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**Towards Effective Multilateralism**  
**The EU and the UN: Partners in Crisis Management**

Dr. Kennedy Graham

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EU AND GLOBAL GOVERNANCE





## **EPC WORKING PAPER**

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**November 2004**

Dr. Kennedy Graham

**EU AND GLOBAL GOVERNANCE**

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## Foreword

This Working Paper by Kennedy Graham is part of the series of publications under the EPC's Integrated Work Programme on "The EU and Global Governance."

In his paper, Dr. Graham explores an important element of the European Union's commitment to "effective multilateralism," namely the increasingly close relationship between the EU and the United Nations in the field of crisis management.

The paper sets this relationship against the background of a rapidly changing international environment which has been dominated by the Iraq crisis and debates over the legitimate use of force. He then charts the EU's steady, if sometimes faltering, progress towards developing a common foreign and security policy and its attempts to create a military capacity to support conflict prevention and crisis management operations. He notes with satisfaction the key role the EU accords to the UN and its staunch defence of a rules based international system.

Dr. Graham describes the fast-growing EU-UN relationship as one characterised by "far reaching potential but also formidable challenges." He reviews these challenges under various headings. The doctrinal dimension touches on the use of force and covers the "responsibility to protect." The operational dimension examines what capabilities the EU brings to the table and looks at the arrangements for cooperation with the UN at headquarters and on the ground. The institutional dimension reveals the discord among EU Member States on the sensitive issue of reform of the UN Security Council and also poses the question of whether the EU should be regarded as a regional agency for the purposes of Chapter VIII of the UN Charter? Finally, the author considers the political dimension and points to the crucial importance of the EU and the international community reacting positively to the forthcoming recommendations of the Kofi Annan High Level Panel.

Dr. Graham's paper was used as the basis for an EPC expert meeting on 10 November which was opened by Peter Sutherland, President of the EPC's Advisory Council, and which was also addressed by Hedi Annabi, Under Secretary of the UN Department of Peacekeeping, and Jim Cloos, Director for Multilateral Affairs in the Council of the European Union. A summary of this meeting is also included in this Working Paper.

**Fraser Cameron**

EPC Director of Studies

## 1. Context: The Changing International Environment

The extenuated Iraq crisis (1990-2004) has captured the centre of 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.<sup>1</sup> Yet the crisis is only one part of the broader set of events that have brought the world to a critical stage in the evolution of global security thinking and the development of global governance. Other comparable crises over terrorism, WMD proliferation, and threats to 'human security' all place strain on the contemporary global security system.

The post-Cold War world has not seen the end of history. But it is, to some extent, witnessing a tectonic interaction among the principal civilisational systems whose cultural politics drive global strategy. Western, Islamic and Sinic value systems in particular strive for the hearts and minds of the world's citizens in the political furnace that is moulding a global governance of some future kind. The Asian values debate of the early-1990s, generated by the dynamic economic challenge from the 'Asian tigers,' abruptly ceased once the regional currency crisis hit in the latter part of the decade. Yet the underlying challenge to modernity and Western liberalism, posed by the more paternalistic systems of Asia, remains relevant to the 'global values' debate today.

Since then, the challenge posed to the global establishment by militant Islam has become the most potent factor affecting security thinking at present time. The prospect of WMD proliferation and the intensification of terrorist actions around the world, with the forbidding nexus between these two 'hard security issues,' comprise the dominant threat perception driving Western security policy in the early 21<sup>st</sup> century.

In the context of the review of security perceptions and policy-making represented by the UN High-Level Panel (HLP), a synthesis is being sought between these 'hard threats,' so feared by the North, and the 'soft threats' faced by the South (absolute poverty, environmental stress and natural resource depletion, endemic global health crises and migrant social pressures). The concept of 'human security' holds the prospect of combining the totality of global issues facing the international community in the contemporary age. The Panel is charged with identifying these threats and their inter-relationships, advancing ways of ensuring the most effective collective response to them, and proposing any changes, including institutional change if necessary, that may be required.

Part of the concerns harboured by the international community over effective collective action over the past decade has addressed the means of conflict prevention, peacekeeping and peace enforcement undertaken by the UN and regional organizations. The Secretary-General's 1992 'Agenda for Peace,' written at the height of post-Cold War optimism over a 'new world order,' laid out ambitious proposals for developing a coherent 'fabric of peace.'<sup>2</sup> But within three years the setbacks of Bosnia, Somalia and Rwanda brought an end to such optimism and the 1995 'Supplement to Peace' signalled a retreat from the original vision. The 2000 Brahimi Report trenchantly critiqued the shortcomings of the present system: inadequate training, insufficient funding, imprecise mandates, insipid political will and bureaucratic inflexibility had combined to thwart the efficient execution of peace operations in complex emergency situations. Far-reaching reforms, said the Report, were clearly necessary.

