

The EU's Commitment to Effective Multilateralism in the Field of Security: Theory and Practice

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1. Introduction

The European Security Strategy (ESS)¹ was released at a time when the credibility of the international security architecture had come under tremendous strain as a result of the 2003 Iraq war. The lead-up to the conflict had been characterised by an unprecedented divide between UN Member States who backed the US' position and those who believed concerted action should be subject to a UN Security Council (UNSC) mandate. Next to dividing the UNSC, EU Member States also firmly diverged on what action to take. The decision to go ahead without UNSC backing dealt a blow to the belief of achieving a multilateral solution to the 'Iraq question' and with it threw the UN into one of its biggest crises to date. Several months after the invasion Former Secretary General Kofi Anan – speaking before the General Assembly – referred to a 'fork in the road', referring to the need for UN reform.²

Early in 2010, the belief in the multilateral system seems to have been largely restored, not least spurred by the impact of the global financial crisis and the emergence of the G20 as a major forum for discussing global issues. The speeches delivered by EU and other world leaders at the 64th UN General Assembly (UNGA) made reference to a renewed belief in multilateralism as the preferred course of action to engage in true global governance in order to tackle these and other issues.³

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¹ Council of the European Union, 'A Secure Europe in a Better World: European Security Strategy', 12 December 2003.

² Secretary General address to UNGA, 23 September 2003, available at <<http://www.un.org/webcast/ga/58/statements/sg2eng030923.htm>> (accessed 8 December 2009).

³ See, *inter alia*, Statement on behalf of the EU by HE Mr Frederik Reinfeldt, Prime Minister of Sweden: 'We welcome the declared wish of the United States to work together with others in multilateral institutions. This opens the door to a promising new era in international cooperation'; Speech to UNGA by UK Prime Minister, Mr Gordon Brown: '[W]e must forge a progressive

As for the EU, this commitment to multilateralism is nothing new. In fact, it has been a cardinal principle of EU external relations ever since the Union's inception. Manifold references to a commitment to multilateralism can be found both at treaty level and in EU policy documents. In recent years, the EU has stepped up the pace and developed its own doctrine to guide its foreign relations, based on 'effective multilateralism'. What does this notion imply? And what does the EU's commitment thereto actually mean in practice? How strong is the EU's commitment? How far should it go? Finally, to what extent is the 'effectiveness' of EU action affected by the ever-more active presence of other major players on the international scene, both in bilateral relations and multilateral fora?⁴

The present contribution aims to answer the above questions by clarifying the extent of the EU's commitment to effective multilateralism. To this effect, the first two sections analyse the concepts 'multilateralism' and 'effectiveness', respectively, on the basis of a critical review of existing theoretical dissertations on the subjects. Subsequently, the notion of effective multilateralism as conceptualised *in abstracto* in the policy documents of the EU will be clarified. We will then assess the actual level of the EU's commitment to effective multilateralism in its foreign policy by drawing from the recent developments in the field of security, focusing on some of the key threats identified in the 2003 ESS. This will allow us, finally, critically to determine whether the notion of effectiveness as wielded by the EU today corresponds to what is commonly understood by the concept or if it is, rather, a political concept that carries an entirely different meaning.

2. The Concept of Multilateralism

In the immediate post-Cold War period there was a firm belief that multilateral norms and institutions had played a significant role in stabilising the international consequences of the geopolitical turmoil of 1989.⁵ This belief was predicated already for a long time by the so-called 'new institutionalists' in international

multilateralism... and for the first time in human history, create a true global society'; Speech by HE Mr Nicolas Sarkozy President of the French Republic: 'In the midst of a financial, economic and social crisis that has no precedent in the history of the United Nations, and faced with the threat of a global ecological disaster, we have a duty to invent a new world where the follies of yesterday are no longer possible'; Statement by HE Hu Jintao, President of the People's Republic of China, 'Unite as One and Work for a Bright Future': 'We should follow the spirit of equality, mutual benefit, and cooperation to preserve global economic and financial stability. And we should oppose terrorism, separatism, and extremism in all manifestations and deepen international security cooperation'; Remarks of President Barack Obama, 'Responsibility for our Common Future': 'Those who used to chastise America for acting alone in the world cannot now stand by and wait for America to solve the world's problems alone. We have sought – in word and deed – a new era of engagement with the world. Now it is time for all of us to take our share of responsibility for a global response to global challenges.'

⁴ See T. Renard, *A BRIC in the World: Emerging Powers, Europe, and the Coming Order*, October 2009, Egmont Paper 31, available at <<http://www.irri-kiib.be/paperegm/ep31.pdf>> (accessed 15 February 2010).

⁵ J.G. Ruggie, 'Multilateralism: The Anatomy of an Institution', 46 *International Organization* 1992, 561, p. 561.

relations, though their focus had been mostly on 'cooperation' and 'institutions' in a generic sense, international regimes and formal organisations sometimes being conceived as specific international subsets.⁶ Keohane in particular has contributed significantly in this field, defining multilateralism as 'the practice of coordinating national policies in groups of three or more States'.⁷

Other authors insisted that a *nominal* definition as suggested by Keohane failed to take into account the distinctive *qualitative* dimension of multilateralism and could in particular be conceived as also subsuming institutional forms that are traditionally seen as expressions of bilateralism rather than multilateralism.⁸ When defining multilateralism, it is not so much the number of parties or the number of relations that is under consideration, but rather the nature of the relations. Multilateralism not merely implies coordinating national policies in groups of three or more States; it also presupposes the existence of *certain principles for ordering the relations* among those States.⁹ Caporaso further argues that multilateral suggests 'many' actors. Yet it is unclear what should be considered as 'many'; it can range from a minimum of three to a maximum of all. 'Multilateral' as such refers to a region on a continuum, rather than a point, and thus can be analysed in terms of gradations.¹⁰

According to Keohane, institutions can be described as 'persistent and connected sets of rules, formal and informal, that prescribe behavioural roles, constrain activity, and shape expectations'.¹¹ Taking this definition as a basis, Ruggie describes multilateralism as a *generic institutional form* in international relations, adding that its 'generalised organising principles' logically entail a socially constructed indivisibility among the members of a collectivity with respect to the range of behaviour in question.¹² This in turn implies that multilateralism should be distinguished from a study of multilateral organisations *as such*. The latter is focused on the formal organisational elements of the institutions concerned, whereas the former is grounded in and rather appeals to the less formal, less codified habits, practices, ideas and norms of international society.¹³

There are good reasons why multilateralism and multilateral institutions should be kept separate. First, depending on the variation in organising principles, the

⁶ See, inter alia, S.D. Krasner (ed.), *International Regimes*, Ithaca, Cornell University Press, 1983; K.A. Oye (ed.), *Cooperation Under Anarchy*, Princeton, Princeton University Press, 1986; R. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton, Princeton University Press, 1984.

