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**SECURITY IN THE 21ST CENTURY:
EU AND UN APPROACHES**

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INTRODUCTION

The new Millennium ringed with hope for a world founded on the values of freedom, equality, solidarity, tolerance, respect for nature and shared responsibility, where globalization would become a positive force for all the world's people and just and lasting peace would be established all over the world.¹ For decades international relations were largely dominated by the cold-hot confrontation between the two major superpowers and by a strictly politico-military conception of security, in which priority was given to the defence of a state's territorial integrity and its political independence from external aggression. While economic and social development issues did take up their fair share of the international policy agenda, their treatment was completely divorced from the treatment of security issues and was furthermore regarded as a question of “low politics”. The end of the Cold War dramatically reshuffled the cards. For the Western countries, it initially meant the end of a direct and major military threat to their security. In other parts of the world, the number of armed civil conflicts declined considerably, coinciding with an increased UN activity in this field. And development became one of the hottest issues on the international policy agenda. But the genocide in Rwanda, the war in former Yugoslavia and the outbreak of conflicts in numerous African countries to which the international community often failed to offer an adequate response, quickly put a damper on too euphoric claims of the “end of history”. 2001 was the year in which our way of looking at the world changed dramatically: 9/11, Afghanistan, Iraq. While it can be rightfully argued that these events are only the culmination of processes which have been building up for years and are thus not really new, their importance lies in the fact that they have greatly increased people's awareness of the global problems we are facing today and have placed global security on top of the, national and international, policy agendas once again. This refocus on security has presented a major challenge to two organisations about which expectations run high, but effective delivery has often remained too low: the UN and the EU. Their mutual inaction or inadequate action greatly tarnished their image and forced them into a profound self-reflection on their capacity to deal with today's threats and challenges. In this paper, we shall see how the UN and the EU are both attempting to redefine their security agendas and how these can be related to each other, taking the 2004 UN High-level Panel report as focal point. We will then see what the possible prospects are for the report and the role the EU could play in promoting the new security agenda.

¹ A/55/2, *United Nations Millennium Declaration*, 18 September 2000, § 4-6.

UN: “OUR SHARED RESPONSIBILITY”

Since the 1990s, disillusion has grown about the UN’s capacity to act effectively and forcibly in the field of peace and security. This has in large part resulted from the Security Council’s inability to take a clear stance in all crisis situations and intervene when violence breaks out or humanitarian crisis occur. To many, the UN seems a powerless bystander, driven to intervene solely when the interests of the major powers are at stake. And even when states have mobilised through the UN to intervene in crisis or conflict situations, such as in Rwanda, Somalia, Haiti or ex-Yugoslavia, success has been meagre due, in part, to a lack of resolve and inadequate mandates and resources for UN-led operations. The recent action of the US in Iraq outside of the framework of the UN and the indecisiveness of the international community over Darfur are seen by some as the final proof that the UN has failed as an instrument for securing peace and security. While recognition is generally broad of the importance of the humanitarian relief work done by the UN specialised agencies, confidence is scarcer when it comes to the UN’s capacity to deal with “hard security issues” such as terrorism, proliferation, WMD and armed conflict.

In his address to the General Assembly in September 2003, UN Secretary-General Kofi Annan, marked by the fallout over Iraq and the attack on the UN headquarters in Baghdad, clearly voiced his concern with the future of the world organisation. He explicitly put the question of “the adequacy, and effectiveness, of the rules and instruments at our disposal” and of the UN Security Council. It is in light of these considerations that Annan established a High-level Panel on Threats, Challenges and Change whose mission it would be to examine current challenges to peace and security (in its broad sense), suggest ways to address these through collective action and recommend ways of strengthening the United Nations. The Panel released its report on 2nd December 2004² and decisions on its implementation should be taken by the UN Member States at the 2005 summit that will be held in September.

This report is not the first such undertaking by the UN. In the past, a number of commissions and panels have been established with the task of studying the challenges facing the UN and the reforms needed to enable the world organization to tackle these, both in the fields of peace and security and of development. On matters of development important work has, for example, been done by the Group of Experts on the Structure of the United Nations System (better known as the Gardner report), the Ad Hoc Committee on the restructuring of the Economic and Social Sectors of the United Nations System, the Brandt Commission, the Joint Inspection Unit (better known as the Bertrand Report) or the Brundtland Commission.³ On matters of peace and security, we can recall the Palme Commission,⁴ the Open-ended Working Group to study the “question of equitable representation on and increase in the membership of the Security Council and related matters” created in 1993 by the General Assembly⁵ and the Panel on UN Peace Operations (better known as the Brahimi Report)⁶. Around the time of the celebration of the 50th anniversary of the UN, calls for reform particularly increased, leading to the creation in 1995 of an Open-ended Working Group on the Strengthening of the United Nations System by the

² Report of the High-level Panel on Threats, Challenges and Change, *A more secure world: our shared responsibility*, UN, New York, December 2004.