During the same period – the past decade and a half – the European Union has come into existence, initiated moves towards a constitution and a common foreign and security policy, and expressed the intention to become a 'global actor' in international affairs. Such an aspiration is redolent of the centuries-old European dream, resting on the vision of a united continent asserting itself to an enlightened effect on the world stage. The manner in which the EU perceives the Iraq and other crises, and the prescriptions it offers for collective international redemption, have become a critical, and closely watched factor of international politics at the opening of the 21<sup>st</sup> century.

## 2. The EU Strategy: 'Towards Effective Multilateralism'

The European Union has emerged as a political organization during a decade of particular fluidity and tension. The 1992 Maastricht Treaty established the EU as an entity and laid out ambitious criteria by which its actions as a global player were henceforth to be judged. Milestones along the way have been:

- the introduction of the Common Foreign and Security Policy (CFSP), in the Maastricht Treaty, including the European Security and Defence Policy;
- the inclusion of the Western European Union into the operational security mechanism of the EU's ESDP (June 1999);
- the 2001 EU 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....”;

- development of co-operative links with NATO through a series of agreements 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;
- the EC Communication (September 2003): ‘The EU and the UN: The Choice of Multilateralism’;
- the completion of the European Security Strategy (December 2003) 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 lays out the future structure of the EU’s foreign and security policy.

Under the new constitution, the EU’s Common Foreign and Security Policy is to provide the Union with an ‘operational capacity’ that draws on European civilian and military assets. The EU may use such assets ‘outside the Union’ for peacekeeping, conflict prevention and strengthening international security, but only ‘in accordance with the principles of the UN Charter.’<sup>3</sup>

In addition, the EU will henceforth engage in the ‘progressive framing’ of a common defence policy, with decisions made being recommended for implementation by Member States in accordance with their respective constitutional requirements. Member States are to progressively improve their military capabilities. Armed aggression against any Member State will incur an obligation of assistance from all Members (in accordance with article 51 of the UN Charter pertaining to individual and collective self-defence). This collective defence arrangement, however, is not to prejudice ‘the specific character of the security and defence policy of certain Member States’ – thus acknowledging the relationship between allied and neutral Member States.

What might be called the first ‘strategic policy’ of the EU is spelled out in the twin documents of 2003: the EC Communication in September and the EU Security Strategy three months later. These two documents will prove seminal in the annals of EU foreign policy development. The EU’s overarching ‘strategic objective’ is the strengthening of an international order based on ‘effective multilateralism.’ The ‘fundamental framework’ for international



relations remains the UN Charter. Strengthening the UN, equipping it to fulfil its responsibilities and act effectively, was necessarily a European priority. The challenge accepted by the EU is to help the multilateral system deliver on its key objectives. Two aspects of its contribution to effective multilateralism could, the EU believes, be further developed: its ability to act as a 'front-runner' in developing multilateralism; and its support for capacity-building in other countries and regions. And EU efforts should also focus on UN reform, especially of the Security Council.<sup>4</sup>

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. In adopting a concept that distinguishes it from the US doctrine involving the 'pre-emptive use of force,' the EU is essentially seeking to position itself optimally between the US and the rest of the international community. 'Preventive engagement,' says the EU, 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."<sup>5</sup>

In developing the policy of 'effective multilateralism' with the UN at the centre, the EU has also developed a policy partnership with NATO.<sup>6</sup> That partnership, however – while operationally functional – has put into stark political relief the current transatlantic strains in the Euro-American relationship, with the EU's efforts at developing an independent defence capability being discouraged by American insistence on the continued pre-eminence of NATO in the military sphere.

### **3. The EU and the UN as Partners: Potential & Challenge**

The EU has moved with speed and determination to implement its policy of 'effective multilateralism.' The relationship between the EU and the United Nations as partners in crisis management is characterised by far-reaching potential yet also by formidable challenges. Four dimensions to the relationship can be discerned: doctrinal, operational, institutional and political. Each needs to be addressed of itself yet all are inter-related, thereby posing a major policy test for EU leaders and officials over the next decade.