⁷ R. Keohane, 'Multilateralism: An Agenda for Research', 45 *International Journal* 1990, 731, p. 731.

⁸ J.G. Ruggie, supra note 5, p. 565. Ruggie notes that Keohane is actually referring to *multinationalism* rather than *multilateralism*. See also Diebold, who distinguishes between 'formal' and 'substantive' multilateralism, reflecting Ruggie's conceptual distinction between nominal and qualitative multilateralism: W. Diebold Jr, 'The History and the Issues', in W. Diebold Jr (ed.), *Bilateralism, Multilateralism and Canada in U.S. Trade Policy*, Cambridge, Ballinger, 1988, 1, p. 1.

⁹ J.G. Ruggie, supra note 5, pp. 566–7. See also W. Diebold Jr, supra note 8.

¹⁰ J. Caporaso, 'International Relations Theory and Multilateralism: The Search for Foundations', 46 *International Organization* 1992, 599, p. 603.

¹¹ R. Keohane, supra note 7, p. 732.

¹² J.G. Ruggie, supra note 5, p. 571; J. Caporaso, supra note 10, pp. 601–2.

¹³ J. Caporaso, supra note 10, p. 602.

former may be strong while the latter is weak, or vice versa.¹⁴ Reference can be made to the G20, which is clearly an expression of multilateralism, even though its level of institutionalisation is very low compared with such multilateral organisations as the UN. Second, multilateral organisations and multilateralism are related in a cause-and-effect manner and can therefore never be substituted for each other: multilateral institutions may provide the venue for behaviour aimed at changing perceptions and beliefs, whereas multilateralism in turn is liable to generate, maintain, change or even undermine specific organisations.¹⁵

Finally, as was observed by Keohane, successful cases of multilateralism in practice generate among their members expectations of 'diffuse reciprocity', i.e. the arrangement in question is expected by its members to yield a rough equivalence of benefits in the aggregate and over time.¹⁶

It follows from the above theoretical overview that multilateralism is a highly demanding institutional form.¹⁷ In order to apply multilateralism in its foreign policy effectively, the EU should display effective coordination and establish clear organising principles that constitute an added value for, and are abided by, all parties concerned. This is clearly an ambitious undertaking which is further compounded by diverging interests, lowest common denominator decisions, the probability of non-compliance and, most importantly, widely differing understandings on what precisely constitutes 'effective'. After all, how can multilateralism be effective if there is no common understanding on what this 'end state' should represent?

3. 'Effective' Multilateralism?

The main problems in trying to define 'effectiveness' stem from the equivocal nature of the concept. Indeed, effectiveness means different things to different people, organisations and institutions, depending on the context in which the term is used. For example, an action can be dubbed 'effective' if the achieved result meets certain (predetermined) qualifications to indicate that the desired goal was attained. At the same time, however, it is difficult to detach this particular type of effectiveness from the process leading up to the result – for it is highly unlikely that an effective outcome can be reached through a process that in itself is not effective.

Taken literally, 'effectiveness' implies for multilateralism to produce 'noticeable effects'. Applied to the EU, the notion in essence refers to the extent to which the Union is able to attain its predetermined policy goals.¹⁸ This is made more likely if

¹⁴ L. Martin, 'Interests, Power, and Multilateralism', 46 *International Organization* 1992, pp. 765–92; J.G. Ruggie, *supra* note 5, p. 572.

¹⁵ See E.B. Haas, *When Knowledge is Power: Three Models of Change in International Organizations*, Berkeley, University of California Press, 1990.

¹⁶ R. Keohane, 'Reciprocity in International Relations', 40 *International Organization* 1986, pp. 1–27.

¹⁷ J.G. Ruggie, *supra* note 5, p. 572.

¹⁸ J. Neyer, 'Explaining the Unexpected: Efficiency and Effectiveness in European Decision-making', 11 *Journal of European Public Policy* 2004, 19, p. 22.

the decisions taken at EU level succeed in improving the Union's problem-solving capacity in the international arena.¹⁹ Whether this heightened theoretical capacity will then also enhance the EU's aptitude to address international challenges in the field, largely depends on the ability of the Union to shape multilateral cooperation or lead collective action in confronting such challenges.²⁰ However, attaining the EU's goals is only part of the problem; effectiveness in the literal sense also hinges upon the extent to which actions and achievements are coherent. Coherence in the context of EU multilateral governance comprises two prongs: (i) the absence of contradictions within EU external activity in different areas of foreign policy and in various multilateral frameworks such as the UN, NATO, the OSCE and the G8/20 (consistency); and (ii) the establishment of positive synergies between the aforementioned fields of activity (coherence). Missiroli terms this 'international coherence' or the 'inter- or cross-organisational dimension' of the idea of coherence.²¹

At the same time, 'effective' multilateralism can also be linked to the relative strength of multilateral governance frameworks, i.e. effective multilateralism as presupposing strong, negotiated and enforceable multilateral regimes.²² A regime can be qualified as strong if it has a wide range of instruments at its disposal for implementing its strategic goals, and is funded in accordance with the degree of urgency and ambition underpinning the issue to which it pertains. 'Negotiated' would imply that a broad coalition of State actors and non-State actors support the regime and that no key actors are limited or excluded from participating as such. Finally, whether a regime is enforceable depends on its ability to produce legally binding results and on the availability of enforcement mechanisms in case of non-compliance. Most problems arise when a regime is not legally binding, in which case compliance will largely depend on whether parties perceive their unilateral goals to be served better by voluntary adherence to the regime than by opting out of it. The difficulties in obtaining a high level of effective multilateralism when defined along these three parameters has been well illustrated by the difficulties of reaching agreement on whether a successor to the Kyoto Protocol in the context of the UN Framework Convention on Climate Change (UNFCCC) should impose legally binding obligations on the Contracting Parties.

Rather than trying to frame 'effectiveness' in terms either of the results it aims to achieve or of the relative strength it is supposed to represent in the context of

¹⁹ Cf. Scharpf's description of output legitimacy, according to which governments [and the EU alike] derive their legitimacy from their capacity to solve problems requiring collective solutions because they could not be solved through individual action or market exchanges alone. See, F. Scharpf, *Governing in Europe: Effective and Democratic?*, Oxford, Oxford University Press, 1999, p. 11.

²⁰ G. Grevi, 'The Interpol World: A New Scenario', European Union Institute for Security Studies Occasional Paper 79, June 2009, available at <<http://www.iss.europa.eu/uploads/media/op79.pdf>>, p. 24 (accessed 15 February 2010).

²¹ A. Missiroli, 'European Security: The Challenge of Coherence', 6 *European Foreign Affairs Review* 2001, 177, p. 184.

