10. The EU supports the development of co-operation between the United Nations and the regional organisations as an effective way to maximise efficiency in addressing the numerous challenges confronting the international community.

11. The EU recognises that management reform and modernisation of the UN Secretariat will be key to delivery of Summit outcomes and to enable the UN better to fulfil its mandate. In particular, the EU calls for greater accountability, transparency, professionalism and efficiency within the UN Secretariat and greater authority for the UN Secretary-General to allocate and redeploy resources within an overall budget and posts ceiling.

12. The EU also supports further structural reform of the UN development, humanitarian and environment systems, and policies to improve system-wide coherence and effectiveness and promote sustainable development, and looks forward to working with all parties on specific proposals to strengthen environmental governance from the 60th UNGA. In this regard, the EU supports the launching of a process to establish a UN agency for the environment, based on UNEP, with a revised and strengthened mandate, supported by stable, adequate and predictable financial contributions and operating on an equal footing with other UN specialised agencies.

13. In the area of institutional reforms, the EU recognises the need to reform the main UN bodies, among them the General Assembly, ECOSOC and the Security Council, with a view to enhancing the representativeness, transparency and efficiency of the system.

14. The EU supports continued reform and revitalisation of the GA as a key element of the wider UN reform agenda. We will therefore support further rationalisation in the work of the GA Committees following the Summit. We will engage fully on areas that represent clear priorities in the UN agenda, including those where Summit follow-up action is needed. But on lower priorities, or on issues where leaders have already reached substantive Summit decisions, we are determined that in the wake of the Summit, the GA should not simply return to business as usual.

15. The EU supports a reform of the modus operandi of ECOSOC and its subsidiary bodies to ensure that ECOSOC carries out its mandate more effectively. ECOSOC must better be able to promote global dialogue and partnership in the economic, social, environmental, and humanitarian fields. It must equally better promote coherent and co-ordinated approaches of the UN-system and has to play an important role in post-conflict situations.

Humanitarian assistance

16. The EU will support improvements in humanitarian response commitments to predictable funding, predictable capacity and standby arrangements, as well as safe and unimpeded access to vulnerable populations. The EU will stress the need to observe humanitarian principles and International Humanitarian Law.

UN Regular Budget for 2006-07

17. The EU will seek to adopt a budget that will strengthen the UN in support of implementation of Millennium Declaration proposals and agreements reached at the 2005 Summit. The EU is committed to ensuring the availability of resources for the UN, while adhering to our longstanding principle of budgetary discipline to ensure effective management of resources.

Capital Master Plan

18. Given the urgency and the necessity of the renovation of the UN HQ in New York, the EU attaches great importance to the agreement of a comprehensive and coherent Capital Master Plan. The EU considers that decisions on this issue should be taken urgently.

ANNEX

ABOUT THE CONFLICT PREVENTION PARTNERSHIP

The Conflict Prevention Partnership is a cooperative effort between international non-governmental organisations -- the International Crisis Group (Crisis Group), International Alert (Alert), European Policy Centre (EPC) and European Peacebuilding Liaison Office (EPLO) -- and focuses on helping to prevent, manage and resolve deadly conflict, and engage in peacebuilding in conflict-affected regions.

In particular, the Partnership aims to strengthen the capacities of the European Union -- the world's largest trading block and largest donor of development and humanitarian assistance -- and its Member States in conflict prevention, crisis management and peacebuilding. The Partnership is based on the recognition that human rights, democracy and conflict prevention are inextricably linked; that the European Union, its Member States and civil society have a vital role to play in these areas; and that policy-makers require high-quality field-based analysis of conflict-affected regions in order to pursue a coherent and holistic approach to strategic planning and policy implementation.

The Partnership aims to provide this information and analysis, as well as practical policy recommendations, through publication and discussion of a series of studies drawn primarily from its own field research. In doing so, the Partnership aims to facilitate better informed and more evidence-based decision-making, and greater dialogue between EU and national policy-makers and civil society.

The Partnership is financed by the European Union. The contents of all documents produced by the Partnership are the sole responsibility of its members and can in no way be taken to reflect the views of the European Union.

International Crisis Group – www.crisisgroup.org

The International Crisis Group is an independent, non-profit, non-governmental organisation covering over 50 crisis-affected countries and territories across four continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

International Alert – www.international-alert.org

International Alert is an independent peacebuilding organisation working in over twenty countries and territories around the world. Alert works with people affected by violent conflict as well as at government, EU and UN levels to shape both policy and practice in building sustainable peace.

European Policy Centre – www.theepc.be

The European Policy Centre is an independent, not-for-profit think-tank, committed to making European integration work. The EPC works at the 'cutting edge' of European policy-making, providing its members and the wider public with rapid, high-quality information and analysis on the EU policy agenda.

European Peacebuilding Liaison Office – www.eplo.org

The European Peacebuilding Liaison Office is the alliance of European NGOs, networks of NGOs, and think tanks active in the field of peacebuilding, who aim to promote sustainable peacebuilding policies among decision-makers in the European Union.



Further information can be obtained from our website: www.conflictprevention.net