

# **GLOBAL EUROPE**

## ***Report 1: 'Effective Multilateralism': Europe, Regional Security and a Revitalised UN***

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## GLOBAL EUROPE

*Global Europe* is a project devised by **The Foreign Policy Centre** (London) to promote new thinking on the EU's evolution as an international actor. Its goal is to provide concrete policy recommendations concerning the *European Security Strategy* and new initiatives for European action. An overview of its approach is set out in *Global Europe: Implementing the European Security Strategy* by Mark Leonard and Richard Gowan (available at <http://fpc.org.uk/publications/>).

*Global Europe* was developed in partnership with the **British Council Brussels**, whose unique European network brought new and diverse experts to the debate. By providing a neutral forum for dialogue, experts holding varying views were able to address difficult questions openly. The resultant research is innovative and challenging.

*Global Europe* has been supported by the **European Commission Representation in the UK** as part of *The Future of Europe* project. On 16-18 July 2004, a conference on *Global Europe: testing the limits of Europe's common security strategy* was held at **Wilton Park** (UK). Details of this, the 760<sup>th</sup> Wilton Park conference, can be found at [www.wiltonpark.org.uk/](http://www.wiltonpark.org.uk/).

On the basis of this conference and seminars arranged with **NUPI** (Oslo), **IRRI-KIIB** (Brussels) and **New Defence Agenda** (Brussels), four *Global Europe* publications are appearing to coincide with the investiture of the new European Commission:

1. *Effective Multilateralism*, edited by Espen Barth Eide
2. *New Terms of Engagement*, edited by Richard Youngs
3. *Failing states and State-building*, edited by Malcolm Chalmers
4. *Institutions and Identity*, edited by Richard Gowan

These publications can be accessed through [www.fpc.org.uk](http://www.fpc.org.uk) and [www.britishcouncil.be](http://www.britishcouncil.be). *Global Europe* will continue to generate new thinking on European security throughout 2005.

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## Foreword

British Council Brussels is committed to posing questions about Europe that extend beyond short-term wrangling, and to creating spaces for fresh thinking and creative new partnerships. With *Global Europe*, we aim to stimulate honest, open debate about the future of European security, rather than arrive at consensus. Some of the essays in this pamphlet, like the issues themselves, are controversial. None express a British Council viewpoint. They are the work of individual authors of distinction from whom we have sought views.

Over the past year, *Global Europe* has brought together over 200 thinkers from across the EU and wider Europe. This pamphlet is part of a series tackling four of the most pressing policy areas for the EU: In addition to *Effective Multilateralism*, the *Global Europe* series includes *New Terms of Engagement*, edited by Richard Youngs; *Failing States and State-Building*, edited by Malcolm Chalmers; and *Institutions and Identity*, edited by Richard Gowan. This series of pamphlets reflects the insights of a series of seminars in Brussels, London and Oslo, and an experts' retreat at Wilton Park in June 2004.

*Global Europe* is part of a programme which addresses broad questions of security, identity, democracy and migration in Europe. Our work in partnership with The Foreign Policy Centre is one element of our creative programme aimed at putting such issues on the European agenda.

*Ray Thomas, Director*  
*Sharon Memis, Head Europe Programme*  
**British Council Brussels**

**In a world of global threats, global markets and global media, our security and prosperity increasingly depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule based international order is our objective.**

*Javier Solana, A Secure Europe in a Better World*

## Preface

It is tempting to judge the EU's evolution as a strategic actor by simply tracking its institutions and assets. How many troops could it muster in a possible crisis? How well-developed are its institutional frameworks for security, development and foreign affairs? As advocates of greater European co-operation frequently conclude, there is much to be done in building our capacities and co-ordination, especially after enlargement.

Yet this focus ignores one of the EU's greatest strengths in recent years: its ability to co-opt, enhance and gradually reshape other international organisations. For much of the 1990s, the Union seemed at odds with many other international organisations, not least the UN. As an upstart security actor, its role in the post-1945 system was unclear – and often unwelcome. But it has become broadly accepted as a positive force in that system.

It has done this through reworking the capacities and goals of other organisations. The field missions of the OSCE across the Balkans have become part of the long-term project of EU enlargement. New mechanisms for technical co-operation have been developed to co-ordinate the UN and EU's activities in conflict and post-conflict situations – officials wryly describe some European-funded UN missions as EU initiatives in disguise. Similarly, regional organisations, most notably the African Union (AU), are moving towards symbiotic relations with the EU. Even NATO's vision and ambitions are being altered by European priorities and goals, difficult as the process may be.

These advances have given the EU a strategic reach far greater than its own assets warrant. The *European Security Strategy's* appeal to “effective multilateralism” reflects this convergence of principle and influence. But as the *Strategy* implies, Europeans cannot be confident that the present international system is a sustainable mechanism through which to work. Many of its elements are indeed “broken”. The international situation is fluid, and many of

its security institutions risk obsolescence. One reason that the EU has been able to reshape parts of those institutions is because they lack solidity in their own right.

The immediate reasons for this state of affairs are well-worn. The Cold War logic that shaped the UN and CSCE has gone. Although America was key to the 1945 settlement, it is not willing (nor necessarily able) to sustain such a pluralistic world order. But the situation cannot be blamed on American recalcitrance alone. There are more fundamental processes at work – these can be described in terms of three power-shifts:

1. From West to East and South
2. From states to individuals
3. From states to regional organisations

The first shift is geopolitical and economic. The present UN gives precedence to the great powers of the twentieth-century (the US and Russia) and the nineteenth (Britain and France). It cannot maintain its legitimacy and efficacy if it does not reflect the emergence of twenty-first century Asian powers such as and India, as well regional leaders including Brazil and South Africa. China, already a member of the Security Council is “reshaping the international order by introducing a new physics of development and power.”<sup>1</sup>

But new physics aside, this is still a fairly traditional redistribution of the balance of power, one that will prove destabilising if the international system cannot be restructured to accommodate it. The *Security Strategy* recognises the importance of these emergent powers, with its call “to develop strategic partnerships, with Japan, China, Canada and India as well as with all those who share our goals and values.” European leaders have gone further: Jacques Chirac has spoken of the need to include Japan, India and Brazil among the permanent members of the UN Security Council, while Gerhard Schroeder is working with this same trio to achieve Germany’s own aspirations in this regard. Even those who believe

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<sup>1</sup> Joshua Ramo, *The Beijing Consensus*, (The Foreign Policy Centre, 2004), p. 2.

in a joint EU seat on the Security Council are inclined to frame their vision in terms of the new multipolarity.

But this focus on the balance of power obscures the two other, less traditional, power-shifts. A reform of the international order that concentrates on states would not be a real reform at all. The shift from states to individuals demands a more thorough systemic overhaul.

It is now politically unsustainable to prioritise the interests and rights of states over those of their subjects. The need to concentrate on *individuals as victims* has been set out in recent reports on the “Responsibility to Protect” and “Human Security”.<sup>2</sup> But it is also linked to a less idealistic (and so, perhaps, more powerful) fear of *individuals as threats*. It is a compelling argument that “non-state actors” may pose the most serious threats we now face. These actors are not only terrorists, but include the large numbers of refugees that currently destabilise eastern Congo or the tribal leaders of Iraq. If international bodies cannot move to protect individuals and groups victimised by their own states, they will in turn face a proliferation of threats to their own mechanisms and legitimacy.

Europe is well-placed to take a lead in creating an order that prioritises individuals. In the 1980s, Communism was eroded in Eastern Europe by dissidents exploiting the human rights clauses of Basket III of the Helsinki Final Act, a resonant example of individuals defying the state. Today, the European Court of Human Rights and European Court of Justice are potential models for the next generation of international justice. And the much-discussed “European Way of War” cannot be detached from our way with law – we are currently using the renegotiation of the Cotonou agreement to make our African partners commit to the International Criminal Court. Through using such legal instruments to mainstream rights norms, we may repeat Eastern Europe’s experience elsewhere.

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<sup>2</sup> ICISS, ‘The Responsibility to Protect’, Ottawa, International Development Research Centre, 2001, [www.dfaic-maeci.gc.ca/iciss-ciise](http://www.dfaic-maeci.gc.ca/iciss-ciise). See also Lloyd Axworthy, “Human Security & Global Governance, Putting People First”, *Global Governance*, Vol. 7.1 (2001), pp. 19-23.

But we should not overestimate either our capacity to achieve such transformations – or our legitimacy in doing so. Like the UN and other international organisations, we face political problems in both disciplining states and finding the assets necessary to protect the rights of individuals. This pamphlet contains a series of suggestions as to how some of these problems could be overcome within the UN system. It also reflects on the third power-shift now evident in the international order: that towards regional organisations.

In recent years, there has been a new impetus for regionalism: the AU is only two years old, but it has proved ready to act on its charter's promise that, "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity."<sup>3</sup> In Asia, regionalisation of economics and security continues apace through the Asia Regional Forum, ASEAN, and strengthened links between China and the Shanghai Cooperation Organisation. Both within the UN and EU, this trend is seen as offering a new framework for building security – but serious questions of capacities and norms must be addressed if this potential is to be realised.

Again, Europe is clearly well-qualified to take a pioneering role in promoting regionalism. We already do so with instruments such as the African Peace Facility, designed to boost the AU's peacekeeping operations. We must beware the danger of trying to shape other regional institutions too much in our own image, but the EU is a natural ally for those governments aiming to move beyond state-based politics. We must develop further concrete initiatives to give credibility to our vision of regionalism – this pamphlet's authors outline the next steps we can take to this end.

If the international system can be transformed to encompass new powers, new rights and new organisations, it will survive into the twenty-first century. Ultimately, the EU needs this transformation for

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<sup>3</sup> Constitutive Act of the African Union (2002), [http://www.au2002.gov.za/docs/key\\_oau/au\\_act.htm](http://www.au2002.gov.za/docs/key_oau/au_act.htm).

the sake of its internal coherence as well as its external reach. The Union remains a treaty-based organisation, a creature of international law. If the bases of that law are strained to the point of disintegration, the impact on European politics could be great. The decline in our global influence would be precipitous.