## ***Doctrinal Dimension***

The inter-related crises of Afghanistan, Iraq, North Korea and Iran have placed strain on a number of cardinal principles of traditional security doctrine contained in the UN Charter:

- 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.<sup>7</sup>
- 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.'<sup>8</sup>
- 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 fifteen years.<sup>9</sup>
- The principle of domestic jurisdiction in article 2.7 is challenged by the proposed new norm of the 'responsibility to protect.'<sup>10</sup>

The EU has been deeply divided over a number of these issues. A broad consensus exists among EU members over WMD disarmament – reflected in the general acceptance of the Security Council's January 1992 summit declaration and its broad acquiescence with nuclear weapon possession by two of its Member States. It has evinced general support for the 'responsibility to protect' against humanitarian catastrophes, although it has found this easier to embrace in Africa than in Europe. The major policy split, however, has emerged in the past two years in response to the US unilateralist policy over Iraq. The pre-emptive use of force in March 2003, without Security Council authorization, 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 authorization of force. And the regime change of the Iraqi Government (universally recognized 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.

Questions:

### 1. WMD Proliferation

*At what stage might the EU consider that 'preventive engagement' with Iran over its alleged nuclear weapons development programme has failed to produce results? What might be the criteria for determining this? Is the use of force to ensure WMD non-proliferation in the case of Iran (a) legally valid and (b) politically wise? Does Iran have a right to withdraw from the NPT? How would withdrawal be reconciled with the UN Security Council January 1992 summit declaration that WMD proliferation constitutes a 'threat to peace and security'?*

### 2. Regime Change

*Is it feasible to expect the EU, as part of its 'effective multilateralism,' to develop a common policy on the question of 'regime change' for WMD proliferation? Does the EU consider enforced 'regime change' of a government recognised at the UN to be a legal act under the Charter?*

## **Operational Dimension**

It is often contended that Europe has been slow to develop an operational capability in crisis management. Yet it should be recalled that, only a decade ago at the time of the Balkans crisis, the EU did not even exist as an entity. The EC's capacity to undertake an operational deployment in the Balkans was, inevitably, seriously limited.

In the past five years the EU has begun to develop its operational capability, and this is starting to show practical results in the field. To date:

- January 2003: the first police mission was deployed in Bosnia-Herzegovina;
- April 2003: the first military mission was deployed, under UN mandate, in Macedonia (*Operation Concordia*);
- June 2003: the first 'out-of-area' mission was deployed, under UN mandate, in the DRC (*Operation Artemis*);

The EU is now working to create a 60,000-strong rapid reaction force for future humanitarian and peacekeeping missions. In April 2004 a senior EU military official raised the possibility of the EU sending a preventive force to

Sudan to assist in the Darfur crisis. Deployment to date, however, has been confined to African Union peacekeeping forces.

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 in October 2000 and January 2004 and remains in constant contact with the EU High Representative. In June 2001 the EU General Affairs Council agreed on a 'platform for intensified co-operation' at four levels:

- EU ministerial meetings in troika format with the UN Secretary-General;
- Meetings and contact between the EU-HR and EC External Affairs Commissioner with the UN Secretary-General and his Deputy;
- Political and Security Committee meetings with the UN Deputy SG and Under-SGs;
- Contact between the Council Secretariat and Commission with the UN Secretariat.

These plans have been thoroughly implemented in the past two years. Effective contact between the two secretariats commenced with DPKO officials on peacekeeping in May 2001. Since April 2002 the UN-DSG has led an annual mission to Brussels. The EU military staff has identified UN-DPKO as its UN partner, and the EU Policy Unit has identified UN-DPA (Europe branch). Joint task forces have been established to co-ordinate interaction over police and military missions, and foster training, with a 'steering committee' now meeting biannually. 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.'

*Questions:*

### 1. Global Logistical Reach

*Does the EU aspire to develop a rapid deployment capability for 'out-of area' operations into, for example, Africa and the Middle East, without the need for reliance on NATO assets? Might it aspire to develop a global logistics capability of the kind currently possessed only by the US? If so, what would be the stated rationale?*

## 2. Out-of-Area Operations

*At a time of inter-civilisational tensions, the cultural politics of 'out-of-area' deployment is acute. The 'principle of universal applicability' is a perennial reality check for national and regional foreign policies. Is the EU willing, for example, to develop a deployment capability out-of-area (in, inter alia, Africa and the Middle East) complemented by a readiness on the part of Europeans to accept other agency forces (African Union, League of Arab States, OIC) on European territory?*

### **Institutional Dimension**

Two aspects arise with respect to the institutional dimension of the EU-UN relationship: the EU's policy towards Security Council reform, and its self-perception as a regional agency within the UN framework.