³ E/AC.62/9 (28 May 1975), A/32/34 (13 January 1978). Independent Commission on International Development Issues, *North-South – a Programme for Survival*, Massachusetts, MIT, 1980. JIU/Rep/85/9 (issued in A/40/988), 6 December 1985. World Commission on Environment and Development, *Our Common Future*, Oxford, Oxford University Press, 1987.

⁴ Independent Commission on Disarmament and Security Issues, *Common Security – a Programme for Disarmament*, London, Pan Books, 1982.

⁵ A/48/26 (3 December 1993), A/49/965 (18 September 1995), A/50/47 (13 September 1996), A/51/47 (8 August 1997), A/52/47 (24 August 1998), A/53/47 (5 August 1999), A/54/47 (25 July 2000), A/57/47 (3 July 2001).

⁶ A/55/305 (21 August 2000).

General Assembly and to the publication in the same year of the report “Our Global Neighbourhood” by the Commission on Global Governance.⁷ UN Secretary Generals have also issued some important reports, in particular the *Agenda for Peace* (1992) and *Agenda for Development* (1994) as well as a report on the *Prevention of Armed Conflict* (2001). Worth mentioning also are the reports of the International Commission on Intervention and State Sovereignty (ICISS, *Our Responsibility to Protect*, 2001) and of the Commission on Human Security (*Human Security Now*, 2003) as major non UN contributions to the debate about evolving conceptions of security.

The particularity of the High-level Panel report is that it not only aims for the institutional reform of the UN or does not solely focus on particular aspects of security, such as for example armed conflict or UN peace operations. Its ambition has been broader: to lay out the lines for a new consensus on collective security. For this it has not only identified today’s threats to peace and security but also the rules, instruments and responsibilities of the international community for ensuring this collective security. A threat to international security has been defined in the report as “any event or process that leads to large-scale death or lessening of life chances and undermines States as the basic unit of the international system”. So defined, six clusters of non-hierarchical threats have been identified: economic and social threats (including poverty, infectious diseases as HIV/Aids and environmental degradation); inter-State conflict; internal conflict (including civil war and genocide); nuclear, radiological, chemical and biological weapons; terrorism and transnational organised crime. The High-level Panel has thus adopted a comprehensive approach to security, in which the military as well as the non-military dimensions of security are taken into account. This comprehensive approach to security in fact translates the founding philosophy of the UN Charter. Indeed, convinced that the fundamental causes of the two world wars lay in economic nationalism and trade warfare, US leaders and planners on international organisation during the Second World War build their proposals for a new world organisation on the principle of the indivisibility of security and economic development.⁸ Economic and social development were seen as the essential prerequisite for the maintenance of international peace and security, that is the solution of political conflicts and the elimination of war. The idea that a secure world can only be achieved if both military security and economic and social well-being are guaranteed finds clear expression in the report of the Panel. First through the definition of economic and social threats as one of the existing threats to international security. But also by the emphasis placed on development as a general preventive strategy within the system of collective security. In effect, development is essential for tackling not only the economic and social threats but also the breeding grounds on which the other security threats all too often flourish: “it is vital in helping States prevent or reverse the erosion of State capacity [...]. And it is part of a long-term strategy for preventing civil war, and for addressing the environments in which both terrorism and organised crime flourish”.

By placing great emphasis on people’s security as an objective of the system of collective security, the Panel’s definition of security does to a certain extent also relate to the human security doctrine⁹. At the same time however, the Panel’s definition of security also retains an important State-centred dimension. Indeed, the report accords a central place to sovereign States in the system of collective security: they remain the front-line actors in dealing with all security threats (even though it also underscores that in light of the transnational and interconnected nature of today’s threats no State can expect to be able to deal with these on its own: cooperation is key). But the report also places great importance on the defence of the State as such. Collective

⁷ A/49/252 (14 September 1995), A/50/24 (23 July 1996). Commission on Global Governance, *Our global neighbourhood*, Oxford, Oxford University Press, 1995.

⁸ Ruth B. RUSSELL, *A History of the United Nations Charter. The Role of the United States 1940-1945*, Washington D.C, Brookings, 1958.

⁹ UNDP, *Human Development Report 1993*, New York, Oxford University Press. UNDP, *Human Development Report 1994*, New York, Oxford University Press. Commission on Human Security, *Human Security Now*, New York, 2003.

security, according to the Panel, is thus both about the security of the State and the security and welfare of the peoples that live within these States. Ensuring collective security, therefore, encompasses both a right of self-protection and a responsibility to protect.

The Panel's approach to security consequently implies that the instruments and strategies needed to tackle these issues also need to be comprehensive by going beyond the traditional politico-military instruments and including also trade and finance or judicial instruments. The report defines prevention as the key element for dealing with each of these threats and has accordingly identified a series of preventive measures to be taken within each cluster of threats. But the most contentious instrument for dealing with security threats is of course the use of force, to which the report dedicates a whole chapter. Here the Panel has, to a certain extent, remained rather conservative as it adheres, in part, to a traditional interpretation of international law with regard to the use of force: the Security Council is the supreme authority when it comes to authorising the use of force and it is only under chapter VII of the Charter that a preventive use of force can be allowed. The Panel has thus not fully endorsed the US's extended interpretation of article 51 of the UN Charter on the right of self-defence.¹⁰ The Panel does recognise that under international law, the right of self-defence includes the right to use force pre-emptively in the face of an imminent threat (§188). It does however refute that the right of self-defence would also include a right for States to use force preventively, that is against a non-imminent or non-proximate threat such as the acquisition or development of nuclear weapons-making capabilities. This type of action can only be undertaken by the Security Council under chapter VII (§193).