Under these circumstances, the EU's members and institutions must reinforce their commitment to making the international system work for all. Currently, too much European debate concentrates on questions such as those over permanent seats on the Security Council. This is a politically important question, but one that does not address the challenge of adapting international organisations to present power-shifts.

As Espen Barth Eide and Martin Ortega argue in this pamphlet, the real question regarding the Security Council is whether it can be made a force for democratisation and good governance, not a playground for European ambitions. More broadly, Europeans must ask themselves whether they can promote international co-operation to salvage Iraq and the conflict zones of Africa.<sup>4</sup> These practical achievements would be major steps towards a truly global Europe, and this pamphlet is part of an agenda towards that end.

*Richard Gowan & Mark Leonard*

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<sup>4</sup> See Richard Youngs, *Europe & Iraq: Stand-off or Engagement*, (The Foreign Policy Centre, 2004).



## **Introduction: the Role of the EU in Fostering 'Effective Multilateralism'**

*Espen Barth Eide*

Recent developments in international affairs, most dramatically embodied in the crisis over Iraq, have revealed deep divisions within the international community. New questions are being asked about the very foundations of the existing legal order, as embodied in the United Nations Charter.

Rather than the UN becoming obsolete – as suggested by President George W. Bush in 2002 – we see a new-found interest in the world organization in many quarters. The *High-Level Panel on Threats, Challenges, and Change*, (appointed by Secretary-General Kofi Annan as a direct consequence of the Iraq crisis), published its report in December 2004. The report from the Panel will pave the way for an extensive debate about the future of the UN and the future of multilateralism, culminating in the General Assembly in September 2005. On the operational side, the UN is more active than ever before in the field; a series of major new peacekeeping and peace-building missions have been launched in 2003 and 2004. Recent trends suggest that the UN will soon exceed the record year of 1993 in relation to the numbers of troops deployed in blue helmet operations. In some of the most recent UN operations, new and innovative approaches are also being tried out, particularly with respect to better integration between the political, military, developmental and humanitarian elements of multifunctional peace-building.

Simultaneously, the debate about the global reach of the European Union is finally coming of age, particularly after the launch of the *European Security Strategy* (ESS) by the European Council in December 2003, and the rich debate that this has engendered. Just like the UN, the EU has also been spurred by a changing

international climate. Its ambition is not only to strengthen and sharpen its foreign and security policy tools, but also to discuss what the European project is actually all about with respect to international affairs.

This pamphlet aims to bridge the two important debates on the future of multilateralism: the global, and the specifically European. It focuses on the role of the EU in promoting *effective multilateralism* in international affairs. This concept has been given a central role in the *European Security Strategy*. “Effective multilateralism” embodies one of the fundamental credos of the European integration project: international relations should be organized through strong, negotiated, and enforceable multilateral regimes.

The EU does not resemble any other existing institution. It is by far the most advanced regional integration project on the planet, and should not be confused with a traditional international *organization*. Although the authority of the Union is derived from the upward delegation of power from individual states, the EU’s member states have long accepted that they are not fully sovereign in a classical sense. The EU Commission’s “soft” intervention in the “domestic affairs” of EU member states is an almost everyday experience.

This feature distinguishes the EU from more traditional state actors, such as the United States, which may be in favour of intervention in the sovereign affairs of others, but are rather unwilling to be intervened *into*. The deep transatlantic disagreement over the International Criminal Court illustrates this division in worldviews.

In the Cold War, the US and USSR vied to export their structures and worldviews. Today, the EU model is beginning to act as an inspiration for integrative projects elsewhere on the globe. The newly established African Union is the institution that most closely resembles the EU model today, and the EU influence is abundantly clear with respect to ambitions, approach and institutional structure.

The emergence of such “EU-class” integration processes may indeed be one of the major trends of the early twenty-first century. “Post-Westphalian” regional clusters may become an increasingly

important intermediate level between individual states and global multilateral institutions. Even in an age of globalization, geographical proximity still matters

Thus the EU is proving to be global actor. An embryonic partnership is emerging with an increasingly ambitious EU and a United Nations attempting to adapt itself to the challenges of the twenty-first century. The re-election of the Bush administration in the United States may fortify this trend, as it seems unlikely that the US will re-establish itself in its traditional role as a system-bearer of global multilateral organizations. The EU is in many ways becoming the UN's main Western partner.

While deeply split over the unprecedented issues raised over Iraq, the EU is increasingly speaking with one voice in the UN forum. The EU provides the bulk of contributions to the UN. It is actively engaged in building military and civilian capacities that are explicitly geared to taking part in UN or UN-mandated operations, and it has a full array of tools, ranging from development aid via trade policy to diplomatic negotiation or peacekeeping, which is increasingly going to be connected to the evolution of an EU Foreign Service apparatus.

To summarise: *the EU needs the UN and the UN needs the EU. For the EU, the UN is both the main partner and the main arena for fostering better global governance, which the ESS declares as being a key security interest of the EU.*

But if the EU's style of regional, post-Westphalian integration becomes a main feature of the twenty-first century, it will represent both a challenge and an opportunity for reforming the United Nations, which was originally set up as a state-based, twentieth century organization. Fostering even closer ties with the EU should help the UN to prepare for, and encourage such a development, instead of being left behind by history. Unfortunately, more long-term systemic effects are yet to be addressed in the UN-EU dialogue.

**Sven Biscop** and **Valérie Arnould's** piece paints the big picture. Their main argument is that there is a distinct European approach to

*security*, and that this has been developed systematically over time. Some American observers tend to compare the military power of the United States to that of the European Union, which leads them to conclude that Europe is essentially weak. Biscop and Arnould, however, show that the array of civilian capacities and competences are actually the EU's strengths: while forceful military action will remain necessary in certain situations, most of the instruments needed to make both Europe itself, and the world at large more secure, have to be of a civilian nature. They argue that the road to long-term international security and prosperity lies in a better provision of global public goods.

The key EU ambition at the world level should be to contribute to finding new and innovative ways of delivering global public goods to a world marked by largely uncontrolled economic globalization. This ambition should not, they conclude, be confined to the "explicit" foreign or security policy actions of the CFSP or ESDP, but rather that the promotion of global public goods should be cross-pillar and mainstreamed into all EU external actions. The tool of positive conditionality should be further developed in order to link the EU's trade and economic might more closely to its political ambitions.

In doing so, principles, perspectives and approaches matter. The EU should stick firmly to a policy guided by human rights principles.

The EU is taking a leading role in redefining the concept of security, reflected in the ESS and in succeeding texts. In doing so, it moves in the opposite direction of the re-elected US administration, which has been shifting back to a more traditional, state-centric view of security, predominantly focusing on the military dimension of international threats. Among the P5, both Russia and China are more in line with the American perspective, which again underscores the EU's distinctiveness. The EU is likely to find more allies in the South than among the P5 in its quest for expanding the concept of security.

For the UN, this development of an independent, coherent European approach to security comes at a very convenient time. The UN and its different agencies increasingly recognise that security and

development are closely intertwined. The High-Level Panel report is expected to move further in that direction. If security and development were closely intertwined, this would have profound consequences for where reform is necessary. Structural conflict prevention, for instance, requires more targeted use of economic assistance. It follows that improving the multilateral instruments on the economic, financial, trade and development side may be more important than reforms in the narrower confines of "high politics".

The UN will need to undergo major reform on the economic side: reinventing or substituting the outdated and largely irrelevant Economic and Social Council (ECOSOC) is one challenge, to link the strategies of UN's economic and development agencies (like the UN Development Program, UNDP) closer to the international financial institutions (the IMF and the World Bank) and the World Trade Organization, is another. If the EU chooses to take an active and concerted role here, it could provide a policy program for its concerted action in all these institutions in support of strategic integration.

Despite the growing importance of the economic dimensions of security, the primary decision-making body in the field of peace and security is, and will remain, the Security Council. In his contribution to this pamphlet, **Martin Ortega** focuses on the Security Council. The discussion about the composition of the Security Council is again on the agenda. Ortega concurs with the idea that a long-term goal may be to substitute the current seats of the permanent five members with regional representation, under such a scenario, the EU should be well placed to take this role. However, he argues neither the EU itself, nor the UN is currently ready for such a reform. Ortega further argues that before entering into a discussion on *who* should be on the council, it is necessary to discuss the principles by which they should be selected. Should there be a democracy clause, for instance, which would mean that the character of a state matters for its eligibility to key UN seats? Or should membership in the Council be a reward for a country's contribution to the organization? Should the system of regional groupings in the General Assembly's voting procedures be changed?

These are all important discussions, in which the EU should have much to contribute. It appears, however, that the rather heavy-handed German push for a seat of its own in the Council has hampered the EU's ability to provide a strong and principled position on these issues so far. The idea of adding yet another European seat, instead of thinking long-term towards an EU seat, is highly divisive both in Brussels and New York. For this reason, the EU-UN joint declaration of June 2004 for instance is not radically innovative on issues of Council reform.

Ortega further argues for the elaboration of a strategic concept for the UN. This would not require a Charter revision, but could simply be a "solemn declaration" of where the UN stands on key international security issues.

On the more operational side, Ortega discusses the evolving EU support for UN peacekeeping. The military operations in Bunia (DRC) and in the Balkans, suggest that the EU is increasingly willing to involve itself as a single unit on the ground. But in terms of legitimacy, it continues to look to the UN.

Kofi Annan has repeatedly called for more contributions to UN peacekeeping from Western countries. It could well be that the road to fulfilling that wish goes through the Union, and in particular, the establishment of its new "battle groups"; what is needed in many peacekeeping operations is not necessarily large quantities of infantry troops, but rather, more specialized and robust contributions that can serve as force reserves, provide airlift, and deliver other forms of specialized military support. It appears that the trend of substituting contributions to UN-legitimated operations with supposedly superior "coalitions of the willing" is already being reversed, particularly in light of the limited successes in Iraq. European countries seem increasingly eager to base their international troop commitments in international law and in international mandates. Again, a UN trend and an EU trend may end up coalescing rather neatly together, into a largely internationalist framework.