²² E.B. Eide, 'Introduction: the Role of the EU in Fostering "Effective Multilateralism"', in E.B. Eide (ed.), 'Global Europe Report 1: "Effective Multilateralism": Europe, Regional Security and a Revitalised UN', London, Foreign Policy Centre, 2004, 1, p. 2.

multilateral regimes, one might also define it by reference to a player's 'strategic actorness', i.e. the extent to which an actor is able to shape the security environment pursuant to its own policy priorities.²³ Criteria for measuring the strength or weakness of an actor include the degree of dependence on other powers and the extent to which one is forced to rely on multilateralism in order to influence the international system. Great or system-determining powers are those which can shape the international scene through their actions, whereas small (system-affecting) powers can only influence the system when acting in accordance with other players through multilateralism.²⁴

The Report on the Implementation of the European Security Strategy in this regard notes that:

[T]o ensure our security and meet the expectations of our citizens, we must be ready to shape events. That means becoming more strategic in our thinking, and more effective and visible around the world. . . . To respond to the changing security environment we need to be more effective – among ourselves, within our neighbourhood and around the world.²⁵

According to this definition, if the EU is to operate effectively within a multilateral setting, it has to demonstrate both a great strategic/forward-looking capacity and a high level of visibility in multilateral institutions and fora in terms of clear and strong engagement with the issues under consideration. Apart from EU Strategies such as the 2003 ESS, which aim to address the EU's strategic actorness, it is thus the actual 'visionary performance' of the Union within key multilateral institutions and fora that is the crucial factor for determining whether or not the EU is an effective strategic actor.

It is often claimed that the current international institutional framework is in dire need of reform as it still reflects the world at the time the institutions were designed and fails accurately to depict the present political-economic global situation. Typically, two general explanations are put forward justifying reform. First, global levels of interdependence have increased significantly in the past decades, thus calling for greater cooperation to tackle today's challenges. Second, the distribution of power has shifted. The failure to adequately include new and rising powers such as Brazil, China, Germany, India, Japan and South Africa in international negotiations and decision-making creates the impression of a crisis of legitimacy: large and increasingly important parts of the world are often not adequately represented at the high table.²⁶ When we link this observation to the discussion above on the notion of effectiveness, this reform is in essence

²³ For a detailed discussion on the EU's level of strategic actorness in the context of international peace and security, see A. Toje, 'The European Union as a Small Power, or Conceptualizing Europe's Strategic Actorness', 30 *Journal of European Integration* 2008, pp. 199–215. See also D. Vital, *The Inequality of States. A Study of Small Power in International Relations*, Oxford, Oxford University Press, 1967, p. 4.

²⁴ A. Toje, *supra* note 23, pp. 200–3. See also R. Keohane, 'Lilliputian's Dilemmas: Small States in International Politics', 23 *International Organization* 1969, 291, pp. 295–6.

²⁵ 'Report on the Implementation of the European Security Strategy: Providing Security in a Changing World', Council Doc. S407/08, 11 December 2008, pp. 2 and 9.

²⁶ T. Wright, 'Toward Effective Multilateralism: Why Bigger May Not be Better', 32 *The Washington Quarterly* 2009, 163, p. 165.

seen as a vital precondition for enhancing the effectiveness of multilateralism as a form of governance. This is also recognised by the ESS, which holds that such reform should ultimately result in '[t]he development of a stronger international society, well functioning international institutions and a rule-based international order'.²⁷ At the same time, however, it should be recognised that an increased level of inclusion by no means guarantees enhanced and more effective cooperation, as the fundamental issue of reaching consensus among the various players involved still remains to be solved and might even worsen due to the increased number of actors.

A final way of defining effectiveness in multilateralism is by seeing it as a means of providing an 'exit strategy' at a time of paralysed negotiations. When key players are at loggerheads and an agreed solution appears more elusive than ever, the suggestion of an alternative way of untying the proverbial Gordian Knot might just be the factor that separates *effective* multilateralism from mere multilateralism. For example, when it became clear that the US would not ratify the Kyoto Protocol, the EU was faced with an enormous challenge to reach the necessary threshold for the Protocol to enter into force.²⁸ The Kyoto Protocol finally entered into force on 16 February 2005 after Russia had ratified it 90 days earlier as the result of an intensive EU-led lobbying campaign which effectively had reached an alternative solution to the problem posed by the US' non-ratification.

This brief overview makes clear that 'effective' does indeed mean different things to different players, thus substantially compounding the definitional issue in trying to apply the notion to the context of multilateralism. However, the strategic policy documents of the EU might offer some guidance in understanding the concept of effective multilateralism in the specific setting of the Union's foreign policy.

4. The EU's Conceptualisation of Effective Multilateralism

As mentioned previously, the EU's commitment to multilateralism as a form of governance can be traced back to the Union's inception. It is not until recently, however, that the EU has started to conceptualise the notion more outspokenly by adding the qualifier of effectiveness to it. This notion was introduced in the ESS and further elaborated upon in several policy documents outlining the EU's approach to foreign affairs issues.

The ESS lists among its main strategic objectives a commitment by the EU to adhere to multilateral treaty regimes, as well as to strengthening the treaties and their verification procedures.²⁹ At the strategic level, the ESS puts great emphasis on pursuing policy objectives both through multilateral cooperation in international

²⁷ European Security Strategy, *supra* note 1, p. 9.

²⁸ Art. 25 (1) of the Kyoto Protocol reads: 'This Protocol shall enter into force on the ninetieth day after the date on which not less than 55 Parties to the Convention, incorporating Parties included in Annex I which accounted in total for at least 55 per cent of the total carbon dioxide emissions for 1990 of the Parties included in Annex I, have deposited their instruments of ratification, acceptance, approval or accession.'

²⁹ European Security Strategy, *supra* note 1, p. 6.

organisations and through partnership with key actors, with a particular focus on the transatlantic partnership.³⁰ Furthermore, the ESS asserts that:

[I]n 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. We are committed to upholding and developing International Law. The fundamental framework for international relations is the United Nations Charter. The United Nations Security Council has the primary responsibility for the maintenance of international peace and security. Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority.³¹

However, the ESS falls short of clearly identifying what this preferred effective system would actually constitute and what would make multilateralism 'effective'. After the ESS, 'effective multilateralism' developed into a veritable mantra to guide the entire approach to foreign relations to be taken by the EU, and the content of the norm was gradually elaborated upon in the process.

First, the Commission in its 2003 communication on the choice of multilateralism put great emphasis on an active commitment to effective multilateralism. In explaining this concept, the Commission noted, with clear reference to the ESS, that:

[It] means more than rhetorical professions of faith. It means taking global rules seriously, whether they concern the preservation of peace or the limitation of carbon emissions; it means helping other countries to implement and abide by these rules; it means engaging actively in multilateral forums, and promoting a forward-looking agenda that is not limited to a narrow defence of national interests.³²

Interestingly, the Commission also clearly linked the notion of effective multilateralism with that of 'global governance', clarifying that the latter would remain weak as long as multilateral institutions are unable to ensure effective implementation of their decisions and norms, the development of multilateral (legal) instruments and commitments being crucial for success in this regard.³³ In its frontrunner role, it is the EU's job to ensure that important multilateral institutions have the means to deliver results effectively.³⁴ In this context, effective multilateralism seems to refer to a regime that is liable to produce tangible results.