On other aspects regarding the use of force however, the Panel has been much more forward going. Firstly, by endorsing the idea that the principle of non-intervention in internal affairs may be superseded by the international community's "responsibility to protect" individuals within a State, when the latter is unable or unwilling to act in the face of genocide, large-scale ethnic cleansing or serious violations of international humanitarian law (§203). Exercising this responsibility may require the international community to have recourse to the use of force, but only as a last resort and within the boundaries of international law, i.e. only by acting through the Security Council under Chapter VII. The report does here clearly follow the line of the above-mentioned report of the International Commission on Intervention and State Sovereignty.

A second major innovation of the report is that it places the question of both the legality and the legitimacy of the use of force at the core of the system of collective security: in order to ensure the credibility of and the international support for the Security Council, a decision to use coercive force needs to be both legally and morally grounded. The report therefore defines five basic criteria which should guide any decision of the Security Council to use coercive measures under chapter VII: the seriousness of the threat, the proper purpose, last resort, proportional means and the balance of consequences (§§206-207). This is, in fact, an extended application of the principles defined by the ICISS report to guide military intervention for human protection purposes.

While a common global understanding and agreement on the definition of threats to international security and on when the use of force is legal and legitimate is key to ensuring an effective, efficient and credible system of collective security, it is not sufficient. Indeed, without a reform of the institutional machinery of the UN, collective security will remain an illusion. Highest on the agenda is of course the reform of the Security Council, for which the Panel proposes two formulae for expanding its membership to 24. The first provides for the creation of six new permanent seats (without veto power) and three new two-year term non-permanent seats divided among the major regional areas. The second formulae provides for a new category of eight four-

¹⁰ *The National Security Strategy of the United States of America*, US, September 2002, p.15.

year renewable-term seats and one new two-year non-permanent and non-renewable seat divided among the major regional areas. The report also recognises the central role regional organisations can and should play in preventing and responding to threats, if needed by the use of force. Most important is the stress placed in the report on one important area in which the UN machinery has clearly been lagging behind: post-conflict peacebuilding. A number of recommendations are put forward with the aim of increasing the UN's leadership role in this area, for example the creation of a standing fund for peacebuilding (at the level of at least \$250 million) or ensuring more effective coordination at the national level through the Special representatives. Most noticeable however is the proposal to create a Peacebuilding Commission, under the authority of the Security Council, which would identify countries at risk of violent conflict, organize preventive efforts, assist in planning for transitions and marshal and sustain the efforts of the international community in post-conflict peacebuilding. This Peacebuilding Commission would aid at bridging the existing institutional gap between conflict and development. In addition, the report calls for the reform of other organs of the UN such as the General Assembly, the Economic and Social Council, the Secretariat and the Commission on Human Rights.

EU: "TOWARDS EFFECTIVE MULTILATERALISM"

The end of the Cold War, with its changed political and security environment, has also spurred on some major changes within the EU, especially with regard to its role as an external actor. The EU has long established itself as a major global economic actor, through the setting up of extensive networks of bilateral international agreements (such as the Euro-Mediterranean Partnership, the ACP-EU Partnership Agreement or the Stability Pact for South Eastern Europe), of financial assistance programmes for third countries (such as PHARE, TACIS, ALA or the EDF) and the building up of its capacity as a strong trade power. As a global political and security actor, however, the EU has long been lagging behind. It took major events such as the dissolution of the USSR, the reunification of Germany and the conflict in the Balkans for EU Member States to reach consensus on concrete actions to be undertaken in this field. This led to the setting-up of a Common Foreign and Security Policy in 1991 (which came into effect in 1993) and a European Security and Defence Policy in 1999. In 2003 these EU instruments were strengthened with the adoption by the European Council of the European Security Strategy (ESS)¹¹ whereby for the first time a document was adopted in which the long-term overall policy objectives and the founding principles of the EU's external action and the instruments necessary for its implementation were set out.

The Strategy identifies five major security threats: international terrorism, WMD proliferation, regional conflicts, failed states and organised crime. This threat assessment is not as comprehensive as the threat assessment made in the High-level Panel report of the UN as it only focuses on politico-military issues, even though poverty, infectious diseases and environmental concerns are referred to in the Strategy under the heading 'global challenges'. The Strategy does however adopt a comprehensive approach when it comes to the management of these threats. It is comprehensive in the policy instruments it identifies, combining political, economic, judicial, civil and military instruments. Here also, the Strategy underlines the importance of acting preventively rather than reactively. With regard to the contentious issue of the use of force, the Strategy remains rather vague: it neither states explicitly that the use of force should only be an instrument of last resort, nor is it defined as the primary instrument to deal with the identified security threats.¹² What can be implicitly deduced from the document is that the EU engages itself to act within the limits of international law and the UN Charter (p.14) and that it considers

¹¹A *Secure Europe in a Better World. A European Security Strategy*, EU, Brussels, 12 December 2003.