**Waheguru Pal Singh Sidhu** has been given the role of the outside observer in this pamphlet. He discusses the growth of regionalization of peace operations since the early 1990s, arguing that the ECOWAS intervention in Liberia at the beginning of the last decade set a scene for further regionalization. This African precedent was to be copied by Europe through the role of NATO in the Balkans.

The principle of utilising regional arrangements has been with us since the UN Charter was adopted in 1945, and is expressed in Chapter VIII. In 1945 there were few regional organizations, and when "peacekeeping" eventually developed, it became almost synonymous with "blue helmet" operations. Today, there is a Chapter VIII reality in the international scene, and the UN would be well advised to use it more systematically than in the past.

However, Waheguru Pal Singh Sidhu also underlines the potential limits of EU action. He argues that in the parts of the world where the sole remaining superpower finds that it has key strategic interests, it will want to be in charge. The EU will then be "allowed" to operate in areas of less strategic interest to America, for instance in Africa, or in taking over the role of NATO in the Balkans.

Furthermore, he warns against the dangers of "ghettoization" and "peacekeeping apartheid" that could follow if a serious commitment to the UN is substituted for a form of regionalization where the key actors concentrate on their geographical vicinity or their particular strategic interests. By default, all outstanding problems might be dumped on the UN and countries with fewer resources or specialized expertise to restore international peace and security in zones of intractable conflict.

**Richard Gowan** takes the debate about regionalisation and inter-regional cooperation one step further in asking the question "*Can the EU create Africa's NATO?*" Gowan draws on the historical lesson from post-World War II Europe, where defence cooperation only began for real when an external power, the US, came in to support it with political clout and fresh resources. Efforts to include the security dimension to the project of European (economic) integration in itself failed spectacularly in the beginning. Similarly, an African Union

which has to deal both with promoting economic integration and social progress *and* put a large emphasis on military security may buckle. He therefore suggests that the AU could enter into a partnership with the EU in which the EU assumes the role played by the US towards Europe in early years of the post-World War II era in the security field. Recognising the dangers of being perceived as expressions of neo-colonialism or sub-contracting, he underlines the importance of such a cooperation being framed as a true partnership. Furthermore, he argues that the new alliance should make explicit references to the principles of the United Nations Charter, to be developed in close cooperation with the UN itself.

This pamphlet is intended as a contribution both to the debate about effective multilateralism in Europe and to the reform debate of the UN itself. It is our hope that these two very important debates will eventually be bridged.

**The following concrete proposals for EU action stem from the contributions to this pamphlet:**

In implementing the European Security Strategy (ESS), the European Council and Commission should:

1. Mainstream the concepts of “Global Public Goods” (defined as physical, legal, economic and environmental security) in EU decision-making.
2. Ensure that *all* EU strategies and external action decisions include a statement of how they contribute to the implementation of the ESS.
3. Promote the new EU “foreign minister” and External Action Service as advocates of Global Public Goods and the ESS.

In the UN, EU states should act jointly to:

1. Promote a consensual *Global Strategy for Peace and Security*, separate to the UN Charter, to act as “strategic concept” for the UN as a whole.
2. Promote the reform of the UN’s Economic and Social Council to function as a socio-economic equivalent of the Security Council,

and link this body closer to the operational multilateral institutions in the economic field, including the international financial institutions.

3. Develop and implement higher standards for the election of non-permanent members of the Security Council.
4. Work to give regional groupings a more active role in electing members of the Security Council.
5. Promote an EU seat on the Security Council as a long-term ambition, but recognise that the time is not yet ripe in this round. Seek to avoid medium-term reforms that may undermine this goal in the long run.

In responding to, and building on, the report of the UN High-Level Panel on Threats and Security, EU states should:

1. Promote “the Responsibility to Protect”, while also reframing the sovereignty debate to cover a principle of both *enhancing* effective and legitimate sovereignty of weak states, (through international assistance) and *conditioning* sovereignty on state behaviour.
2. Extend the “Responsibility to Protect” to create a broader responsibility not to support proliferation and terrorism.
3. Rethink the concept of sanctions to make them a credible collective tool after the experience of Iraq.
4. Promote the quasi-legislative powers of the UN in areas such as proliferation, peacekeeping and the rights of children in conflict.
5. Address the scarcity of resources for UN peacekeeping.

In relating to its near neighbourhood, the EU should:

1. Promote military collaboration between the EU (and especially the nascent military staff) and its regional partners.
2. Promote agricultural liberalisation and other economic reforms to improve relations with its neighbourhood.
3. Develop mechanisms for punishing human rights violations among its regional partners.

In relating to Africa, the EU should:

1. Create a formal distinction between its support for development and aid for security issues.
2. Work with the African Union to create a mutual security organisation, partially modelled on NATO, offering guarantees of support for dealing with failing states.

In enhancing its role in peacekeeping and military security, the EU should:

1. Strategically deploy its forces and military aid so as to avoid the creation of “peacekeeping ghettos” – areas in which there are insufficient regional actors for peacekeeping.
2. Co-ordinate with the UN to provide military support to peacekeepers from the developing world, so as to avoid “peacekeeping apartheid”.

## The EU and the UN: Strengthening Global Security

*Martin Ortega*

The European Union and the United Nations need each other.<sup>1</sup> On the one hand, the EU has presented a multilateral vision of the world in both its *European Security Strategy* (December 2003) and the draft Constitutional Treaty (formally adopted on 29 October 2004). The United Nations constitutes the centrepiece of this proclaimed multilateral 'faith'. On the other hand, the United Nations needs the active engagement of EU member states, for the Europeans act as a political catalyst in many issues, and also for more practical reasons, since the Europeans provide the lion's share of the UN budget. The EU-25 pay roughly 38 percent of the UN's regular budget (while the United States pays 22 percent and Japan 19 percent), more than two fifths of UN peacekeeping operations and around half of all UN member states contributions to UN funds and programmes. Despite some political misunderstandings between them and spectacular disputes, (such as the Iraq crisis), the EU-25 maintains similar positions on a whole range of UN-related issues.<sup>2</sup>

Since the establishment of an EU security and defence policy at the Cologne European Council in June 1999, cooperation on crisis prevention, crisis management and peacekeeping between the European Union and the United Nations has been increasing gradually in theory and practice. On 24 September 2003 a joint EU-UN declaration provided for mutual coordination and compatibility in planning, training, communication and best practices. Both organisations have worked together on the ground, particularly during the *Artemis* operation in Bunia (RDC) in the summer of 2003, they are ready to do so in the Balkans, where the EU-led operation *Althea* in Bosnia will start in December 2004. The new concept of

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<sup>1</sup> The views in this paper expressed are personal, and do not represent those of any institution.

<sup>2</sup> See Paul Luif, *EU cohesion in the UN General Assembly*, EU ISS Occasional Paper No. 49, Paris, December 2003.

EU 'battle groups' is expressly designed to respond to UN requests.<sup>3</sup> For its part, the European Commission has proposed a better coordination of EU efforts in UN bodies, *inter alia* in the field of development aid, in its Communication 'The European Union and the United Nations: the choice of multilateralism' dated 10 September 2003.<sup>4</sup> The European Parliament has also adopted several declarations on the enhancement of EU-UN cooperation.<sup>5</sup> The recent EU report 'The enlarging EU at the UN: Making multilateralism matter'<sup>6</sup> (April 2004) gives a comprehensive account of cooperation between the EU and the UN.

In addition to this ongoing cooperation, the European Union and its member states will have an opportunity to contribute to the debate on threats, challenges and change led by the UN Secretary General's High-Level Panel. This panel's report must surely lead to a global debate on UN reform, in which the Europeans will have a crucial role to play. In that context, this paper introduces some ideas, from a European perspective, on how the UN collective security system could be strengthened.

### **Defining a UN 'global security concept'**

The future debate on UN institutional reform, following the UN High-Level Panel, will most probably lead to the conclusion that the UN Charter must be amended. Given the very demanding legal process set forth in Article 108, however, extensive reform of the UN Charter seems unlikely. One possible solution would be to adopt a pragmatic, minimalist approach on reform – which would allow for rapid formal ratification<sup>7</sup> – and, at the same time, prepare a solemn

<sup>3</sup> See Burkard Schmitt, 'European capabilities: how many divisions?', in Nicole Gnesotto (ed), *EU Security and Defence Policy. The first five years (1999-2004)*, EU ISS, Paris, 2004, pages 98-99, available at <http://www.iss-eu.org/books/5esdpen.pdf>.

<sup>4</sup> See [http://europa.eu.int/comm/external\\_relations/un/docs/com03\\_526en.pdf](http://europa.eu.int/comm/external_relations/un/docs/com03_526en.pdf).

<sup>5</sup> See European Parliament Report on the relations between the EU and UN, 2003/2049(INI), of 16 December 2003.

<sup>6</sup> Available at [http://www.medea.be/files/EU\\_and\\_UN\\_1\\_2004.pdf](http://www.medea.be/files/EU_and_UN_1_2004.pdf) (January 2004 version).

<sup>7</sup> For instance, an increase in the number of seats of the Security Council from 15 to 24-25, and the removal of Articles 53 and 107, which refer to the 'enemy states' of the Second World War.

declaration where the rest of the agreed 'reforms' could be introduced in an informal manner.

Other international organisations have transformed themselves utilising those informal mechanisms. The purpose of NATO's strategic concepts of 1991 and 1999, for instance, was to adapt the Alliance to the new international environment without amending the Washington Treaty. Also, in the midst of a constitutional process, the European Union decided to draft a European Security Strategy (ESS), which was finally adopted by the 25 EU member states in December 2003. The ESS and the draft Constitutional Treaty share a common vision as far as EU foreign and security policy is concerned. However, while the treaty will go through a long – and uncertain – process of ratification in member states, the ESS has already been backed by EU members and is generally accepted as an authoritative text stating the EU security priorities and the EU's role in its neighbourhood and at the global level.