Effective multilateralism is also a guiding notion in the 2003 EU Strategy Against the Proliferation of Weapons of Mass Destruction (WMD Strategy). It stresses that a multilateral approach to security, including disarmament and non-proliferation, provides the best way to maintain international order and hence the EU's commitment to uphold, implement and strengthen the multilateral

³⁰ Ibid., p. 13. ³¹ Ibid., p. 9.

³² 'Communication of the Commission to the Council and the European Parliament on the European Union and the United Nations: The Choice of Multilateralism', COM(2003) 526 final, 10 September 2003, p. 3.

³³ Ibid., p. 5. See also Art. 21(2)(h) TEU, referring to the need to promote an international system 'based on stronger multilateral cooperation and good global governance'. ³⁴ Ibid., p. 9.

disarmament and non-proliferation treaties and agreements.³⁵ The WMD Strategy emphasises that the credibility of the multilateral treaty regime hinges upon its effectiveness, therefore inspiring the EU's policy of reinforcing compliance with the multilateral treaty regime.³⁶ It links effective multilateralism with strong, negotiated and enforceable multilateral regimes as defined previously.³⁷

The EU also seeks to introduce the concept of effectiveness in its workings with other multilateral organisations. One can refer in this respect to the EU common report on the implementation of UNSC Resolution 1540 (2004) on the non-proliferation of weapons of mass-destruction (see *infra*) and to the 2004 EU 'Paper for Submission to the UN High-level Panel on Threats, Challenges and Change', in which the Union outlined its view on the need for organisational reform of the UN. Importantly, the Paper notes that:

... multilateral institutions can remain effective only if they adapt to changing conditions, so that they remain capable of mounting an effective response to new threats and challenges as they emerge. At the same time, they must persist in their efforts to address long-standing challenges, taking into account on-going economic and social change as well as lessons learnt... as states will not place their trust in [the multilateral] system unless it shows itself capable of offering an effective response.³⁸

Further on the Paper also refers to the need to provide for *collective tools* (financial and other) and *political will* as vital preconditions for guaranteeing an effective response, thereby implying that multilateralism alone is no guarantor of success.³⁹ This once more points to a conceptualisation of effectiveness in terms of producing noticeable effects. At the same time, however, the Paper also describes an effective multilateral approach as 'a collective willingness to design and implement necessary policies and measures',⁴⁰ indicating that it is this collective willingness that reflects the level of effectiveness, rather than the produced results. Further, as the Paper reflects the EU's position on reforming the UN, the appeal to effective multilateralism therein may also be construed as an instrument for increasing the 'strategic actorness' of the Union within this particular organisation.

Two recent documents shed further light on the notion of effective multilateralism as deployed by the EU. First, it is stated in the 2008 'Report on the Implementation of the European Security Strategy'⁴¹ that Europe must lead a renewal of the multilateral order at a global level, stressing that the opportunity for such leadership is now.⁴² The Report lists the progress made in fostering partnerships for effective multilateralism both with individual States and with other

³⁵ Council of the European Union, 'EU Strategy against proliferation of Weapons of Mass Destruction', Council Doc. 15708/03, 12 December 2003, p. 5.

³⁶ *Ibid.*, p. 6.
³⁷ Cf. E.B. Eide, *supra* note 22, p. 2. This dedication to a multilateral approach was reiterated in the EU report on the implementation of UNSC Resolution 1540, 'Annex to the letter dated 28 October 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the Chairman of the Committee', UN Doc. S/AC.44/2004/(02)/48, 15 November 2004, pp. 4–5.

³⁸ Council of the European Union, 'Paper for Submission to the High-Level Panel on Threats, Challenges and Change', available at <<http://www.consilium.europa.eu/uedocs/cmsUpload/EU%20written%20contribution2.pdf>>, p. 1 (accessed 11 December 2009).

⁴⁰ *Ibid.*, p. 3.

⁴¹ *Supra* note 25.

⁴² *Ibid.*, p. 2.

³⁹ *Ibid.*, p. 2.

regional and international organisations.⁴³ Both the ESS and the Implementation Report depict the EU as an active and capable security actor on a global scale that can be a force for the good. The pivotal notions 'active' and 'capable' remain undefined, however, and it is unclear how they are linked with the creation of an effective multilateral system.

Second, the notion was further elaborated upon in a 2009 address by Benita Ferrero-Waldner, the then European Commissioner for External Relations and European Neighbourhood Policy. The Commissioner was at pains to point out that the world is in great need of effective multilateralism producing global solutions in light of the financial crisis, adding that multilateralism is also the *only* effective approach, not only for financial and economic matters, but for a much broader range of issues, including, importantly, environmental and security issues.⁴⁴ Once more, it is stated that the EU and the UN are the only two organisations with a sufficiently broad range of instruments at their disposal to be able to act as effective multilateral players.⁴⁵ The definition of effective multilateralism as the notion is used by the then Commissioner again refers to the aptitude to produce *noticeable effects*, in particular through *the effective usage of available instruments*.

Finally, the EU's formal commitment to multilateralism in general was further strengthened by the entry into force of the Lisbon Treaty on 1 December 2009. Article 21 (1), second paragraph, of the Treaty on European Union (TEU) now explicitly mentions that the Union, in the context of its external relations, 'shall promote multilateral solutions to common problems, in particular in the framework of the United Nations'. Further, it is stated that '[t]he Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to: . . . promote an international system based on stronger multilateral cooperation and good global governance' (Art. 21 (2)(h) TEU). Current practice already reflects these commitments, only now made formal, for example, through the annual priority-setting exercise of the EU in preparation of the UNGA (see supra). As mentioned previously, the EU at the most recent session of the UNGA clearly repeated its firm intention to respond to global challenges through effective multilateralism based on international law, the principles enshrined in the UN Charter and its engagement to implementing the goals set forth in the 2005 UN World Summit Outcome document. The Council in this respect stressed that, in order to deliver on these challenging tasks, a renewed multilateral system with a stronger and more effective world organisation – the UN – is more needed than ever.⁴⁶

⁴³ The Report mentions, inter alia, the partnerships with the US, China, Canada, Japan, Russia, Brazil, South Africa, Norway, Switzerland, as well as the UN, NATO and the OSCE. It also refers to increased cooperation with regional organisations such as the African Union, the South Asian Association for Regional Cooperation (SAARC) and the Association of Southeast Asian Nations (ASEAN), along with a strengthened political dialogue with Central Asia.

⁴⁴ B. Ferrero-Waldner, 'Effective Multilateralism: Building for a Better Tomorrow', address at the United Nations Association of Spain, High Level Meeting on European Union and United Nations: Towards Effective Multilateralism, Barcelona, 14 April 2009. ⁴⁵ *Ibid.*, p. 5.