#### *Security Council Reform*

The UN Security Council has undergone a mutation of considerable importance 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 – addressing the risks of a 'global systemic breakdown.'

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 of its own legitimacy. It is by now almost universally recognised that the Council suffers from unbalanced representation, conflicts of interest (under articles 24 and 27.3), and undeveloped decision-making procedures and mechanisms. In short, the Council is not adequately structured to carry out the overwhelming

responsibilities of global governance. Yet, driven by great power interests reflecting a bygone age, it is proceeding forthwith. Such an institutional disconnect is generating intensifying dissatisfaction on the part of the general UN membership and global public opinion. This will prove unsustainable in the medium-term. As the Secretary-General has put it in his dramatic challenge to the international community in September 2003, we have come to a 'fork in the road' – a moment no less decisive than 1945 itself. We can no longer take it for granted that our multilateral institutions are strong enough to cope with all the challenges facing them. Radical reform may be in order.<sup>11</sup>

The EU's policy towards Security Council reform is of modest precision. The policy brief it submitted to the High-Level Panel spoke of the need to adapt to changed realities if multilateral institutions are to remain effective.<sup>12</sup> 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. Yet, the EU has to date failed to develop a coherent policy on the Council's future, confining itself in the HLP submission to an expression of regret that efforts to achieve comprehensive reform had not yet proven successful. Italy in particular opposes Germany's bid for permanent membership, while France and the UK decline even to discuss a merger of their seats or circumscription of their veto powers. Such pursuit of national interests at a critical moment of UN reform sits oddly with the progressive nature of trans-national European integration, reflecting the inherent tension between supra-national and nationalistic forces currently at play in the integration movement today. The European Parliament's January 2004 call for an EU seat to replace the British and French seats has attracted considerable public, but no discernible official sympathy as yet.

The HLP report is expected to explore the possibility of a three-tier approach to an expanded Council membership, comprising the current P-5, a 'semi-permanent' group and an elected group rotating, possibly according to a regional structure. The issue of regionality in the context of Security Council reform is therefore likely to be a major issue for debate in 2005.

### *The EU as a Regional Agency*

The UN Charter accords a special place and role to 'regional arrangements and agencies' in the maintenance of international peace and security. Nothing in the Charter is to 'preclude' their existence and their role in peace and security as 'appropriate for regional action' provided these are consistent with the purposes and principles of the United Nations. UN Member States shall make 'every effort' to achieve pacific 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.<sup>13</sup>

Enforcement, however, is a different matter. While the Council shall, where appropriate, utilise regional agencies for enforcement action, no such action shall be taken without the Council's authorisation.<sup>14</sup> 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 organizations vis-à-vis chapter VIII remains imprecise and uncertain. A number of issues require consideration.

The Secretary-General has convened five high-level meetings to date with 'regional organizations (1994, '96, '98, 2001, '03) and a 6<sup>th</sup> is scheduled for mid-2005. At the 5<sup>th</sup> HLROM, some 21 organizations participated, 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).

The manner in which in which an international organization is to be designated as a 'chapter VIII regional agency' remains undetermined.' Hitherto, four ways of classifying regional partners with the UN have been observed: through General Assembly observer status, by Secretariat invitation to the high-level meetings, through Security Council appellation, and through self-proclamation. Two agencies (OAS, OSCE) have proclaimed themselves to be a 'regional agency for the purposes of chapter VIII of the UN Charter.' For its part, NATO does not see itself as a 'chapter VIII regional agency' but believes that it 'acts in the same spirit.'<sup>15</sup> Nor, according to one authority, does the EU consider itself to be a chapter VIII regional arrangement or agency.<sup>16</sup>

The distinction between being a regional agency under chapter VIII of the UN Charter or another type of grouping carries little significance at present. Any international organization, whether sub-regional (ECOWAS), regional (OAS), cross-regional (NATO) or trans-national (Commonwealth), may be called upon by the Security Council for pacific settlement activity and, as appropriate, for enforcement with the Council acting under chapters VI and VII respectively. But as the UN increasingly relies on partner organizations to share in the maintenance of peace and security, the distinction between a regional agency under chapter VIII and others acting under chapters VI and VII may become more important. 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, 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 organization, as appropriate.<sup>17</sup>

*Questions:*

1. Security Council Reform

*How many years are likely to pass before an EU seat may be held at the UN Security Council, embracing the permanent seats of France and the UK? Would this require an amendment to the UN Charter, or might it be concluded through a protocol arrangement?*

2. A 'Chapter VIII Regional Agency'

Should the EU consider itself a regional agency for the purposes of chapter VIII of the UN Charter? Should it issue a declaration declaring itself as such?