¹² Sven BISCOP, *The European Security Strategy. Implementing a Distinctive Approach to Security*, 'Sécurité et Stratégie' Paper n° 85, Brussels, Royal Defence College, March 2004, p.28.

the use of force to be one instrument amongst the others (p.12 and 17). It remains however silent on the conditions under which coercive military action is possible; no position has for example been taken on the question of the preventive use of force under article 51 of the UN Charter or the issue of the responsibility to protect.

The comprehensive approach is furthermore embodied in the Strategy's identification of the levels of action for the EU. Indeed, the document defines three "lines of defence" for ensuring a secure Europe: countering the above-mentioned threats, building security in its neighbourhood and promoting effective multilateralism. The latter is defined as "*the development of a stronger international society, well functioning institutions and a rule-based international order*". For the EU, ensuring strong international organisations, regimes and treaties is key to ensuring international peace and security. In the Strategy, the EU has thus clearly adhered to a "rule-based security culture"¹³ with the UN and the Charter at its core. This engagement towards effective multilateralism relates to security institutions as the UN and NATO but also to economic institutions, such as the WTO or the Bretton Woods institutions, and to regional organisations. It also relates to good governance both at the international level and at the national level: while international institutions need to be effective and credible and international rules respected, well-governed democratic states are also defined as essential for ensuring security: "*spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order*". For the EU to fulfil this engagement towards effective multilateralism, it will thus require it to mobilise all its resources and instruments for external action, ranging from its trade and development instruments to its defence capacities.

In sum, it can be said that the EU and the UN tend towards a same approach of international security, which is comprehensive and places a multilateral system of collective security founded on credible and effective international institutions, responsible States and the rule of international law at its core. This appears to stand in contrast with other major powers' approaches to international security. Indeed, countries like the United States, Russia and China seem to be more oriented towards a traditional and state-centred understanding of international security.¹⁴ Most important is the fact that both the EU and the UN fully adhere to the UN Charter's founding philosophy of the indivisibility of security and development: security is seen as a precondition of development but even more so, investing in development is perceived as a core preventive strategy for ensuring security as it allows us to address the long-term underlying factors of many security threats. The European Security Strategy and the report of the UN High-level Panel thus certainly form a continuum. This appears even more clearly when the contribution of the EU to the work of the High-level Panel¹⁵ is taken into consideration together with the ESS, especially with regard to the issue of the use of force. In this document in effect, a much clearer stance is taken on the conditions under which the use of coercive measures is possible. Full support is for example given to the emerging norm of the responsibility to protect (§19). In the document, this idea is applied in an extensive fashion as it is envisaged to cover both situations of "actual or threatened failure of state institutions" and civil conflict. The instruments to be used by the international community to exercise this responsibility to protect are also comprehensive. While "*early and determined multilateral engagement with the government or regime in question on issues of governance, economic management and human rights*" (§19) takes priority, the recourse to coercive means is not excluded. In the document, the restrictions defined in the ICISS report on the use of force for human

¹³ Jean-Yves Haine, "An Historical Perspective" in Nicole GNESOTTO, *EU Security and Defence Policy. The first five years (1999-2004)*, Paris, ISS, 2004, p.52.

¹⁴ Espen Barth EIDE (ed.), *Effective Multilateralism: Europe, Regional Security and a Revitalised UN*, Global Europe report n° 1, London, The Foreign Policy Centre, December 2004, p.4.

¹⁵ 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>.

This document has not been adopted by the Council as an official EU position.

protection purposes are adopted: force can only be used as a last resort in cases where there is a serious risk of large-scale loss of life, ethnic cleansing and acts amounting to genocide. It also appears clearly, though not explicitly, that for the EU, it is the Security Council which has the primary responsibility to take a decision on such type of actions (§25). Similarly to the High-level Panel report, the EU document defines a set of criteria which the Security Council should have regard to when considering the need to authorise coercive measures (and thus also when exercising the responsibility to protect): the action should be carried out strictly in the interest of the affected population; military intervention should only be resorted to if, in the Council's judgment, there are no other valid options; the means should be proportional to the objectives and the consequences of inaction should be carefully weighed against the consequences of inaction. With regard to the use of force under chapter VII of the UN Charter, the EU document is thus very clear and largely follows the same line as the UN High-level Panel. However, with regard to the use of force under the right of self-defence the EU paper, just like the ESS, remains vague. While it is stated that *"the EU is of the view that military action going beyond the lawful exercise of the right of self-defence should be taken on the basis of Security Council decisions"* (§37) it does not explain what is to be understood under the lawful exercise of the right of self-defence. Does the EU adhere to the High-level Panel's view that the use of force under article 51 of the Charter only applies to actual or imminent threats or does the EU adhere to the US view that the preventive use of force is also covered under the right of self-defence?