⁴⁶ Council of the European Union, 'EU Priorities for the 64th United Nations General Assembly', Council Doc. 10809/09, 9 June 2009, point 1.

In sum, overlooking the documents mentioned above, it seems fair to say that the EU sees effective multilateralism primarily as a form of governance that should produce noticeable effects whilst being embedded within strong, negotiated and enforceable multilateral regimes. In practice, this means that, for the EU to be an effective multilateral security actor, its output should reflect a measurable increase in security and stability, which in turn should be safeguarded by well-functioning global regimes. The inherently instrumental and teleological aspect of effective multilateralism implies that one should assess the merit of the concept by looking at the way the EU has acted in recent years to address the key threats identified in the ESS, i.e. failed States, regional conflicts, terrorism, organised crime and weapons of mass destruction. The following sections test the EU's commitment by looking at the relative merits of Common Security and Defence Policy (CSDP) missions, mainly deployed in failed States and regional conflicts, on grounds of their complementarity and degree of cooperation with other international organisations (section 5) and by critically assessing the role of the EU within the Treaty on the Non-proliferation of Nuclear Weapons (NPT) Review Conferences in terms of (i) effective intra-EU coordination and (ii) the degree of cooperation with third States in attaining a strong, negotiated and enforceable non-proliferation regime (section 6).

5. Common Security and Defence Policy

The European Security and Defence Policy (ESDP), renamed *Common Security and Defence Policy* (CSDP) in the Lisbon Treaty, finds its origins in the 1998 Saint-Malo Declaration between France and the United Kingdom.⁴⁷ The Declaration stressed the urgent need to decide on the progressive framing of a common defence policy in the framework of the provisions on the Common Foreign and Security Policy (CFSP) as enshrined in the Treaty of Amsterdam (1997). In the following decade, several instruments and policy declarations were adopted to turn this promise into reality.⁴⁸ With the entry into force of the Lisbon Treaty on 1 December 2009, the relevant provisions in the TEU describe the CSDP as an instrument through which to provide the EU with an operational capacity drawing on civilian and military assets, which the Union may use 'on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter, . . . using capabilities

⁴⁷ Joint Declaration on European Defense issued at the British-French Summit, Saint-Malo, 4 December 1998, available at <<http://www.fco.gov.uk/resources/en/news/2002/02/joint-declaration-on-eu-new01795>> (accessed 7 January 2010).

⁴⁸ A comprehensive overview of the development of the EU's ESDP/CSDP does not fall within the purview of this contribution. For more on the subject, see J. Howorth, *Security and Defence Policy in the European Union*, Basingstoke, Palgrave Macmillan, 2007; M. Merlingen and R. Ostrauskaite (eds), *The European Security and Defence Policy: Operationalisation, Impact and Context*, London, Routledge, 2007; S. Keukeleire and J. MacNaughtan, *The Foreign Policy of the European Union*, London, Palgrave Macmillan, 2008.

provided by the Member States'.⁴⁹ Ever since launching its first missions in 2003 (EUPM in Bosnia-Herzegovina and Artemis in the Democratic Republic of the Congo (DRC)), the EU has engaged in no less than 23 military and civilian ESDP operations, mainly covering territory in Africa and the Union's neighbourhood countries.⁵⁰ While the sheer number of operations and their overall level of success has led many commentators to herald the CSDP as an effective instrument of EU foreign policy⁵¹, the ad hoc nature and limited scope of the missions, combined with the high level of cooperation with other established peacekeeping actors having already largely pacified the relevant areas of operation before any EU deployment, somewhat qualify this assessment of effectiveness.⁵²

The modest, piecemeal approach to CSDP operations is at odds with the grand rhetoric of the ESS, adopted, incidentally, at the same time as ESDP first became operational. The ESS, it is recalled, defines effective multilateralism as an instrument for developing a stronger international society, well-functioning international institutions and a rules-based international order, so as to allow the EU to make a real impact on a global scale. In this respect, the ESS recognises the pivotal role of the UN and NATO in upholding international peace and security. In particular, it is noted that '[s]trengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority', while also emphasising that '[o]ne of the core elements of the international system is the transatlantic relationship, [which] strengthens the international community as a whole. NATO is an important expression of this relationship'.⁵³ Both relationships are important expressions of effective multilateralism as envisaged by the EU, the ultimate tenor of which is largely contingent upon the evolution of the triangular and partially overlapping relationship EU-UN-NATO.

The institutional relationship between the UN and regional arrangements and agencies is governed primarily by Chapter VIII of the UN Charter, the provisions of which reveal, at the very least, a certain hesitancy in the mind of the drafters to rely overly on regional organisations in matters of international peace and security.⁵⁴ As such, the Chapter prescribes that regional action should always be

⁴⁹ See Arts 42–46 TEU.

⁵⁰ For an up-to-date overview of all EU ESDP/CSDP missions, see <<http://www.consilium.europa.eu/showPage.aspx?id=268&lang=en>> (accessed 15 February 2010).

⁵¹ See, inter alia, the authors referred to in A. Menon, 'Empowering Paradise? The ESDP at Ten', 85 *International Affairs* 2009, 227, pp. 227–8.

⁵² S. Keukeleire, 'European Security and Defence Policy: From Taboo to a Spearhead of EU Foreign Policy?', in F. Bindi (ed.), *The Foreign Policy of the European Union: Assessing Europe's Role in the World*, Washington, Brookings, 2009, 51, pp. 67–8; A. Menon, supra note 51, pp. 229–30.

⁵³ European Security Strategy, supra note 1, p. 9.

⁵⁴ On the tension between regionalism and universalism in the UN Charter and its predecessor, the League of Nations Covenant, in the context of the EU's contribution to multilateralism, see K. Graham, 'UN-EU Cooperation on Security: In Search of "Effective Multilateralism" and a Balanced Division of Tasks', in J. Wouters, F. Hoffmeister and T. Ruys (eds), *The United Nations and the European Union: An Ever Stronger Partnership*, The Hague, T.M.C. Asser Press, 2006, 281, pp. 288–91; and K. Graham and T. Felício, 'Regional Organisations and Collective Security: The Role of the European Union', in M. Ortega (ed.), *The European Union and the United Nations. Partners in Effective Multilateralism*, Chaillot Paper 78, June 2005, available at <<http://www.iss.europa.eu/uploads/media/cp078.pdf>>, 83, pp. 84–6 (accessed 15 February 2010).