In the context of UN reform, I would suggest that a UN 'Global Peace and Security Concept' could be drafted in order to supplement a limited reform of the UN Charter. There are several precedents of UN declarations with 'constitutional' significance: (a) the UN Declaration on Human Rights of 1948; (b) the Declaration on Friendly Relations and Cooperation between States of 1970; and (c) the Millennium Declaration adopted in 2000.

The preparation of such a Global Peace and Security Concept will not be an easy undertaking. As regards (to?) the drafting, it could be entrusted to a General Assembly special committee, to the Security Council, to the Secretary General, or to a combination thereof. As far as the contents are concerned, the proposed UN global strategy document might comprise the following:

- Reformulation and update of the international principles enshrined in Articles 1 and 2 of the UN Charter. The idea would be to include new principles, such as human rights, democracy, humanitarian intervention, development and respect for the environment.

- General description of global threats and challenges, following the High-Level Panel report.
- An account of the actual functioning of the collective system for the maintenance of international peace and security, including peacekeeping, which was a historical development.
- References to the respective roles that the UN, regional organisations and states should play in the maintenance of international peace and security.
- Ways of improving the UN collective security system, with specific initiatives that should be implemented in the coming years.

### **Reinforcing the UN Security Council**

When considering UNSC reform, two main issues come to mind: whether new permanent members should be appointed, and the criteria for selecting new non-permanent members. On the first issue, the UN Charter named five UNSC permanent members in the historical circumstances of the immediate post-World War II world. More than fifty years later, if the UNSC is to become more representative, it seems advisable to increase its permanent membership. The decisive criteria to appoint new permanent members should be the possible candidates' capacity and willingness to assume a special responsibility for the maintenance of international peace and security. Moreover, at the San Francisco Conference in 1945, the UN Security Council 'duty' was explicitly linked with respect for the UN purposes and principles (Article 24.2 of the UN Charter). The Europeans should emphasize the responsibility that UNSC members – and especially permanent members – have, with regard to global peace and security, when future debate on reform ensues.

If new permanent members are eventually accepted, it is too soon to propose that the European Union as such becomes a permanent member. While this is a legitimate long-term project, today neither the current European UNSC permanent members would agree, nor the present state of development of the EU's common foreign and security policy allows for the creation of a single seat for the

European Union. The Iraqi crisis clearly showed that this idea is premature. However, the creation of an EU Minister for Foreign Affairs and an EU Foreign Service, following the draft Constitutional Treaty, might lead to the development of a common EU voice in global issues, which in turn might lead to common representation in the UNSC in the long run.

During the opening phase of the September 2004 UN General Assembly, Brazil, Germany, India and Japan expressed their desire to become UNSC permanent members, which was accepted in principle by some other UN member states. Nevertheless, the nomination of new UNSC permanent members will encounter serious opposition on the part of some UN members. Two solutions might help form a compromise: the right of veto would not be given to the new permanent members, and 'permanent rotating' seats could be established for a few selected countries, for instance, within a regional group.

On the second issue mentioned above, the expansion of non-permanent membership, Article 23.1 of the UN Charter sheds light on the two criteria that should inspire this increase.

a) *Contribution to the purposes of the organization.* Article 23.1 provides that the UNSC non-permanent members shall be elected 'due regard being specially paid, in the first instance, to the contribution ... to the maintenance of international peace and security and to the other purposes of the Organization'. The fact that candidates presented by regional groups must then be voted in the General Assembly should be utilised by EU member states to insist on the strict implementation of Article 23.1 of the UN Charter. As one author has put it, "for Security Council rotating seats ... nations do not have to convince others of their qualifications or commitment to the demanding work required. No well-honed, informed world-views are expected. Council election campaigns instead involve free tips, lavish entertainment and generous 'gifts'. Perhaps most pernicious is

the argument that 'it's my turn' to have a seat".<sup>8</sup> European states could and should work to correct those unacceptable practices.

It must be stressed that contribution to the maintenance of international peace and security is accompanied in Article 23 of the UN Charter by the phrase 'and to the other purposes of the Organization', i.e., the settlement of international disputes, the development of friendly relations among nations, respect for human rights and fundamental freedoms, etc. (Article 1 of the Charter). It is indisputable that all EU members' contribution to those ends has been exemplary. The European integration process in itself has been a crucial contribution to peace and security and to the resolution of international disputes across the European continent.

While the UN Charter does not provide that member states must have a democratic government or a good record of respect for human rights, these standards should have renewed relevance in the UN system. If the EU and its member states are to be consistent with their defence of constitutional democracy (and related fundamental principles of government, such as rule of law, human rights and the more recent idea of good governance) they should explore the possibility of starting a debate on the role of democratic government in the United Nations. Democracy is not a guarantee for legitimate, or even legal, international behaviour. However, it constitutes the only guarantee that misbehaviour will be openly criticised and corrected through a peaceful, rule-based political process.

The challenge of course is how to integrate the democratic character of UN member states in the election process for Security Council membership. Some initiatives might be considered. For instance, the creation of a new UN subsidiary organ (in accordance with Article 7.2 of the Charter) to supervise the promotion of democracy might be explored.<sup>9</sup> Along with the Commission on Human Rights and

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<sup>8</sup> Barbara Crossette, 'Fixing the Security Council', *UN Wire*, 16 June 2003, accessible at [http://www.unwire.org/Features/Columns/522\\_5057.asp](http://www.unwire.org/Features/Columns/522_5057.asp).

<sup>9</sup> A number of NGOs and advocacy groups have proposed a more informal initiative: the creation of a de facto 'democratic caucus' in the UN General Assembly. See for instance, [www.freedomhouse.org/media/pressrel/050304.htm](http://www.freedomhouse.org/media/pressrel/050304.htm).

other specialised UN bodies, this new organ could prepare reports on the advancement of democracy worldwide. Such reports could be utilised during the election process of UNSC non-permanent members.

*(b) Equitable geographical distribution.* The future debate on UN reform will constitute an excellent opportunity to rethink the composition and role of geographic groups, and the EU and its member states could bring in interesting ideas in this respect. Today's distribution is obsolete, because EU members and other European states are split between the Eastern European and Western European groups. On many issues, Europeans speak today with one voice in the UN (non-EU European states associate themselves with most of the EU declarations and policies), so it would be advisable to consolidate this practice into a rule.

Regional groups should be attributed a more active role in the functioning of the UN collective security system, and designation of candidates for the UNSC might be a unique occasion to create the appropriate synergies. Also, if permanent or 'rotating permanent' members are to be agreed by the regional groups, potential candidates must persuade the rest and, hence, ensure a credible and durable contribution to regional peace.

Finally, there exists an unavoidable link between the two criteria put forward in Article 23.1 of the UN Charter. Regional groups present candidates to UNSC rotating seats, but those candidates must be eventually endorsed by a two-thirds majority at the UN General Assembly, according to Article 18.2 of the UN Charter. This means that the EU member states can use that election process to insist on the need to respect the criterion of a substantial contribution to the purposes of the organisation. In other words, the EU member states (and other like minded states) might act as a 'democratic caucus' in the General Assembly with an aim to elect states that truly contribute to the promotion of international peace and security as UN non-permanent members.

### EU-UN cooperation for peacekeeping purposes

The reform of the UN Security Council will be one step in the right direction, but it will not achieve the desired results if it is not accompanied by other measures to reinforce UN capacities. The scarcity of resources for UN peacekeeping should be a matter of concern for the EU and its member states. Despite the determined support to the United Nations' peace initiatives, the EU's contribution to UN peacekeeping has been decreasing sharply in the last decade. The EU and its member states should work to find the right balance between the UN 'demand' and the EU 'supply' (and others' supply).<sup>10</sup> Given the current restrictions in defence budgets, and commitments for peacekeeping forces in the Balkans, it does not seem probable that the EU and its member states will be ready to substantially increase their contribution to UN peacekeeping efforts in the foreseeable future – at least in *quantitative* terms.

However, in *qualitative* terms, the Europeans make an important contribution to UN peacekeeping. For instance, Irish and Swedish forces are currently working in Liberia, French units are operating in Cote d'Ivoire and a Spanish/Moroccan battalion is participating in the Brazilian-led UN operation in Haiti. These forces provide crucial technical assistance and enable other UN forces to carry out their mandate. In order to develop the EU commitment to UN peacekeeping, on 18 June 2004, the European Council adopted the document 'EU-UN cooperation in military crisis management operations: Elements of implementation of the September 2003 EU-UN joint declaration'. This document introduces a number of specific and innovative measures: (a) a 'clearing house process', whereby EU member states coordinate their contributions to UN peacekeeping operations; (b) the mounting of EU-led peacekeeping operations under a UN mandate, including rapid response operations; (c) the 'bridging model', in which the EU undertakes an operation in order to provide the UN with time to mount a new operation or to reorganise an existing one, following the *Artemis*

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<sup>10</sup> See Thierry Tardy, *L'UE et l'ONU dans la gestion de crise. Opportunités et limites d'une relation déséquilibrée*, Fondation pour la Recherche Stratégique, Paris, mai 2004.

example; and (d) the 'stand by model', as described by the UN Secretariat, would consist of an 'extraction force' provided by the EU in support of a UN operation, which must be developed in coordination with the new EU Battle Groups.