***Political Dimension***

It seems that the EU is not to be seen as a 'chapter VIII regional agency' such as the AU is for Africa or the OAS for America. 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.<sup>18</sup> The EU lacks the single-minded political coherence and dedicated military capability of the United States. But its loosely aggregated populace – the European citizenry – outstrips that of its North American partner and rival, and its combined diplomatic skills and 'soft power' are already formidable and generally welcomed around the world as a potential force for good. To the extent that



the UN is moving towards 'soft power' as the principal default mode for crisis management, the EU is in shaping this approach, the single most valuable operational partner of the UN. This development is attracting interest, and even excitement, within the UN itself, as witnessed by the frequency of visits to Brussels by the UN leadership, and also within the wider policy community beyond.

In the wake of the Iraq crisis which has shaken many assumptions underpinning the international order, three rival conceptions of multilateralism are under debate:

- 'Assertive multilateralism' of the early 1990s: The US took the lead, within the framework of the existing multilateral framework, and the international community was prepared to follow.
- 'Hegemonic multilateralism' of the early 21<sup>st</sup> century: The US forcefully leads the world according to its beliefs and goals, acting within the UN framework if possible but outside it if necessary. Certain aspects of the legal framework are subject to potential modification (pre-emption for self-defence, limited rights for 'enemy combatants, targeted assassinations, compulsory WMD disarmament, WMD inspections on the high seas).
- 'Effective multilateralism' articulated by the EU in the past year: All Member States without exception reaffirm a commitment to the current international legal framework, and WMD proliferation is pursued through 'constructive engagement' rather than pre-emptive force.

The UN High-Level Panel's report is charged with proposing ways of ensuring effective collective action for the 21<sup>st</sup> century – an almost identical concept to the EU's strategic policy. If collective action is to be effective, however, the following will need to be achieved:

- 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 must 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; and

- the politically dispossessed people in the Arab world must be allowed a self-redemption that is autochthonous to their cultural and religious heritage, not one imposed from outside through Western interests and dominance.

These four goals – US national security, a nuanced multipolarity, global human security and inter-civilizational accord – comprise the multiple requirement for effective collective action in the future. Taken together they will allow the Panel to find an ‘appropriate balance at the global level’ in identifying future threats and developing an appropriate strategic response.

The continuation of the US administration for another four years poses a heightened political challenge to the EU in positioning itself optimally vis-à-vis a unilateralist US leadership and its own ‘effective multilateralism.’ It remains now for the EU to forge a greater coherence while proceeding with enlargement and, at the same time, strengthening its operational partnership with the UN in 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.

*Questions:*

1. Multipolarity and Unilateralism

*Is there some middle ground to be found between ‘multipolarity’ and ‘assertive unilateralism’?*

2. The EU as a ‘Global Actor’

*Is it feasible for the EU, at a delicate time of its enlargement and as it shapes its constitutional foundations, to aspire to have sufficient political coherence to take the lead as a ‘global actor’ in international affairs?*

- <sup>1</sup> UN High-Level Panel on Threats, Challenges and Change (see UN Foundation website for details).
- <sup>2</sup> Including, *inter alia*, proposals for peace enforcement units under chapter 7, and SOFAs under article 43 in order that collective security under article 42 could be properly implemented.
- <sup>3</sup> The Constitution of the European Union, article I-41.
- <sup>4</sup> "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.
- <sup>5</sup> 'A Secure Europe in a Better World: European Security Strategy,' Brussels, 12 December 2003, p. 11.
- <sup>6</sup> 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.
- <sup>7</sup> 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.
- <sup>8</sup> 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.'
- <sup>9</sup> 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.

- 10 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.)
- 11 SG's Report on the Implementation of the UN Millennium Declaration, A/58/323, 2 September 2003; and Opening Address to General Assembly, 23 September 2003.
- 12 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>
- 13 UN Charter, article 52.
- 14 UN Charter, article 53.
- 15 Joop de Hoop Scheffer, NATO SG, Address to the New Defence Agenda Conference, Brussels, 17 May 2004.
- 16 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.
- 17 See Graham, K., & Felício, T., Regional Security and Global Governance, UNU-CRIS Policy Brief No. 1, September 2004.
- 18 "[The EU] is not a State intended to replace existing states, but it is more than any other international organisation. The EU is, in fact, unique. Its Member States have set up common institutions to which they delegate some of their sovereignty so that decisions on specific matters of joint interest can be made democratically at European level. This pooling of sovereignty is also called 'European integration.'" [http://europa.eu.int/abc/index\\_en.htm](http://europa.eu.int/abc/index_en.htm)