It is also regretful that both EU documents do not go into greater detail as to how this new security agenda through effective multilateralism can be pursued, especially with regard to the institutional architecture. The ESS especially has been limited to being a mission-statement document without proposing concrete steps for action. At the European level, this is not too problematic as progressively concrete strategies will be (and have already been) elaborated to implement the Strategy.¹⁶ But with regard to the engagement towards effective multilateralism, more clarity from the EU would have been desirable. Neither documents for example, clearly express the EU's position with regard to the institutional reform of the UN. Support is given to the principle of "strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively" and the EU's commitment to Section VIII of the Millennium Declaration (which deals specifically with the strengthening of the United Nations) is reaffirmed. The need to revitalize the General Assembly, to reform the Security Council, to strengthen the Economic and Social Council and the United Nations funds, programmes and specialised agencies and to increase the coherence and cooperation between the United Nations and the Bretton Woods institutions is underlined but nothing is said about how this could be achieved.¹⁷ Nor do these EU documents offer much direction on how to implement the non-military dimension of the security agenda. This springs out especially in the EU paper submitted to the High-level panel: while it offers some concrete steps to be taken on politico-military threats such as armed conflict, terrorism or WMD, all it says about the non-military dimension of security is that *"the world's people are also deeply affected by other challenges, both familiar, such as poverty, hunger, lack of opportunity, denial of human rights, climate, environmental degradation and debt, and new, such as HIV/Aids"* and reaffirms the EU's commitment towards the Millennium Declaration and the Millennium Development Goals (§§6-7). In the autumn of 2003, an important communication has however been issued by the Commission on effective multilateralism and which should be read in complement to the ESS, entitled "The European Union and the United Nations: the choice of multilateralism".¹⁸ In this document, the future course of the EU-UN relationship is discussed, stressing both the actions the EU should

¹⁶ Such as, for example, the *EU Strategy Against Proliferation of Weapons of Mass Destruction* (European Council, 12 December 2003) and the *EU Plan of Action on Terrorism* (European Council, 14 December 2004).

¹⁷ §§39-43 of the EU paper submitted to the UN High-level Panel.

¹⁸ COM(2003) 526 final (10 September 2003). See also the European Parliament's report on the relations between the European Union and the United Nations (2003/0480(INI)).

undertake to ensure the effective implementation of multilateral decisions, ways to strengthen the voice of the EU in the UN and to ensure effective EU-UN cooperation. But does effective multilateralism at present really constitute a central element of the EU's external action or has its commitment to effective multilateralism and to working with and through the UN for promoting this new comprehensive security agenda remained a pious wish?

The EU-UN relationship has two dimensions. A first dimension concerns the role of the EU in the decision-making processes in the UN. The 25 European countries, taken together, have a considerable weight within the UN, because of their numerical weight (they comprise around one eighth of all votes in the General Assembly and, at present, account for a third of the Security Council membership and around 20% of the membership of the Economic and Social Council) but also because of the extent of their financial contributions to the UN family (together, they pay 38% of the UN's regular budget, around 39% of UN peacekeeping operations and around 50% of all contributions to UN funds and programmes).¹⁹ But the EU as such is also directly represented at the UN, thereby increasing its voice in the UN. The European Community was granted observer status in 1974²⁰, and is represented by the European Commission. The Commission has delegations which are accredited to the UN in New York and in Geneva but also to the UN funds, programmes and specialised agencies (the EC even has full membership in the UN Food and Agriculture Organization). In all these fora, the Commission can speak on behalf of all EU Members in areas where powers have been transferred to it.²¹ The EU Council furthermore has established a Liaison Office to the UN in both New York and Geneva. Its task is to assist Member States and the EU Presidency in the coordination of their positions and to inform Brussels of developments at the UN. Of course, the EU is also represented by the EU Presidency and each individual Member State retains its own representation. This multiplicity of channels through which the EU-25 is represented at the UN, is often source of confusion and does not necessarily favour a strong unified profiling of the EU. Effective coordination of positions is thus crucial. Under the European Political Cooperation regular consultations and caucuses took place between EU Member States before UN meetings and under the Single European Act (1986) commitment was made to adopt common positions at international fora²² (this was however not mandatory and the common positions adopted were not legally binding). But it is with the adoption of the CFSP in Maastricht in 1992 that coordination at international fora was really institutionalised. Article 19 of the Treaty of the European Union requires that *"Member States shall coordinate their action in international organizations and at international conferences. They shall uphold the common positions in such fora"* and that *"the EU members of the Security Council discuss among themselves their positions on the topics of the agenda [and] these members inform the other EU countries on the debates and negotiations in the Security Council"*. In 1995, a non-binding code of conduct for EU coordination was furthermore adopted by the EU foreign ministers at the General Affairs Council.²³ Internal EU coordination meetings are now conducted on a regular basis in New York and Geneva and meetings and exchange of information on Security Council affairs has also increased. Cohesion of positions is certainly the greatest in the General Assembly, where there is an EU common position on almost 95% of the resolutions²⁴ and EU priority papers are adopted each year by the

¹⁹ European Union, *The Enlarging European Union at the United Nations: Making Multilateralism Matter*, New York, April 2004, pp.6-7

²⁰ GA Resolution 2308, « Status of the European Economic Community in the General Assembly », 11 October 1974.