Moreover, the EU and its member states are working at a regional level, particularly in Africa, to help regional organisations in their efforts towards conflict prevention and management. For instance, in July 2003, the African Union (AU) requested the EU 'to examine the possibility of setting up a Peace Support Operation Facility (PSOF), to fund peace support and peacekeeping operations conducted under the authority of the AU'. The EU has responded positively, creating an 'African Peace Facility'. Nevertheless, inter-regional cooperation for the maintenance of peace and security should be deepened. As Richard Gowan has pointed out, the EU is establishing a 'security partnership' with the African Union, but this partnership is rather rhetorical for the time being. As the Darfur case shows, the allocation of some EU funds for specific crisis prevention or management is not a satisfactory measure. The EU should engage in more consequential long-term capability building in Africa, which will enable the AU to deal with crises in the future.<sup>11</sup>

Finally, it must be noted that the EU also contributes actively to other UN initiatives in the fields of disarmament, demobilisation and reintegration of armed forces and militias, child-soldiers, the fight against terrorism and WMD proliferation.

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<sup>11</sup> Richard Gowan, 'The EU, regional organisations and security: strategic partners or convenient alibis?', *Egmont Paper No. 3: Audit of European Strategy*, Royal Institute for International Relations, Brussels, 2004.

### **Concluding remarks**

The UN High-Level Panel's report will open a window of opportunity to adapt the collective security system to today's new circumstances. The EU and its member states will have a crucial role to play in that process.

Changes in Security Council membership must be adopted via UN Charter reform. Other improvements in the UN collective security system needed to tackle threats and challenges to peace and security more effectively might be introduced in a solemn UN declaration, a sort of 'strategic concept' for the United Nations. The drafting of such a declaration will require patient negotiation between the various regional groups and UN member states. The EU and its member states should make it clear that the main objective of the forthcoming UN reform is not only to expand the Security Council membership, but also to strengthen the UN collective security system.

The EU and its member states should promote an exhaustive implementation of Article 23.1 of the UN Charter. Just as the geographic distribution criterion in that Article has been developed with specific rules and procedures, the 'contribution to the UN purposes' criterion should be equally developed. The EU members might suggest a list of standards, such as regional peace and stability, contributing to the UN budget and helping to maintain UN peacekeeping, etc., allowing for the interpretation and weighting of this criterion.

By the same token, the EU members should also uphold the idea that democracy, good governance and respect for human rights and fundamental freedoms are valid standards, in accordance with the provision contained in Article 23.1 of the Charter, to become UNSC non-permanent members.

While, most probably, the EU and its member states will not be able to increase their participation in UN peacekeeping operations in quantitative terms, their contribution in qualitative terms is very important. In September 2003, the EU and the UN signed an

agreement for mutual coordination and compatibility in the field of peacekeeping, and are already working jointly on the ground in several operations. The development of an EU security and defence policy allows for further practical collaboration, particularly through the 'bridging operation model', whereby the EU temporarily undertakes a mission in order for the UN to mount an operation, following the *Artemis* operation example.

The establishment of 'security partnerships' between the EU and other regional organisations, especially in Africa, is a promising prospect. Regional actions in crisis prevention and management supplement global efforts towards peace and security. With its multilateral approach and expertise, the EU can provide an interesting contribution to other regional arrangements.

If, following the UN High-Level Panel report, the debate on reform of the collective security system, including the UN Security Council, is led and carried out properly, it could help to reinforce global order. The reason is very simple. All new candidates to permanent members, rotating permanent or more frequent non-permanent members will have to show their commitment to global peace and security. Given that Article 23.1 of the UN Charter imposes 'contribution[s] to the maintenance of international peace and security and to the other purposes of the Organization' as essential criteria for UNSC non-permanent membership, *a fortiori*, all states wishing to play a more active role in the UN collective security system must show that they meet those conditions thoroughly and enduringly.

## Global Public Goods: An Integrative Agenda for EU External Action

*Sven Biscop & Valérie Arnould*

The best way of summarizing the European Security Strategy (ESS), the ‘European way’, is through ‘*effective multilateralism*’- the last of the three strategic objectives the ESS outlines. Effective Multilateralism – ‘the development of a stronger international society, well functioning international institutions and a rule-based international order’ as the ESS defines it – concerns global networks, the world system itself. As such, it addresses the long-term, underlying factors determining peace and security, through multilateral means.

Effective Multilateralism is implied in the other two strategic objectives of the ESS. ‘Building security in our neighbourhood’ is the application of the same principles in the proximity of the EU. This is not due to any hierarchy of objectives. Rather, the EU has the means, and perhaps the responsibility, to directly play the leading role in promoting peace and security in its own neighbourhood, whereas at the global level it will primarily act through the United Nations and other multilateral bodies. ‘Addressing the threats’ demands a number of immediate measures in the politico-military field, but can only succeed in the long-term through the “root causes” approach of Effective Multilateralism.

### **Effective Multilateralism = Global Governance**

Effective Multilateralism can best be understood as an effective system of *global governance*, a system that is able to ensure that every human being, at the global level, has access to the core public goods that the State provides at the national level– or is rightly expected to provide – to its citizens:

- physical security and stability – ‘freedom from fear’;
- an enforceable legal order;
- an open and inclusive economic order that provides for the wealth of everyone – ‘freedom from want’;
- wellbeing in all of its aspects – access to health, to education, to a clean environment, and to similar goods.

These are *global public goods* to which everyone is entitled, including future generations. Different global public goods are inherently related; they can only be fully enjoyed if one has access to them all. Too large a gap between haves and have-nots in terms of access to global public goods is the ultimate systemic threat to Europe’s security; at a certain level of inequality the resulting political instability, extremism and violence, economic unpredictability and massive migration flows will become uncontrollable.<sup>1</sup> Although it is still very broad, the concept of global public goods renders it easier to operate, almost to visualise, global governance. It also allows for a clear delineation of policy priorities.

The ESS does not explicitly mention the concept, but its implicit presence is evident: ‘The best protection for our security is a world of well-governed democratic states. 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’.

### **Global Public Goods: Engine and Integrator of EU Policies**

In the ESS, the EU recognizes the inseparable links between all the dimensions of Effective Multilateralism, and between the different global public goods. It must act accordingly in implementing the ESS.<sup>2</sup> This requires a comprehensive approach to security, which in

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<sup>1</sup> Rik Coolsaet & Valérie Arnould, ‘Global Governance: The Next Frontier’. Brussels, Royal Institute for International Relations, Egmont Paper No. 2, April 2004, [www.irri-kiib.be/papers/egmontp2\\_U561.pdf](http://www.irri-kiib.be/papers/egmontp2_U561.pdf).

<sup>2</sup> Sven Biscop, ‘The European Security Strategy – Implementing a Distinctive Approach to Security’. Brussels, Royal Defence College (IRSD-KHID), Sécurité et Stratégie No. 82, March 2004, [www.irri-kiib.be/papers/Artikel%20V&S%20ESS.pdf](http://www.irri-kiib.be/papers/Artikel%20V&S%20ESS.pdf).

turn implies accepting the ESS as a *genuine* strategic framework. Such a framework should determine the choice of objectives and the development of instruments and means. This not only applies to the European Security and Defence Policy (ESDP) and the Common Foreign and Security Policy (CFSP), but for all of EU external actions. We must look *across the pillars*, from trade and development to international environmental and police cooperation.

Here lies potentially the greatest added value of the ESS: providing the stimulus for the effective integration of all EU external policies. For the EU already possesses the full range of instruments, up to the military, yet they are not always put to use in a consistent manner. All too often still, policies in one field of external action are contradictory with those in other areas. The adoption of the ESS has created the opportunity to change this structurally.

### **Promoting Global Public Goods: The Regional Level**

At the level of the EU's immediate vicinity, the European Neighbourhood Policy certainly goes in the right direction.<sup>3</sup> Comprehensive bilateral action plans, with an emphasis on detailed mutual commitments, are to promote political and economic reform through a process of 'positive conditionality'. In return for the achievement of clearly-defined benchmarks by its Partner States, the EU will offer concrete benefits: such as participation in the EU's internal market, and further liberalisation of the movement of people, goods, services and capital – essentially 'the four freedoms'. The ultimate goal is an 'area of shared prosperity and values'.

For 'positive conditionality' to work however, a real 'carrot' must be offered. The EU must be prepared to grant benefits in the areas that really matter to its partners, especially those for which EU membership is not an option – which will entail efforts and sacrifices on the part of the EU as well. For its Mediterranean neighbours, for example, this means opening up Europe's agricultural market.

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<sup>3</sup> COM (2003) 104 final, 'Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours'.

Without this, the Neighbourhood Policy will suffer the same fate as existing cooperative frameworks with the EU's neighbouring countries: good intentions, but limited implementation.

Since 1995, the Euro-Mediterranean Partnership has promoted the same objectives that have now been reaffirmed in the context of the Neighbourhood Policy. The added value of the Neighbourhood Policy, as opposed to what was conceived previously, lies in the window of opportunity which it creates to revitalise the Euro-Mediterranean Partnership. When explaining the stagnation of the latter, the paralyzing effects of the conflict in the Middle East should not be allowed to hide the fact that the EU has made little effort and few concessions over the Partnership's economic basket, while Partner States have had to suffer the hardships entailed by economic reform. It has been argued that the result of these half-hearted policies has actually impaired socio-economic conditions in the partner countries.<sup>4</sup> Care should also be taken when developing bilateral action plans; they must not ignore the *acquis* of existing frameworks, notably those concerning multilateral, region-wide programmes and activities.

In order for them to be truly comprehensive, the fields of CFSP/ESDP should be included in the proposed bilateral action plans, so as to stimulate politico-military cooperation. This could include seconding liaison officers to the EU Military Staff, observing and participating in ESDP exercises and manoeuvres, and eventually participating in EU operations. The ultimate objective in this field is an effective security partnership, including joint mechanisms for early warning, conflict prevention and crisis management, based on a common strategic assessment.