## Annex

### ‘The EU and UN in Crisis Management’ *Brussels, 10 November 2004*

#### Summary Report of Expert Meeting

#### Introduction

The European Policy Centre (EPC) and the Konrad Adenauer Stiftung (KAS) jointly hosted an expert meeting on the topic *“The EU and UN in Crisis Management.”* on 10 November 2004. **Peter Sutherland**, Chair, EPC Advisory Council; **Kennedy Graham**, Senior Fellow, United Nations University; Bruges, **Jim Cloos**, Director for US and Multilateral Affairs, Council of the European Union (EU) and **Hedi Annabi**, Assistant Secretary-General for Peacekeeping Operations, United Nations, New York, were the main speakers.

#### Peter Sutherland

Following opening remarks by **Dr. Peter Weilemann**, Director of the KAS, Brussels, **Peter Sutherland** reflected on the EU and “effective multilateralism,” a central theme of the European Security Strategy (ESS). He emphasised that the EU now had to make good on its public commitments. It would serve no purpose to hide behind the US and its current penchant for unilateralism. The US had initiated and promoted many of the current international organizations. One should not give up on Washington but encourage it back into the multilateral fold. He stressed that the differences in terms of values between Europe and the United States should not be exaggerated and that recent Pew and GMF polls had shown that Americans were largely in favour of multilateralism.

Mr. Sutherland doubted whether a single EU seat at the UN was on the horizon but noted that there were many ways to strengthen EU-UN relations. The Union would have a legal personality once the Constitutional Treaty was ratified, which would make it possible for the EU to enter into treaties. Representation on the world stage would also improve with the appointment of an EU foreign minister. But Europe could only provide global leadership if it managed to ensure a more coherent policy output and translate that into

speaking with one voice. Mr. Sutherland noted that the forthcoming UN High Level Expert Group report on the reform of the United Nations would be a good opportunity to launch a debate on the EU's contribution to crisis management.

It was also worth reflecting on other international bodies. The G8, for example, was an exclusive club which needed a better geographical balance among its members as well as representatives from the World Bank, the International Monetary Fund and the World Trade Organization. Trade was one multilateral area where the EU had shown a lead but the WTO was creaking with an overload of cases under the dispute settlement mechanism.

### **The EU and UN: Partners in Crisis Management?**

Following a brief introduction by **Fraser Cameron**, EPC Director of Studies, **Kennedy Graham** outlined the main points of his background paper. He said the world was witnessing a tectonic interaction between civilisational value systems. There was a lack of, and a need for, a common security agenda dealing with threat perceptions and responses – hence the establishment of a High-Level Panel by the UN Secretary General to propose recommendations in its forthcoming report. The UN was in a state of retreat and retrenchment and was searching for institutional partners that were prepared to work supportively, rather than exploitatively, with it. There was therefore great interest, and even some excitement, within the UN over the prospects of stronger collaboration with the EU.

The UN-EU partnership could be regarded as having four dimensions: political, operational, doctrinal and institutional. Politically, the EU was positioning itself as a reliable partner with the UN within the context of its strategic policy of 'effective multilateralism.' The difference between 'soft assertion' and 'hard assertion' in multilateralism was one of degree only but it could prove critical in times of acute crisis such as Iraq 2002-4. Operationally, the EU was moving ahead with speed and determination in developing working links with the UN and much had already been achieved.

In terms of security doctrine, however, the EU still faced major tests. Five cardinal principles were currently under strain as a result of the recent Iraq crisis, and the question was whether the EU had a coherent policy on each. The non-use of force was being challenged by the doctrine of pre-emption. Government recognition at the UN was challenged by the recent practice of

regime change through the unauthorized use of force. The P-5 concurrence was challenged by the British 'unreasonable veto' theory. The customary right of states to own any weaponry for self-defence was challenged by an emerging norm of 'selective and compulsory WMD disarmament.' Domestic jurisdiction was challenged by the doctrine of intervention through the 'responsibility to protect.' On the last two issues, the EU was united, but on the first three it had failed to speak with one voice.

Institutionally, the EU faced two issues. Its policy towards Security Council reform was coherent but vague. It needed to sharpen its proposals towards issues such as unbalanced representation, conflict of interest on the part of the P-5, and imprecise decision-making methods and procedures. And issues such as a single EU seat and the British-French veto would take a long time to be resolved. Secondly, the EU needed to clarify whether it perceived itself as a 'regional agency' for the purposes of chapter VIII of the UN Charter.