²¹ *The Enlarging European Union at the United Nations: Making Multilateralism Matter*, op.cit., p.9.

²² Charlotte BRETHERTON, John VOGLER, *The European Union as a Global Actor*, London-New York, Routledge, 1999, p.177.

²³ *European Union Coordination in the United Nations Framework*, 10 April 1995 (COREU 483/95)

²⁴ For a detailed overview, see Paul LUIF, *EU cohesion in the UN General Assembly*, Occasional Paper, n°49, Paris, Institute for Security Studies, December 2003.

Council for the annual session of the General Assembly²⁵. Nevertheless, the existing coordination processes are cumbersome and slow, one consequence of this being that the EU's stance in the General Assembly, but also in other fora, is often more reactive than proactive.²⁶ The adoption of the EU Constitution could to a certain extent strengthen the EU's coordination capacity and thus increase the unified profile and weight of the EU within multilateral fora. The EU Constitution provides for the creation of an EU Minister for Foreign Affairs (article I-28) and an EU External Action Service (article III-296). A positive consequence of this with regard to the EU's voice in the UN could, for example, be the possible fusion of the Council's Liaison Office with the Commission Delegation to form a single EU Delegation.²⁷

A second dimension of the EU-UN relationship is the direct cooperation of the EU with the UN in specific areas. In the politico-military field, the EU has actively contributed to crisis management and peacekeeping. The EU-25 contribute around 39% of the UN peacekeeping budget and around one third of ECHOS's annual budget of 500 million euros is devoted to projects run by UN humanitarian agencies.²⁸ Though the EU's contribution in manpower to UN peacekeeping operations is quite small²⁹, account should also be made of the EU's contribution to operations mandated by the UN but undertaken by the EU (operation Althea in Bosnia-Herzegovina and Artemis in Bunia) or NATO (KFOR in Kosovo and ISAF in Afghanistan).³⁰ The EU, through the African Peace Facility, and the EU Member States individually are furthermore investing in the strengthening of the peacekeeping capabilities of other countries or regions, especially Africa. The EU's engagement towards the creation of battlegroups -that is a rapid reaction force of 1500 soldiers which must be deployable, for humanitarian or peacekeeping missions, no later than ten days after an EU decision to launch an EU operation and sustainable for 120 days until the termination of the operation or relief by another- is furthermore explicitly geared to the participation in UN or UN-mandated operations. At the same time, various points of direct contact have been developed between the EU and the UN since 2000, at secretarial level (especially between UNDPKO and the DGE-IX and the EU Military Staff) but also between high representatives of the EU and the UN.³¹ In September 2003 both institutions also signed a Joint Declaration on EU-UN cooperation in crisis management. This Joint Declaration establishes a "joint consultative mechanism at the working level to examine ways and means to enhance mutual co-ordination and compatibility" in the areas of: planning, training, communication, best practices (lessons learnt), in particular in the case of hand over between UN and EU Missions.³²

²⁵ These can be consulted on http://europa-eu-un.org/home/index_en.htm, under the heading 'EU priorities for the General Assembly'.

²⁶ COM(2003) 526 final (10 September 2003), p.17. Paul LUIF, op.cit., p.52.

²⁷ Paul LUIF, op.cit., p. 14.

²⁸ *The Enlarging European Union at the United Nations: Making Multilateralism Matter*, op.cit., pp.28 and 36.

²⁹ By November 2004, the EU-25 contributed troops, police officers and observers to only about 7.5% out of the UN total. "Ranking of Military and Civilian Police Contributions to UN Operations", UN DPKO, 30 November 2004.

³⁰ However, the seven largest contributors of troops, police officers and observers (Bangladesh, Pakistan, Nigeria, India, Ethiopia, Ghana and Nepal) together contribute as much as the EU-25 contribute to UN operations, including the 'subcontracted' operations. "Ranking of Military and Civilian Police Contributions to UN Operations", UN DPKO, 30 November 2004.

³¹ The Council, in June 2001, identified four levels for discussions:

- EU Ministerial meetings with the UN Secretary-General
- Meetings and contacts between the EU High Representative and European Commission External Relations Commissioner with the UNSG and UN Deputy SG
- Political and Security Committee meetings with the UN Deputy SG and Under SG
- Contacts of the Council Secretariat and the Commission services with the UN Secretariat

EU General Affairs Council Conclusions, 2356th Council meeting, Luxembourg, 11-12 June 2001.

³² *Joint Declaration on UN-EU Cooperation in Crisis Management*, New York, 24 September 2003.