With regard to the Mediterranean Partnership, the EU has already been extensively involved, but so far a number of countries have been very reluctant to accept the invitation. The offer can be repeated as an integral part of the Neighbourhood Policy. In the

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<sup>4</sup> Fred Tanner, 'North Africa. Partnership, Exceptionalism and Neglect'. In: Roland Dannreuther (ed.), 'European Foreign and Security Policy. Towards a Neighbourhood Strategy'. London, Routledge, 2004, pp. 135-150.

event of crises in the EU's neighbourhood demanding coercive measures (military or other), EU action without the partner states would antagonize them; joint action on the basis of pre-arranged mechanisms is the most effective way of intervention.<sup>5</sup>

The question remains of whether the Neighbourhood Policy will be able to surmount the dilemma that has seemed to haunt EU policy towards its neighbourhood: *democratisation*, which necessarily implies change and therefore risk, or *stability*, which implies condoning, if not cooperating with, a number of authoritarian regimes? Since all global public goods are interdependent, both objectives must be pursued. Stability cannot be durable when legitimate opposition is oppressed and when human rights are violated – such states breed their own extremists. But democracy cannot be imposed from the outside: even when it is militarily feasible, imposition lacks the legitimacy that is required to achieve durable results.

Effective democratisation is only possible when external stimuli can support local actors to start a gradual, internal process of reform. The Neighbourhood Policy must identify those actors in society while working with them, and with the governments of partner states, in a constructive dialogue. That does not mean however that when partner states do commit human rights violations, the EU should not act. On the contrary, the non-application of human rights clauses in existing association agreements<sup>6</sup> has created doubts as to the degree of earnestness with which the EU is pursuing its comprehensive approach. Human rights violations should not go unpunished.

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<sup>5</sup> Sven Biscop, 'Euro-Mediterranean Security: A Search for Partnership'. Aldershot, Ashgate, 2003.

<sup>6</sup> Erwan Lannon, Kirstyn Inglis & Tom Haenebalcke, 'The Many Faces of EU Conditionality in Pan-Euro-Mediterranean Relations'. In: Marc Marescau & Erwan Lannon (eds.), 'The EU's Enlargement and Mediterranean Strategies. A Comparative Analysis'. New York, Palgrave, 2001, pp. 97-138.

**Promoting Global Public Goods: The Global Level**

At the global level, the EU has less direct leverage, but it can make a significant contribution both to the improvement of mechanisms and institutions for global governance and to the alleviation of specific conflict or humanitarian situations by supporting the UN and the associated multilateral bodies.

For Effective Multilateralism to be implemented, enhancing social, economic and environmental governance are equally important. An important field of action is the reform of the UN's Economic and Social Council (ECOSOC). The EU should step up its efforts to promote its reform so as to enable it to play a central role in crisis management in cases of financial crisis, economic stagnation or famine, and when a large number of different actors have to be brought together. Next to its traditional role of coordinating different spheres of economic and social development, ECOSOC would thus function as a sort of socio-economic Security Council. This would imply strengthening the links between ECOSOC and the Security Council, the World Bank, the International Monetary Fund and the World Trade Organization. ECOSOC's role as a portal for relations between the UN and the NGO and business communities should also be strengthened.

But next to reforming the global multilateral institutions, the EU must also reform itself. It is all too easy to forget that in the South the EU is seen as an aggressive economic actor, quite the opposite of the 'benign' way in which the EU perceives itself. Correcting that image requires an earnest effort on the part of the EU to take into account the South's access to global public goods. The UN's Millennium Development Goals provide an obvious beacon. This will demand changes in EU policy, in order to create an economic order that is truly inclusive. But the advantages work both ways: to promote citizens' access to global public goods in the South implies raising their standard of living and setting minimal norms for wages and social security – and thus ultimately closing the wealth gap that is so destructive to the EU's model of the welfare state.

In these fields, the EU is enhancing concrete cooperation with the UN. On 28 June 2004 the Commission and the United Nations Development Programme (UNDP) announced a strategic partnership focused on governance, conflict prevention and post-conflict reconstruction, with particular attention on countries that are emerging from conflict. This is to be the first in a series of partnerships with the UN and associated agencies. On 19 July 2004 this was followed by a partnership with the International Labour Organization in the field of poverty reduction and improvement of labour conditions in developing countries.

### **Enforcing Global Public Goods?**

The emphasis in Effective Multilateralism is on long-term stabilisation and conflict prevention. But unfortunately, prevention will not always succeed, while current politico-military challenges demand immediate measures. The use of coercive measures therefore cannot be excluded, yet it must follow a tight framework.

At the end of 2003, Kofi Annan established the High-Level Panel with the aim of recommending measures to enable the Security Council in particular to take swift and effective collective action in the face of threats to peace and security. This has now published its conclusions.

In a way very similar to an earlier exercise by the International Commission on Intervention and State Sovereignty (ICISS),<sup>7</sup> which in 2001 published its report *The Responsibility to Protect*, the High-Level Panel could lead to a political consensus on a policy framework outlining the types of situations that demand action by the international community. This would be the case when states harm their own populations, when national sovereignty must yield to 'the responsibility to protect' on the part of the multilateral system – the focus of the 2001 ICISS report – but also when States do not live up to their commitments towards their neighbours and the international

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<sup>7</sup> ICISS, 'The Responsibility to Protect'. Ottawa, International Development Research Centre, 2001, [www.dfait-maeci.gc.ca/iciss-ciise](http://www.dfait-maeci.gc.ca/iciss-ciise).

community, for example by violating non-proliferation agreements, by actively supporting terrorist groups or by the illegal use of force.

By creating a framework that outlaws these activities, the international community could thus extend the scope of application of the principle first launched in the ICISS report. The consistent use of such a framework to judge situations should ensure that they come to the attention of the Security Council at an early stage – and the earlier the intervention, the smaller the need for military action and the greater the chances of success. Furthermore, in the face of public opinion such a framework would make it more difficult for the Security Council not to act. It would thus also deprive those that prefer to act unilaterally from the excuse of UN inaction.

In a May 2004 contribution to the High-Level Panel, the EU supported this line of action.<sup>8</sup> The Security Council, the paper states, must provide for 'early and determined multilateral engagement with the government or regime in question, initially on issues of governance, economic management and human rights, and then, should it prove necessary, through coercive means, including, as a last resort, the legitimate authorisation of military intervention'. This contribution to the High-Level Panel is, in effect, much more unambiguous on the use of force than the ESS itself; in light of the implementation of Effective Multilateralism, it deserves the EU's unequivocal support.

In the end, of course, the political will of the members of the Security Council and of the UN Member States in general will determine whether action is taken or not. On the part of the EU, political will has clearly been expressed to launch UN 'subcontractor' operations, making use of the 'battle-group concept' providing for the creation of 1500-strong rapidly deployable force packages. The EU should also be prepared to make more substantial numbers of troops available, and provide for long-term operations. While it is viable to empower local actors like the African Union, until they are fully capable and willing, the EU must share the burden. The EU and the UN already

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<sup>8</sup> 'Paper for Submission to the High-Level Panel on Threats, Challenges and Change'. <http://ue.eu.int/uedocs/cmsUpload/EU%20written%20contribution2.pdf>.

closely cooperate in conflict prevention and early warning – a necessary tool for the implementation of the approach outlined above – and in September 2003 a joint declaration of cooperation on crisis management was signed. The ongoing development of ESDP enables the EU to assume its part of the responsibility for international peace and security.

### **Mainstreaming Global Public Goods in EU External Action**

As Effective Multilateralism requires the integration of all fields of EU external action, at the global and regional level, under the common agenda of the promotion of global public goods, it is a very demanding project for EU policy-makers. For the elaboration of integrated policies to be at all possible, the bridge between all fields of external action inherent to Effective Multilateralism must be reflected in EU institutions and decision-making. Therefore the single External Action Service that is provided for in the draft Constitution should comprise all the relevant directorates from the Commission and the Council Secretariat, in order to unite all services dealing with aspects of external action in one body under the EU Foreign Minister; this will effectively surmount the pillar system that has often obstructed cohesion. The Foreign Minister should act as an effective driving force in this regard. The implementation of the ESS is thus closely linked to the institutional reforms in the draft Constitution.

The ESS as such is not an operational document: it provides general guidelines that serve as a framework for the elaboration of more detailed strategies for specific issues or regions and for day-to-day decision-making. In order to maintain overall cohesion, partial strategies and external action decisions should always state how they contribute to the implementation of the ESS. The European Council could take a decision to that end, in order to unambiguously define the status of the ESS as the overall framework for the whole of external action. Thus an *ex ante* check would be provided so as to ensure the mainstreaming of the conceptual framework of the ESS. In order to provide for an *ex post* evaluation, existing mechanisms like the annual report on the CFSP and the annual Council debate

on the effectiveness of external action could be reoriented and focused on the implementation of the ESS.

### **Conclusion: Redefining Security**

The promotion of global public goods is a very positive agenda. Earnestly pursuing it, and mustering the political will to make concessions when required, will greatly enhance the credibility and legitimacy of the EU as an international actor – legitimacy that is necessary for the EU to put demands on others that do not live up to their commitments.

The question could rightly be asked whether the very diverse dimensions of Effective Multilateralism still fit under the title of 'security'. On the one hand, a number of observers from the development sector and the peace movement, and from countries in the South, fear 'securitization', i.e. the EU's external policies, would be driven by 'hard' security concerns and would thus see the use of politico-military instruments. On the other hand, it is feared that by widening the notion of 'security' too much, it becomes meaningless.

Perhaps the solution is to turn it around. The 'EU way' is to see security concerns through the more benign prism of issues of good governance, development, environmental issues and human rights. It is only when they pose a credible politico-military threat to the local population, to a region, to the EU or to the international community itself, that they get viewed as malignant security threats. 'European Security Strategy' was not such a good title after all – a Comprehensive Strategy for External Action is what it should be, and what it will be if Effective Multilateralism is effectively implemented.