**Hedi Annabi** reflected both on the interaction between the UN's Department of Peacekeeping and the EU, as well as on the kind of support the UN would welcome from the EU. The EU was good on 'rule of law' support but more could be done to improve civilian and military capabilities. The two sides were currently examining issues related to planning, training, communication and best practices. The UN attached importance to the EU and the Member States participating in peacekeeping. The 25 Member States paid 40% of the peacekeeping budget (\$3 in 2004) but 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.

**Jim Cloos** noted that a debate on global values needed to be approached with caution lest we move towards a self-fulfilling clash of civilisations. He stressed that the use of clichés about the EU and the US also needed to be avoided. The US often criticised the multilateral system as sometimes ineffective and the EU needed to prove that multilateralism would bring greater results in the long run. Multilateralism meant a rules-based approach, not just working with others. It normally meant working through the UN but there could be exceptions (Kosovo). The EU had to prove to a sceptical US that multilateralism could be effective.

With regard to the UN Security Council, Mr. Cloos said that there was a general feeling that there was need for reform. An EU seat on the UNSC

would be “an ideal situation” but he agreed with previous speakers that this was unlikely to come in the near future. With regard to establishing rules, they needed to be adapted to a changing world, which in turn raised questions of how to guarantee implementation and the enforcement of such international rules.

With regard to crisis management, he noted that the more complicated issues focussed on humanitarian intervention. In the end, the decision to send troops would always be an *ad hoc* decision by nation states. He stressed that the EU should actively support the reform of the UN and that the EU should adopt a ‘front-runner’ approach by being the first to sign treaties and to implement them.

Taking Iran as an example he considered that the EU’s policy of critical engagement – although criticised by the US – had been more effective than the US policy of non-engagement. He noted that the EU now had human rights and terrorism clauses in all agreements with third countries. The EU was steadily developing instruments to ensure that it played a global as well as a regional role in security governance. It was also working hard to develop African capabilities.

## Discussion

A former Belgian ambassador agreed with speakers that the EU should adopt a pragmatic approach, developing its regional capabilities and contributing where possible to global conflict situations. A Commission official pointed to the good relations between the Commission and Council with regard to the UN. An effective EU meant being open to third countries. One analyst raised the question of the EU’s new ‘battle groups’ as being in the service of the UN. Another noted that Europe would not be able to quantitatively provide more support in peacekeeping due to defence budget restraints. He also noted that there was no agreement within the EU on the use of force. With regard to humanitarian intervention, one of the participants stressed that adopting a doctrine of humanitarian intervention could undermine the UN Charter. Another participant doubted that the US wanted effective global institutions.

Other participants emphasised the need for a holistic approach with the emphasis on human security. One ambassador stated that few Member States had complete confidence in the UN chain-of-command. Another analyst pointed out that the US sometimes did take useful multilateral



initiatives, e.g. the PSI proliferation initiative now backed by the EU and 30 other states. The same analyst called for greater democratic accountability in security matters. He questioned whether the EU was learning from the UN in its efforts to establish a planning cell. Another official raised the question of legitimacy. Were the 26 democratic nations of NATO not a more powerful legitimising force than the UN with so many undemocratic members? Several participants spoke in favour of a larger regional role for the EU.

Replying to a question on the EU battle groups, **Mr Annabi** said he welcomed their introduction 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. He stressed, however, that there also needed to be the political will to use these groups. These groups should not be considered a substitute for participation in actual peacekeeping operations. The notion that the North paid and the South did the 'dirty work' was not morally just.

On the 'battle group' concept **Mr. Cloos** said they were a new EU instrument and that for the time being the emphasis was on bridging operations. The number of troops would depend on the existing demand. There was no automaticity; their use would be on a case-by-case basis. He further stressed that the EU approach was holistic and noted the considerable practical cooperation between the desks in the EU and the UN. European policy was not dependent on the United States; Europe did not have to shape what it does on a daily basis on how America operates. He worried about the lack of Francophone police for overseas operations in the EU.

Summing up, **Dr Graham** concluded that consensus had pervaded the discussion concerning a number of issues.

- Operationally, it had been agreed that overall the EU-UN partnership was going in the right direction and that further strengthening was desirable.
- Doctrinally, it was recognised that a coherent EU policy was still lacking with regard to certain issues but that these should not be highlighted. Work remained to be done on these issues before the EU could speak with one voice. The future adoption of a Constitution and the attainment of a legal personality and the creation of a diplomatic service would go a long way in this respect; it was essentially a matter of evolution.