EU-UN cooperation has also developed in the economic and social fields. As already mentioned earlier, the European Commission has delegations accredited to UN funds, programmes and specialised agencies. It has observer status in UNFPA, UNHCR, OCHA, UNICEF, WIPO, IMO, ICAO, UNESCO, UNIDO, IFD and UNRWA and active observer status (which means that it participates and contributes to the work of the governing bodies) in UNDP, UNCTAD, UNEP, ITU, ILO, WHO and UNDCP.³³ It is a privileged member in WFP and has full membership in the FAO. In May 2001 a communication was adopted by the European Commission on 'Building an effective partnership with the United Nations in the field of Development and Humanitarian Affairs' in which proposals were made to "*strengthen the involvement of the EC in the upstream policy dialogue and to build a more transparent, financially predictable and easier to monitor partnership with chosen UN agencies, funds and programmes*". Though the EC has had longstanding working relationships with the UNFPAs, it has foremost been a case by case cooperation. The explicit goal has been to move towards a more systematic and programmatic cooperation between the EU and the UNFPAs. For this, strategic partnerships are, for example, to be concluded between the EU and a number of agencies. A first such partnership has been concluded with UNDP in June 2004 on conflict zones and democratic governance. This partnership is to involve "regular policy dialogue at headquarter level to foster common development aid approaches" but should also strengthen the collaboration in the field between the EC and UNDP.³⁴ A second strategic partnership has been concluded with the ILO in July 2004 with the aim of strengthening the social dimension of development cooperation. Specific areas of cooperation have been identified: corporate social responsibility, social dialogue, poverty reduction and employment, migration and child labour.³⁵ Both of these strategic partnerships also have the explicit ambition of promoting the Millennium Development Goals. Further agreements have also been concluded with other UNFPAs which lay down a general framework for cooperation. With the WHO, for example, a memorandum of understanding has been concluded which identifies various priority areas in a wide range of health issues.³⁶ An updated Financial and Administrative Framework Agreement has furthermore been signed in April 2003 between the EC and the UN, which allows for the funding of multi-donor UN operations and adopts a result-oriented, rather than input-oriented, approach.³⁷

PROSPECTS FOR THE UN HIGH-LEVEL PANEL REPORT

In sum, we may conclude that the EU and the UN broadly aim to promote a same comprehensive security agenda. Furthermore, EU-UN relations in practice have undergone a new dynamic in the last decade through the building of structures for cooperation at all levels in the fields of conflict management, humanitarian assistance and development. There is however one aspect about which a lack of clarity seems to persist and that is the question of the reform of the UN. As already indicated, both the ESS and the EU contribution to the High-level Panel remain rather vague about the fundamental question of the reform of the United Nations institutions. This has, of course, in large part to do with the highly politically sensitive nature of this issue, especially with regard to the reform of the Security Council, an issue which greatly divides the EU Member States. While all agree that the Security Council should be reformed, disagreement prevails about what reform should exactly entail. While it appears that Germany

³³ Paul TAYLOR, "The EU in the Economic and Social Arrangements of the United Nations System", *European Political Economy Review*, vol.1, n°1, Spring 2003. <http://www.epic.ac.uk/eper>

³⁴ EU Press Release, 'Joining Forces to achieve development goals: European Commission and UNDP agree on strategic partnership for conflict zones and democratic governance', New York, 28 June 2004.

³⁵ ILO Press Release, 'Employment and poverty reduction in developing countries. Commission and ILO join forces to deliver on development cooperation goals', Brussels, 19 July 2004.

³⁶ COM(2003) 526 final (10 September 2003), p.11. *The Enlarging European Union at the United Nations: Making Multilateralism Matter*, op.cit., p.19.

³⁷ http://europa.eu.int/comm/echo/pdf_files/fafa/agreement_en.pdf

will accept nothing less than the obtainment of a permanent seat for itself³⁸, Italy clearly favours the second option put forward by the High-level Panel for the enlargement of the Security Council (and which does not provide for the creation of additional permanent seats). France and Britain's present privileged position in the Security Council also forms an important (though not the only) impediment to the possibility, even in the long term, for the EU to obtain a single seat within the Security Council. One can also doubt that support will be found amongst the majority of the 25 Member States to reform the regional groups in the Security Council (but also in the other main organs of the UN) even though these appear outdated. Especially since the enlargement of the EU, one can wonder about the adequacy of retaining one regional group of 'Western European and other States' and one regional group of 'Eastern European States'. Surely, this division does not correspond to the geopolitical reality of today. However, for the new EU members from Eastern Europe, a merging of these two groups would certainly mean a loss of influence in the world organisation. A merging of the two European regional groups would furthermore also present a practical problem: under which regional group should the non-EU countries presently included in both the Western European and the Eastern European group be brought?