## Regionalisation of Peace Operations

Waheguru Pal Singh Sidhu

### Introduction

Since the end of the Cold War interventions in intrastate conflicts have risen dramatically. Compared with a mere 18 UN-led operations between 1948 and 1990 there were as many as 35 UN-led peace operations in the 1990s - nearly three per year and twice as many in the first 40 years of the UN's history.<sup>1</sup> This rise was on account of two factors: first, a sharp decline in the number of internal wars in the early-to-mid 1990s which prompted a series of peace operations to implement peace accords. Second, there was a rise in internal wars in the late 1990s, which led to a series of robust peacekeeping operations.<sup>2</sup>

Simultaneously, the 1990 intervention in Liberia by the Economic Community of West African States Monitoring Group (ECOMOG) marked the beginning of the trend towards regionalization of peace operations, whereby regional actors became increasingly engaged either autonomously or alongside the UN.<sup>3</sup> Since then, several regional and sub-regional organisations have been directly or indirectly involved in peace operations in Africa, Europe and even Asia. Among the newer entrants is the European Union (EU), which built up its capacity to conduct peace operations in the late 1990s as a result of a series of demand and supply factors.<sup>4</sup> In fact, of the

<sup>1</sup> See <http://www.un.org/Depts/dpko/dpko/timeline/pages/timeline.html> for details.

<sup>2</sup> Bruce Jones with Feryal Cherif, *Evolving Models of Peacekeeping: Policy Implications & Responses*, report prepared for the UN Department of Peacekeeping Operation's Peacekeeping Best Practices Unit.

<sup>3</sup> Please note that ECOMOG was established by ECOWAS, who had established a Standing Mediation Committee (May 1990) in response to the unfolding carnage in Liberia. The Committee took the decision to deploy ECOMOG in August 1990.

<sup>4</sup> For details of the drivers behind the desire of the European Union to build such capacity see 'Conclusion' in Michael Pugh and Waheguru Pal Singh Sidhu (eds.), *The United Nations and Regional Security: Europe and Beyond* (Boulder, CO: Lynne Rienner, 2003), pp. 255-269.

current 16 UN peacekeeping operations launched after 1990 as many as 15 have, or have had, some degree of participation with regional or sub-regional organisations.<sup>5</sup> Eight of these missions have depended on significant military involvement by a regional organisation carrying out their robust mandate. Only the UN Mission for the Referendum in Western Sahara (MINURSO) has not involved a regional organisation. Thus regionalization of peace operations was not decreed or even necessarily desired; rather it came about in an improvised way and in response to specific regional situations.

Along with the greater participation of regional actors in robust peacekeeping operations, the often passionate debate in Western capitals regarding the desirability and feasibility of out-of-area peace operations was superseded by events on the ground. The participation of NATO forces as part of the UN Protection Force (UNPROFOR) in the former Republic of Yugoslavia (in 1992) signalled the first geographical shift. NATO then also played a key part of the Implementation Force (IFOR) and the Stabilisation Force (SFOR) in the Balkans (since 1995); and has been one of the four-pillars of the UN Mission in Kosovo (UNMIK) since 1999. As such, the Balkans marks the first out-of-area foray for the Euro-Atlantic alliance, even though this geographically falls within the broad Trans-Atlantic region.

By 2003, NATO was leading the International Security Assistance Force (ISAF) further a field in Afghanistan, and the EU had deployed troops under Operation Artemis in the Democratic Republic of Congo (DRC) even as the out-of-area debate raged. While such operations are likely to remain *ad hoc* until the debate is finally resolved and the practise institutionalised, there will, nonetheless, be more such operations in the near future. In fact, the indications are such that out-of-area operations are likely to be determined by political rather than operational factors. These three are discussed overleaf.

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<sup>5</sup> See Cyrus Samii with Harold Rodriguez, 'The UN and Euro-Atlantic Organisations: Evolving Approaches to Peace Operations Beyond Europe', *Report from the 14 November 2003 IPA conference on 'The UN and European Security Organisations: Evolving Approaches to Crisis Management'*, p. 4 and details of current UN-led peacekeeping operations available at <http://www.un.org/Depts/dpko/dpko/index.asp>.

### **Three factors for greater involvement**

The involvement of EU capacities in future out-of-area peace operation is likely to be determined by varying levels of interest of the United States in the potential target region; the commitment and consensus among key European states regarding their intervention in these target regions; and the receptivity of the key actors in the target region to such interventions by out-of-region regional actors.

The role, interest, and commitment of the US to a particular target region are likely to remain primary determinants for EU involvement or detachment from that region. For instance, the EU missions in Macedonia (Proxima) and DRC (Artemis) were possible because these areas were not of direct strategic interest to the US, and thus the US was willing to allow other actors to intervene in these areas.

In situations like Darfur, where the EU was willing to intervene, Washington would not only acquiesce in such an intervention but it is likely that they would actively encourage it. In contrast, it would be unlikely for the EU to be involved in regions such as the Middle East, Central Asia (especially Afghanistan) and Iraq, which are now of vital strategic interest to the US; the scope and range of any European involvement in these areas is likely to be determined by Washington, especially if any potential EU involvement was seen as a challenge to US objectives in the region. This is evident in the UN-EU-US-Russian Quartet arrangement in the Middle East, where the EU has remained a secondary actor, particularly to the US. This political dimension is, of course, in addition to the technical and operational limitations of the EU, which still lacks the heavy-lift capability for significant out-of-area operations. Moreover, while the EU might play a more active role diplomatically in the Israel-Palestinian conflict, it is unlikely to get involved militarily, unless Washington endorses such a presence.

Even when there is US acquiescence to out-of-area EU operations, such operations are only likely to proceed if there is a minimum commitment across the board of the EU membership. Even then, key European states will have to play the role of lead nation in launching such operations. This was certainly the experience in Operation Artemis, which was primarily led by France. In the absence of such a consensus, individual European states might well

embark their own missions, especially in former colonies. This trend was apparent in the British and French interventions in Sierra Leone and the Ivory Coast respectively.

Finally, the prospect of an EU intervention in the target regions is also likely to be determined by the absence or presence of similar peacekeeping capacity in these regions and the perspective of the local regional organisation on intervention, especially among their own members. Thus, the absence of a regional organisation in Afghanistan might well have facilitated the coordination between the US, UN and NATO-led operations. In contrast, the presence of the African Union, even without significant capacity is likely to complicate similar interventions, as is evident in the ongoing Darfur crisis. In other regions, such as southeast Asia, the aversion of the Association of South East Asian Nations (ASEAN) to interventions is likely to make it very challenging for outside actors to embark on such missions in the ASEAN area.

### **Two concerns**

In addition to the abovementioned factors, there are two additional concerns regarding the development of a robust peacekeeping capacity within the EU. First, according to Michael Pugh, 'regionalization carries the risk of ghettoizing "undisciplined" parts of the world', especially those parts of the world that either do not possess their own regional peacekeeping capacity or those regions that are not the beneficiaries of the out-of-area operations of the EU force because they are not of strategic interest for the EU.<sup>6</sup> Here the possibility is that these regions are likely to remain in a perpetual state of conflict or will be attended to infrequently and ineffectively by the already over-stretched UN peacekeeping capacity.

Second, there is also the real prospect of the emergence of 'peacekeeping apartheid', where better trained and equipped EU troops will be increasingly unwilling to operate alongside the relatively poorly equipped UN troops from the traditional

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<sup>6</sup> See Michael Pugh, 'The World Order Politics of Regionalization' in Pugh and Sidhu (eds.), *The United Nations and Regional Security*, p. 33.

peacekeeping nations.<sup>7</sup> This would largely be the result of differentiated missions, command structures and equipment between the two groups of troops. For instance, the NATO peacekeeping budget is 10 times that of ECOWAS' total. A related concern is that of the commitment gap: would regional organisations, such as the EU and NATO give priority to EU and NATO-led missions over the UN missions? Although Europe is the most represented region on the UNSC with three members at any time, it provides for less than 10 per cent of the total UN peacekeeping force.

### **Conclusion**

Based on these factors and concerns it is important to note the limitations of the EU force and also to focus on ways of ensuring not only better coordination between capacities within the EU and efforts within the UN but also in strengthening the local regional and UN capacities to conduct robust peacekeeping operations.

One of the key limitations of the EU force might not be the lack of capacity but rather the absence of decision-making freedom and the inability of the member states to mobilize the necessary forces in times of crises. Consequently, the present spate of out-of-area operations might be the result of exceptional circumstances rather than the norm. In addition, the EU also needs to guard against the two charges of 'peacekeeping ghettos' and 'peacekeeping apartheid' by ensuring greater coordination with the UN and other UN troops in planning and conducting joint operations.

Finally, it must be recognised that the EU force is best suited to short-term bridging or stabilising roles and that in the long run it is in the interest of the EU to improve not only the responsiveness of the UN but also that of other regional organisations, especially in areas of peacekeeping concern. It is only when these institutions are effective in managing crises that the target regions can expect to ensure peace and stability. Otherwise, the EU and other similar

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<sup>7</sup> Ramesh Thakur and David Malone, 'Tribes within the UN', *The Hindustan Times*, 20 November 2000.

organisations are also likely to be stretched thin in dealing with crises in perpetuity.

## Can the EU Create Africa's NATO?

*Richard Gowan*

Globally, regionalism has not yet come of age, but it is at least in fashion. Older regional organisations such as ASEAN have recently gained renewed impetus, while the new century has seen the emergence of a range of ambitious formations, including the African Union (AU) and the Shanghai Cooperation Organisation. Most of these are hardly budding EUs: issues of sovereignty, governance and the rule of law remain unresolved in many regions. Legal uncertainty, in particular, is an obstacle to economic integration, but the new regionalism is as much a matter of security as of prosperity.

Since 1945, the potential linkage between regionalism and security has been well-rooted in international law, but less strongly in international practice. Chapter VIII of the UN Charter allows the Security Council to utilize "regional arrangements or agencies for enforcement action".<sup>1</sup> But this was an anomaly, introduced to placate Latin American governments concerned that Washington's role in the UN would reduce its commitment to the Western hemisphere. As Waheguru Pal Singh Sidhu shows in this volume, it was only with the end of the Cold War that regional operations began to proliferate (if often without Security Council authorisation). In the early 1990s, there was optimism that regional arrangements could generate "a deeper sense of participation, consensus and democratization in international affairs."<sup>2</sup>

We are still far from this goal. But the rise of regionalism continues to be a source of hope for advocates of the UN, concerned by the global organisation's poor resources and cumbersome politics. To the EU, the trend has clear political benefits: "Europe envy" is a growing phenomenon.<sup>3</sup> It also has potential strategic advantages.