consistent with UN purposes and principles, stressing in particular the need for prior UNSC authorisation before any enforcement activity can be undertaken by regional agencies (Articles 52 (1) and 53 (1) UN Charter). Whether the EU can be considered a regional arrangement pursuant to Chapter VIII is subject to much controversy. What is clear, however, is that the preponderantly sceptical attitude of the UN to regional participation in peacekeeping operations shifted dramatically in the course of the 1990s, when the tragic events of Somalia, Rwanda and Srebrenica prompted a sudden and near-complete withdrawal of European and US troops from UN-led peacekeeping operations.⁵⁵ Ever since, the UN Secretary General has systematically stressed the importance of involving regional players in situations of conflict prevention, peacekeeping and post-conflict stabilisation, starting with Boutros-Ghali's emphatic appeal in *An Agenda for Peace*.⁵⁶ The supply-demand relationship between the UN and the EU has thus effectively been reversed over the past two decades and is currently not so much governed by what the UN wants as by what the EU is willing to offer.⁵⁷

A good indication of this relationship of dependency is to be found in the 2004 Elements of Implementation of the 2003 EU-UN Joint Declaration on cooperation in military crisis management operations.⁵⁸ After recalling the importance of strengthening the UN in clear reference to the ESS, the 2004 document goes on to identify the main modalities under which the EU could provide military capabilities in support of the UN as being the 'provision of national military capabilities in the framework of a UN operation [and] an EU operation in answer to a request from the UN'.⁵⁹ However, it is clear that the activation of the first modality

⁵⁵ See J. Dobbins et al., *Europe's Role in Nation-Building: From the Balkans to the Congo*, 2008, available at <http://www.rand.org/pubs/monographs/2008/RAND_MG722.pdf> (accessed 8 January 2010), pp. 226–31. The significant national contributions by EU Member States to the recent UNIFIL operation in Lebanon are remarkable in this respect. However, the European countries of UNIFIL still insisted upon creating a special Strategic Military Cell within the mission, clearly illustrating their continuing mistrust of UN operations. See J. Wouters and T. Ruys, 'UN-EU Cooperation in Crisis Management: Partnership or Rhetoric?', in S. Blockmans (ed.), *The European Union and Crisis Management: Policy and Legal Aspects*, The Hague, T.M.C. Asser Press, 2008, 215, pp. 228–29 and *infra*. For more on the European contribution to UNIFIL, see N. Pirozzi, 'UN Peacekeeping in Lebanon: Europe's Contribution', 30 *European Security Review* 2006, 1, pp. 1–3.

⁵⁶ UN Doc. A/47/277-S/24111, 17 June 1992. See further the various reports on the prevention of armed conflicts drafted by Kofi Annan in his capacity of UN Secretary General.

⁵⁷ T. Tardy, 'EU-UN Cooperation in Peacekeeping: A Promising Relationship in a Constrained Environment', in M. Ortega (ed.), *The European Union and the United Nations. Partners in Effective Multilateralism*, Chaillot Paper 78, June 2005, available at <<http://www.iss.europa.eu/uploads/media/cp078.pdf>>, p. 49 (accessed 15 February 2010); J. Wouters and T. Ruys, *supra* note 55, pp. 227–31. A possible exception is provided in instances where the EU would wish to include the use of force in the mandate of a given CSDP mission, in which case the authorisation of the UNSC should be obtained for reasons of legality or at least overall legitimacy.

⁵⁸ 'EU-UN Co-operation in Military Crisis Management Operations', adopted by the European Council of Brussels, 17–18 June 2004, implementing 'Joint Declaration on UN-EU Co-operation in Crisis Management', Council Doc. 12510/03, 24 September 2003 (hereinafter 'Elements of Implementation').

⁵⁹ *Ibid.*, p. 2. See also the language in the Joint Statement on 'UN-EU Cooperation in Crisis Management', 7 June 2007, available at the Council website <<http://www.consilium.europa.eu/>>, p. 2 ('The EU Battlegroup Concept also provides for the possibility of *EU-led* Crisis Management Operations being deployed in response to requests from the UN Security Council, *under a UN mandate where appropriate*' (emphasis added)). Compare the slightly more integrated modalities

remains subject to a purely national decision by EU Member States. At the same time, an operation under the terms of the second modality would remain under the separate political control and strategic direction of the Union.⁶⁰ It therefore appears that neither option is likely to be as effective in terms of facilitating EU efforts to *strengthen the UN* as would the contribution of an integrated EU contingent in a UN-led operation with a single command and control structure.

The operations carried out thus far by the EU appear to confirm that the focus in terms of CSDP is still on cooperation and coordination with the UN through autonomous operations rather than on fully fledged EU contributions to UN-led missions. Emblematic in this respect is the traditional EU reluctance to 're-hat' its troops under the so-called bridging model by integrating them at the end of an ESDP mission into a subsequent UN-led operation. The EU instead prefers to remain present in the region through separate crisis management initiatives of its own.⁶¹ Even though the UN has a clear predilection towards 're-hatting' EU troops, the Union itself rather chooses to rely on such related modalities as 'clearing house processes' and 'enabling capacities', both of which are grounded upon separate command structures and national decisions to contribute troops.⁶² The recent experience in Chad and the Central African Republic (CAR) may very well indicate a breakthrough in operational relations between the EU and the UN, however, inasmuch as the Union after the conclusion of its EUFOR Chad/CAR mission for the first time explicitly agreed for its sites, infrastructure and troops to be transferred to MINURCAT, the follow-up UN mission in these countries. The transfer suffered severe logistical and operational strain, however, revealing that much work remains to be done in order to maximise the effectiveness of EU contributions to UN operations.⁶³

Much as the ESS and its implementation report formally recognise the UN as the apex of the multilateral system,⁶⁴ the ESS arguably attaches even greater importance to the transatlantic relationship, embodied in NATO, which is deemed 'irreplaceable'.⁶⁵ Historical evolutions in the aftermath of the Second World War have shaped the current relationship between the EU and the US/NATO into an alliance of dependency largely dictated by the latter, thereby clearly distinguishing it from the nature of the EU's rapport with the UN. Indeed, it is no coincidence that the ESDP took off at a time when US capacities were facing overstretch due to their deployment in an ever-intensifying 'war against terror'. Long a taboo,

enumerated in the Elements of Implementation of EU-UN Co-operation in Civilian Crisis Management, 13 December 2004, Council Doc. 16062/04, Annex IV to the Annex. The Civilian Elements also stress the importance of increased EU visibility, thus concretising the meaning of effective multilateralism in this context (p. 62).

⁶⁰ Elements of Implementation, supra note 58, pp. 2-4.

⁶¹ J. Wouters and T. Ruys, supra note 55, p. 228, referring to the 2003 Operation Artemis in the DRC.

⁶² Elements of Implementation, supra note 58, recommendations p. 6.

⁶³ See in general the Reports of the UN Secretary General on the United Nations Mission in the Central African Republic and Chad, UN Doc. S/2009/359, 14 July 2009 and UN Doc. S/2008/760, 4 December 2008. See also M. Bakker and J. Voorhoeve, 63 *Internationale Spectator* 2009, pp. 67-71.

⁶⁴ Language taken from the 2008 Implementation Report, supra note 25, p. 11.