Progress on the reform of the Security Council does thus not seem too rosy. Even if agreement can be found amongst the EU-25 on this issue, disagreement amongst the other countries in the world appears to severely hypothesise a good outcome. Care should therefore be taken that the whole UN reform agenda not be blocked by disagreement on the reform of the Security Council. Effective reform of the other bodies of the UN remains as important. While the ESS and the EU contribution to the High-level Panel only express a principled support to the reform of other UN bodies, the EU has in the past contributed considerably to debates on the reform or revitalization of the UN General Assembly, the Economic and Social Council and the operational activities of the UN.³⁹ It nevertheless remains difficult to evaluate to what extent support exists amongst the EU-25 on the institutional reform proposals made by the High-level Panel. It appears⁴⁰ that the EU-25 in large part agree with the Panel's observation on the necessity to strengthen the UN's role in peacebuilding and are studying with much interest the proposal to create a Peacebuilding Commission, though not all countries fully support this proposal. With regard to the reform of the General Assembly, the prevailing feeling is that the proposals made by the High-level Panel are insufficient and vague. In its report, it only proposes *"a better conceptualization and shortening of the agenda, which should reflect the contemporary challenges facing the international community. Smaller, more tightly focused committees could help sharpen and improve resolutions that are brought to the whole Assembly [and] establish a better mechanism to enable systematic engagement with civil society"* (§§242-243). This does indeed only restate the obvious and does not contribute much to a profound reflection on ways to strengthen the General Assembly as the main deliberative organ of the UN. The EU will thus need to come up with some very firm proposals itself if it is serious about pushing forth the reform of the General Assembly. Prospects probably look bleakest for the Economic and Social Council as the prevalent feeling amongst the EU-25 (but most probably also amongst third countries) is that this UN body is beyond redemption. While the Panel's proposals on the reform of Ecosoc are rather elaborate, doubts persist on whether they will be sufficiently effective to wake the Ecosoc out of the slumber it has been in for the past decades. Moreover, those familiar with Ecosoc functioning consider the Panel's proposals to be insufficiently operational. Agreement however seems to exist with the Panel's statement that *"it would not be realistic to aim for the Economic and Social Council to become the*

³⁸ http://www.auswaertiges-amt.de/www/en/aussenpolitik/vn/vereinte_nationen/reform/dt-reform_html
Germany has been openly supported by France in its claim to a permanent seat in the Security Council.

³⁹ See for example the "Proposals of the European Union for Reform of the United Nations System in the Economic and Social Areas", EU, 28 January 1997. <http://www.un.org/reform/intgov/4refindx.htm>
See also the EU Presidency statements produced on the reform of the UN.

⁴⁰ The following is based on discussions with national diplomats and EU officials.

centre of the worlds decision-making on matters of trade and finance, or to direct the programmes of the specialized agencies or the international financial institutions” (§274). The idea which has been circulating for a decade now on transforming or replacing the Ecosoc by a Economic and Social Security Council⁴¹ thus appears unlikely to find support with a majority of countries. Scepticism is probably highest with regard to the High-level Panel’s proposals on the Commission on Human Right. Support is strong for the need to de-politicise the Commission, but the Panel’s proposals to expand the Commission to universal membership and to transform it, in the long run, into a “Human Rights Council” (§285 and §291) have certainly raised many eyebrows.⁴²

Overall, the EU-25 appear to be in a good position to promote internationally the recommendations made by the High-level Panel, in part because its own security agenda corresponds so intimately to the security agenda put forward by the High-level Panel but also because it can have great negotiation power if it succeeds in finding agreement internally on the reforms to be pursued. UN reform is, fundamentally, driven by politics: moving the agenda forward will thus require coalition-building.⁴³ It does not appear like any of the other major powers are willing to push this reform agenda forward in a positive manner and seem rather bent on defending their old prerogatives. A unified EU could certainly be the engine behind this coalition building, using to its advantage its elaborate network of partnerships and dialogues with third countries in other parts of the world and the privileged position of the UK and France in the international system who can act as bridge builders towards the other major powers in the UN architecture, the US, Russia and China. This is a unique opportunity for the EU to affirm itself as a major political player in the international arena and to push forward its own commitment to promoting effective multilateralism.

⁴¹ UNDP, *Human Development Report 1994*, New York, Oxford University Press, p.84. Commission on Global Governance, *op.cit.*, pp.153-162. Frances STEWART, Sam DAWS, “An Economic and Social Security Council for the United Nations”, QEH Working Paper 68, March 2001. Richard Falk “The United Nations System: Prospects for Renewal” in Deepak NAYYAR (ed.), *Governing Globalization. Issues and Institutions*, Oxford, Oxford University Press, 2002, pp.204-206.

⁴² Benita Ferrero-Waldner, Commissioner for External Relations and European Neighbourhood Policy, speech at EPC-KAS conference on “The Future of the UN: Results of the Kofi Annan High-level Panel on Threats, Challenges and Change”, Brussels, 8 December 2004. http://europe-eu-un.org/articles/en/article_4136_en.htm

⁴³ Edward C. LUCK, *UN Reform: A Cause in Search of a Constituency*, paper prepared for the Bureau of International Organizations Affairs and the Bureau of Intelligence Research, U.S. Department of State and the National Intelligence Council, Conference on “UN Reform: Forging a Common Understanding”, 6th May 2004.