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<sup>1</sup> UN Charter, Chapter VIII: A 53, <http://www.un.org/aboutun/charter/Chapter8.htm>

<sup>2</sup> Boutros Boutros-Ghali, *An Agenda for Peace*, (1992).

<sup>3</sup> Ivanatul Islam, "Europe Envy in Asia", *Foreign Policy Magazine*, (October 2004)

The *European Security Strategy* emphasises that regional conflicts are an ongoing source of danger, and that they require *political* solutions with *regional* support. ASEAN, the AU and the like "make an important contribution to a more orderly world."<sup>4</sup>

In policy terms, this interest in regionalised security has resulted in significant support to the nascent AU's peacekeeping identity. Since its foundation in 2002, the AU has conducted peace operations in Burundi and Sudan, both with European financing. The African Peace Facility, a fund of €250 million for such operations and longer-term capacity-building, is held to be one of the better innovations of the Prodi Commission. In many ways, Africa has become a testing ground for the new regionalism.

Yet, if the EU has good reasons and sufficient resources to promote regional security arrangements beyond its neighbourhood, there are significant obstacles to its doing so. The history of regionalisation within Europe may be inspiring, but efforts to translate this experience elsewhere stir memories of imperialism.

The EU cannot be seen to desire a new generation of neo-colonial entities. This is not merely a matter of political correctness. The EU's efforts to build up the AU's security capacities have had a mixed response, given the latter's far broader remit to promote prosperity and good governance. Many African states have not wished to prioritise the AU's security identity – the creation of its much-heralded Peace and Security Council was delayed by a lack of enthusiasm. As the Darfur crisis has unfolded, there has been concern among African diplomats that the EU sees the AU as a military sub-contractor, not a strategic partner. Asked to conduct peace operations in the Cote d'Ivoire this winter, the AU declined.

Are African fears well-founded? In the short term, the African Peace Facility has drawn on development funds, and the rhetoric around it *has* suggested an imbalance in relations with the AU. Announcing a conditional grant of €80 million from the Facility for Operations in

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<sup>4</sup> *European Security Strategy, A Secure Europe in a Better World*, (December 2003), <http://ue.eu.iny/uedocs/comsUpload/78367.pdf>.

Darfur in October 2004, Development Commissioner Poul Nielson spoke of the AU's potential to be the "authoritative conflict resolution institution which is so badly needed in order to bring peace throughout the continent."<sup>5</sup> Meanwhile, the AU has not been offered a role in the main mechanism for EU-African development co-operation, the 2000 Cotonou Agreement. While the European Commission is working towards a holistic package of funding for the AU, the risk of the latter's distortion remains strong.

There is thus a risk that a strong European commitment to regional security arrangements may be self-defeating. In one scenario, the AU – and its equivalents elsewhere – could retreat from peacekeeping so as to retain their autonomy from the West. In another, regional organisations in fragile areas may concentrate *too much* on security issues so as to satisfy donor organisations and countries. This would both develop a neo-colonial hierarchy of organisations, and distract from other, longer-term goals for regionalisation.

How can such undesirable outcomes be avoided? We must ask how the EU can structure its security relationship with the AU in a transparent fashion, both confirming that the Unions have a real partnership and ensuring that security is balanced with other goals. One answer to this problem can be based on a crucial phase in post-1945 European history: the emergence of NATO.

### **The NATO model**

Advocates of a development-based approach to the AU frequently cite the origins of European co-operation in support of their case. The 1952 European Coal and Steel Community provides a strong argument for putting economics before politics. But to focus on this precedent is to ignore the fact that security co-operation was a key factor in the first steps towards integration.

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<sup>5</sup> Poul Nielson, "EU mobilises an additional €80 million from Africa Peace Facility to support enlarged African Union observer mission in Darfur, Sudan", <http://www.delken.cec.eu.int/en>.

Between 1950 and 1954, France, Italy, West Germany and the Benelux countries came surprisingly close to integrating their armed forces in the European Defence Community (EDC). Their plans finally foundered on French parliamentary objections, but their co-operation did eventually result in the creation of the Western European Union (WEU). While this was to prove a largely ineffective body (except, perhaps, in preparing the way for CFSP), European integration has always had a direct security element.

The EDC failed largely because the Six lacked the resources and political will to create a functioning alliance after the trauma of the Second World War. Had they attempted to create one unitary framework for defence and the economy simultaneously, the two priorities would almost certainly have proved contradictory. The Treaty of Rome specifically excluded a single market for defence goods, maintaining the distinction between security and prosperity.

But that distinction was only viable because of NATO (as US observers like to remind Europeans). NATO succeeded where the EDC failed, because it allowed its European members to develop a security identity that did not rely on their resources alone. By committing America to common defence through Article V of the NATO treaty, it created a strong political incentive for European support. And by giving Europeans some control over US strategy (as through "double-key" controls over nuclear weapons) it created a sense that smaller powers did have a say in their own security. Ultimately, Europe's division of defence and economics worked because an external actor was prepared to guarantee it, not because of an internal commitment to security.

### **An AU-EU Treaty Organisation?**

How can this lesson be transferred to the current situation? I have suggested that there is a risk that the AU may buckle, like the EDC, because of the political challenges of security co-operation. The EU should aim to play the part taken by America in NATO. This role should be removed from its existing role as the leading source of

development aid to Africa through bilateral arrangements and the Cotonou Agreement. If Europeans want Cotonou to develop into a true partnership with Africa, they should tie it to the realisation of the AU's economic remit. But they should also suggest the creation of an AU-EU Treaty Organisation to act as the primary forum for co-operation on peace and security.

This new organisation, like NATO, would exist apart from economic initiatives, with a stand-alone secretariat, staffing structure and political legitimacy. And like NATO, it should centre that legitimacy on a treaty-based guarantee of mutual security. There are, however, obvious limitations to how far the new organisation could follow the NATO model.

Most obviously, an AU-EU guarantee could not be a simple copy of NATO's Article V, which would be irrelevant in the African context. That clause worked because of the Soviet threat, whereas an AU-EU organisation would have to be oriented towards problems of failing states and non-state actors. This would be politically advantageous: it should be easier to build momentum for these current humanitarian based security threats, rather than the Cold War logic of extended deterrence leading to potential Armageddon.

Some models for a relevant clause already exist, and in the documents of the two organisations involved. The new European constitutional treaty's "solidarity clause" provides an example of a joint commitment on non-conventional threats.<sup>6</sup> Meanwhile, the AU's Constitutive Act states "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity."<sup>7</sup>

An AU-EU organisation should rest on a solidarity or alliance clause permitting the AU (as a single entity) to request EU assistance in dealing with the challenges named in its Act. Conversely, the EU

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<sup>6</sup> Proposed EU Constitution, Chapter VIII, Article iii-329, <http://europa-convention.eu.int>.

<sup>7</sup> Constitutive Act of the African Union, (2002) [http://www.au2002.gov.za/docs/key\\_oau/au\\_act.htm](http://www.au2002.gov.za/docs/key_oau/au_act.htm).

(again as a single entity) would have the right to request the AU to launch a joint operation to confront such crises. Crucially, both parties would be able to cite the clause in response to a crisis in the others' territory, although just as NATO was designed to defend Europe, this organisation would essentially be designed to stabilise and advance Africa.

Clearly, this clause would run two risks: neo-colonialism and overstretch. Ultimately, the AU would retain the right to refuse an EU request for action where they considered it unjustified – and the EU would need to reject AU requests if its forces were already over-engaged. But the mechanism of the clause would force both sides to make the cases for and against intervention publicly and politically, reducing the chance for obfuscations on genocide such as those seen over Rwanda. Moreover, the creation of a joint AU-EU secretariat would allow for joint threat and capacity assessments, creating a greater operational symbiosis for handling crises.

The creation of such a secretariat would also contribute to an institutional framework for new defence capacities on both the European and African sides. The new European battle groups, designed for African operations such as 2003's *Artemis* in Congo, would be put in a framework alongside the proposed African Standby Force, initiated by the G8. To support both of these, the EU would also need to lead the way in developing the strategic air and sea-lift capabilities and other capacities which it presently lacks.<sup>8</sup> Yet the organisation might also move towards increased technology exchange with African forces (one of the few roles shouldered by the WEU *vis-à-vis* the US during the Cold War).

However, the EU and AU should focus not only on military co-operation, but on civilian capacities. The guarantee should cover reconstruction teams as well as rapid reaction forces.

The division of the AU's peacekeeping role from its economic and governance objectives would reflect new European thinking on

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<sup>8</sup> See Jean-Yves Haine, *European Defence, A Proposal for a White Paper*, Institute for Security Studies, (2004).

funding to the developing world. Under the European Commission's new financial perspectives (still under negotiation) development and stability funds will be divided. But there is still a fear among development advocates that a grey area will emerge by which development funds are used for security purposes, as with the Facility. An institutional division of the AU's current competences would reduce this fear.

Nonetheless, this would face a principled objection: what would it do to the UN? The answer is that no such arrangement should be launched in the near future without reference to Chapter VIII of the UN Charter and Security Council approval. To avoid institutional rivalry between the UN and the new organisation, a part of the latter's secretariat might be stationed in New York to maintain ongoing consultation.

Ultimately, however, the key purpose of an AU-EU treaty organisation would be to reassure progressive African leaders that they are not mere sub-contractors (or second-class partners, as they are often perceived in Cotonou negotiations). Just as NATO gave Europeans a voice over American policies, the new organisation would give Africa some rights over the EU. This would be "effective multilateralism".

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