⁶⁵ European Security Strategy, supra note 1, p. 13. The 2008 Implementation Report further refers to the US as Europe's 'key partner' in this area (supra note 25, p. 11).

European Defence could finally count on US support, a gesture later to be reciprocated by France's rapprochement to NATO.⁶⁶ The increased cooperation between both organisations was formalised in the signing of the 2003 Berlin Plus arrangements, and, more recently, the entry into force of the Lisbon Treaty, which explicitly recognises NATO as 'the foundation of [the EU Member States'] collective defence and the forum for its implementation'.⁶⁷ The Berlin Plus arrangements, the importance of which is also underscored in the ESS,⁶⁸ allow for NATO support for EU operations in which the Alliance is not involved as such, *inter alia*, by providing for a NATO European command option for EU-led military operations. In practice, the EU under this modality makes use of NATO's operational headquarters (SHAPE) under the command of its Deputy Supreme Allied Commander Europe (DSACEUR).⁶⁹

Apart from highlighting the EU's operational dependency in terms of its relationship with NATO, the institutional framework of the cooperation between both organisations also serves to underscore the limited integrated nature of EU military crisis management.⁷⁰ The NATO option notwithstanding, the EU has only two types of planning and command structures at its disposal: those of a so-called 'EU framework nation' (either the UK, France, Germany, Italy or Greece) and the recently established EU Civil-Military Operations Centre (OpsCen). The latter is not a permanent structure, however, and in any case remains untested.⁷¹ Most ESDP operations undertaken so far have designated a framework nation, thus calling into question the true 'European' nature of these missions, at least from an operational perspective.⁷² However, the framework nation option does provide a practical and workable solution for those EU Member States whose crisis management actions for whatever reasons of political and historical sensitivities might not be easily accepted by the country in which they wish to intervene if undertaken unilaterally. As such, the CSDP framework, limited in its integrated nature though it may be, shrouds Member State actions with a fitting veil of legitimacy much needed to avoid claims of neo-colonialism.⁷³ France's designation as framework nation in the ESPD missions in the DRC, Chad and the CAR gains significant importance in this respect. Although unilateral demarches akin to the

⁶⁶ S. Keukeleire, *supra* note 52, pp. 51–61. ⁶⁷ Art. 42 (7)(2) TEU.

⁶⁸ European Security Strategy, *supra* note 1, p. 12.

⁶⁹ See the Berlin Plus press note of 11 November 2003 at the website of the Council of the EU. See also <http://www.nato.int/cps/en/natolive/topics_49217.htm> (accessed 7 January 2010).

⁷⁰ S. Keukeleire, *supra* note 52, pp. 63–4. This issue is also touched upon in the 2008 Report on the Implementation of the ESS, *supra* note 25, p. 10.

⁷¹ E. Hochleitner, 'Permanent EU Command and Control Structures: A Capability Deficit to Be Addressed', in S. Biscop and F. Algieri (eds), *The Lisbon Treaty and ESDP: Transformation and Integration*, Egmont Paper 24, June 2008, available at <<http://www.egmontinstitute.be/paperegm/ep24.pdf>> (accessed 15 February 2010), 27, pp. 27–29.

⁷² See, for example Operations Artemis (France), EUFOR DRC (Germany), EUFOR Chad/CAR (France), EU NAVFOR Somalia (UK). Many authors have suggested the establishment of permanent EU Headquarters in the context of CSDP missions: see, in general, S. Biscop and F. Algieri (eds), *The Lisbon Treaty and ESDP: Transformation and Integration*, Egmont Paper 24, June 2008, available at <<http://www.egmontinstitute.be/paperegm/ep24.pdf>> (accessed 15 February 2010). Whether such institutionalisation should be recommended remains to be seen (see *infra*).

⁷³ See A. Menon, *supra* note 51, pp. 240–1.

interventions of the UK and France in (their former colonies of) Sierra Leone and Côte d'Ivoire at the beginning of the 21st century may have become rather rare since the development of ESDP;⁷⁴ the consistent reluctance of EU Member States to 'europeanise' the CSDP framework a decade later does cast some doubt on the motivations behind the proclaimed goal of effective multilateralism.

Indeed, the development of a strong ESDP has not only been hampered by the US' wariness of a more independent Europe: EU Member States themselves are traditionally very reluctant to transfer sovereignty on issues of national defence, protective as they are of their respective defence industries.⁷⁵ This hesitancy is reflected in the provisions on CSDP in the current EU treaties, which, even though the pillar structure was formally abolished by the Lisbon Treaty, still prescribe decisions on common security and defence to be taken unanimously by the Council without the possibility of review by the European Court of Justice (Article 42 (4) TEU and Article 275 TFEU). Moreover, Article 42 (2)(2) TEU emphatically puts that the CSDP 'shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in [NATO], under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework'.

Taking into account that the capabilities of CSDP missions are to be provided by EU Member States (Article 42 (1) TEU), the above provisions make it clear that the Union's common security and defence policy constitutes merely one of the manifold modalities of multilateral action for EU Member States to maintain international peace and security. Effective multilateralism in this context becomes *opportunistic multilateralism*, enabling Member States to engage in crisis management through the EU when the political circumstances allow for maximum visibility and effectiveness of their intervention, taking into account the intricacies of the aforementioned relationships of dependency and considerations of *realpolitik*. This helps to explain the ad hoc nature and limited scope of the ESDP missions undertaken so far, as well as the specific geographical location of these operations and the absence of a clear security strategy, in spite of the formulation of the ESS. After all, it is hardly a coincidence that the main theatre of ESDP operations so far has been limited to Africa and Europe's immediate neighbourhood, regions of relatively low interest to global powers such as the US and, to a lesser extent, Russia (although China's rise in Africa may change this sooner rather than later), while the EU's impact on major scenes of international turmoil such as the Middle East, Afghanistan and Iraq has been rather limited.⁷⁶ Along with the requirement of unanimity for CSDP, the above helps to explain the apparently random

⁷⁴ See in general on these crisis management operations J. Dobbins et al., supra note 55.

⁷⁵ See A. Menon, supra note 51, pp. 236–9 and authors cited; A. Toje, 'The Consensus-expectations Gap: Explaining Europe's Ineffective Foreign Policy', 39 *Security Dialogue* 2008, pp. 121–41.

⁷⁶ A. Menon, supra note 51, pp. 243–4; A. Toje, supra note 23, pp. 208–9. Compare the geographical priorities as set out in the ESS, listing the Arab-Israeli conflict while at the same time omitting any reference to Africa. See also V. Kronenberger and J. Wouters, 'Conclusion: Towards a Comprehensive EU Policy on Conflict Prevention', in V. Kronenberger and J. Wouters (eds), *The European Union and Conflict Prevention*, The Hague, T.M.C. Asser Press, 2004, 573, pp. 583–5.