- Institutionally, the EU also needed time form a coherent view on Security Council reform. The UN High Level Panel's report, due in early December, would be the right opportunity to hold an in-depth debate on the reform of the UN. The EU was a *sui generis* organisation, not a 'chapter VIII regional agency.'
- On the political dimension, it was agreed that the international community was experiencing a time of great fluidity and some danger. There was complete agreement over the merit of the EU's 'effective multilateralism' policy. The challenge now was to move forward in a constructive way, independent of, but still in cooperation with, the US. The EU now had to deliver. The world was not unipolar now, and would probably never be. But there could be unilateralism within a multipolar world. The question then was whether such unilateral actions were legal or not. While international law was malleable and could be open to different interpretations, it did not follow that any action could be argued as 'legal.' This was where the UN, and with it the EU, had a critical role to play. The litmus test was the US policy of 'UN if possible, alone if necessary'; and whether 'alone' meant 'without UN authorization.' The EU needed to be clear if 'effective multilateralism' meant not acting unilaterally if such action required – and did not have – UN authorization.

This report was drafted by **Mirjam Dittrich**, EPC Policy Analyst.

## AGENDA

### TOWARDS EFFECTIVE MULTILATERALISM

Wednesday, 10 November  
Renaissance Hotel

- 08h00** Open event with **Peter Sutherland**, Chair EPC Advisory Council
- “Effective Multilaterlism – EU Priorities”*
- 09h30** **Restricted seminar (also in Renaissance Hotel)**
- Welcome: **Dr Peter Weilemann**, Director, Konrad Adenauer Stiftung Office, Brussels.
- Opening Statement by **Peter Sutherland**
- Discussion
- 10h15** **Chair: Fraser Cameron**, Director of Studies, EPC
- The EU and UN: Partners in Crisis Management?*
- Kennedy Graham**, Senior Fellow, UN University
- Comments:  
**Jim Cloos**, Director, Council of the EU  
**Hedi Annabi**, Assistant Secretary-General for Peacekeeping Operations
- 11h00** **Coffee break**
- 11h15** Discussion continued
- The discussion will also cover the conclusions of a report prepared for the Canadian and British governments entitled *The EU and Peace building in Africa.*
- 13h15** Lunch
- 14h30** Close

H E Ragnar Ängeby	Folke Bernadotte Academy
Hedi Annabi	Peacekeeping Operations
Valérie Arnould	Royal Institute of International Relations, Belgium
Omar Bakhet	United Nations Office
Sven Biscop	Royal Institute of International Relations, Belgium
Giovanna Bono	VUB Institute of European Studies
Fraser Cameron	European Policy Centre
Margaret Carey	United Nations Office
Jim Cloos	Council of the European Union
Joel Cohen	United Nations Office
Tony Craig	United Nations Office
Mirjam Dittrich	European Policy Centre
Tenia Felicio	United Nations University
Mark Fischer	Konrad-Adenauer-Stiftung
Bénédicte Frankinet	Belgian Ministry of Foreign Affairs
Brigid Gavin	United Nations University
Kennedy Graham	United Nations University
Andrew Grene	United Nations Office
H E Paul Kavanagh	Permanent Representation of Ireland to the EU
Willy Kempel	European Commission
Franz Josef Kuglitsch	Austrian COPS Ambassador

Antero Lopes	United Nations Office
Maria Mac Laughlin	European Commission
Michael Matthiessen	Council of the European Union
Andrea Mogni	European Commission
Annika Oberg	Folke Bernadotte Academy
Jean-Luc Onckelinx	Regional United Nations Information Centre
Martin Ortega	ISS
Gerrard Quille	International Security Information Service, Europe
Razvan Stefan Rab	Mission of Romania to the European Union
John Renninger	United Nations Office
Alex Reyn	Royal Institute of International Relations, Belgium
Arnhild Spence	UNIDR, Geneva
Peter Sutherland	President of the EPC's Advisory Council
Luk van Langenhove	United Nations University
Benedikt Wechsler	Swiss Mission to the European Union
Peter Weilemann	Konrad-Adenauer-Stiftung

## Mission Statement

The European Policy Centre (EPC) is an independent, not-for-profit think-tank, committed to making European integration work. The EPC works at the 'cutting edge' of European and global policy-making providing its members and the wider public with rapid, high-quality information and analysis on the EU and global policy agenda. It aims to promote a balanced dialogue between the different constituencies of its membership, spanning all aspects of economic and social life.



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