'cherry-picking' by EU Member States in terms of crisis management missions, alternately opting for national contributions to UN-led missions (UNIFIL), NATO operations, while sometimes even failing to take any action at all in situations that nevertheless appear tailor-made for CSDP intervention, such as Darfur.⁷⁷

Effective multilateralism in the context of CSDP should therefore mainly be understood as a means for EU Member States to demonstrate the progress made in terms of the Union's foreign policy to the extent this enhances the visibility of the Member States themselves, as it is after all the Member States who bear the bulk of the operational risk and financial brunt of CSDP missions.⁷⁸ Reasons of legitimacy and dependency on the world's leading powers force EU Member States to choose their partners for each mission carefully, autonomous military CSDP operations being possible only with the approval of the major powers gathered in the seat of the UNSC. For these reasons Toje⁷⁹ brands the EU a 'small power' in the context of crisis management: the Union's policy is one of dependence and alliance, characterised by a geographical limitation to its own (historical) and immediately adjacent areas and based on the promotion of non-coercive multilateral measures.⁸⁰ In the current period of transition for EU foreign affairs, the idealist rhetoric of effective multilateralism is heavily curtailed by the realisation that interventionist initiatives by EU Member States may sometimes be more visible and effective if carried out through multilateral action with partners other than the EU itself. This observation, combined with the procedural and financial idiosyncrasies of the EU, can help to explain why the operationalisation of effective multilateralism by EU Member States, in spite of the ESS, does not necessarily coincide with the stated aim of strengthening the UN as the apex of the multilateral system.⁸¹

6. Effective Multilateralism and Non-Proliferation of Nuclear Weapons

The June 2003 Thessaloniki European Council strongly emphasised the EU's commitment to multilateral disarmament, non-proliferation treaties and the multilateral institutions that are charged with their verification and compliance.⁸² The European Council called on Member States to elaborate a coherent EU strategy

⁷⁷ A. Toje, *supra* note 75, pp. 135–8.

⁷⁸ Compare A. Menon, *supra* note 51, p. 242.

⁷⁹ A. Toje, *supra* note 23, pp. 200–3.

⁸⁰ This is apparently recognised by the European Parliament in its draft resolution on the implementation of the European Security Strategy and the Common Security and Defence Policy, which stresses that 'the Union must enhance its strategic autonomy through a strong and effective foreign, security and defence policy, so as to promote peace and international security, defend its interests in the world, protect the security of its own citizens, contribute to effective multilateralism in support of international law and advance respect for human rights and democratic values worldwide': European Parliament, Committee on Foreign Affairs, 'Draft Report on the implementation of the European Security Strategy and the Common Security and Defence Policy', Doc. 2009/2198/(INI), 8 December 2009.

⁸¹ See also A. Menon, *supra* note 51, p. 242.

⁸² European Council, Presidency Conclusions, Annex II Declaration on Non Proliferation of Weapons of Mass Destruction, Thessaloniki, 19 and 20 June 2003, p. 37.

to address the threat of proliferation before the end of 2003. The resulting WMD Strategy (see *supra*) reaffirms the Thessaloniki commitment by situating EU action on weapons of mass destruction within a context of effective multilateralism aimed at (i) the implementation and universalisation of the existing disarmament and non-proliferation norms and (ii) the reinforcement of compliance with and the improvement of existing verification mechanisms and systems.⁸³ Both are important prongs of the EU's approach to effective multilateralism as described earlier.

The cornerstones of the nuclear non-proliferation regime are the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the NPT Safeguard Agreements and Additional Protocols. The NPT is the essential foundation for the pursuit of nuclear disarmament and should therefore be preserved in its integrity.⁸⁴ In pursuit of its commitments, the EU thus attaches great importance to its participation within the framework of the NPT Review Conferences that are held every 5 years. However, as the following analysis of the outcome and proceedings of the past NPT Review Conferences will show, the Union does not always succeed in upholding its commitment to all aspects of effective multilateralism as identified in the previous paragraph. Indeed, paradoxically, the effectiveness of the global multilateral approach to non-proliferation seems to have suffered a major breakdown *after* the formulation of the 2003 ESS, due to both developments outside the immediate reach of the EU and to fissures in coherence within the Union itself.

The Common Position agreed in preparation for the 2000 NPT Review Conference *inter alia* called for:

... efforts to convince States which are not yet parties to the NPT... to accede to it as soon as possible; [the] early entry into force of the Comprehensive Nuclear Test-ban Treaty...; immediate commencement and early conclusion of negotiations in the Conference on Disarmament... on a non-discriminatory, multilateral, internationally and effectively verifiable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.⁸⁵

The 2000 NPT Review Conference was largely seen as a success, as all Main Committees of the Conference⁸⁶ reached an agreement and the participating State Parties were able to adopt a final document with consensus.⁸⁷ Undoubtedly the most important element reflected in the Final Document were the so-called

⁸³ EU Strategy against proliferation of Weapons of Mass Destruction, *supra* note 35, pp. 5 and 6. Biscop and Drieskens refer to this second prong as so-called 'enforceable multilateralism', i.e. the enforcement of multilateral obligations by third countries: S. Biscop and E. Drieskens, 'The European Security Strategy: Confirming the Choice for Collective and Comprehensive Security', in J. Wouters, F. Hoffmeister and T. Ruys (eds), *The United Nations and the European Union: An Ever Stronger Partnership*, The Hague, T.M.C. Asser Press, 2006, 267, p. 273.

⁸⁴ EU Strategy against proliferation of Weapons of Mass Destruction, *supra* note 35, p. 2.

⁸⁵ Art. 2 (1)(a) and (2)(a) and (b), Council Common Position 2000/297/CFSP of 13 April 2000 relating to the 2000 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons, OJ L 97, 19 April 2000, 1.

⁸⁶ The three pillars of the NPT are non-proliferation, disarmament and the right to peaceful uses of nuclear energy. Each pillar is dealt with in a corresponding Main Committee.

⁸⁷ M. Kurosawa, 'The 2005 NPT Review Conference and Nuclear Disarmament', 53 *Osaka University Law Review* 2006, 47, p. 48.

‘Thirteen Practical Steps’, outlining the road to implementation of the nuclear disarmament provision of Article VI NPT.⁸⁸ These Practical Steps were the successful outcome of appeals by the New Agenda Coalition (NAC)⁸⁹ to the nuclear weapon States (NWS) to step up their efforts towards disarmament and reflected most elements of the EU Common Position. Importantly, the steps called on the NWS to embark on:

[a]n unequivocal undertaking...to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI.⁹⁰

This landmark declaration notwithstanding, difficulties soon arose in the run-up to the 2005 NPT Review Conference with the refusal by the US (supported tacitly by France) to accept the 2000 declaration and to affirm their ‘unequivocal commitment’ to proceed towards complete disarmament. The US based its argument primarily on accounts of a ‘radically changed international security environment’ since 9/11, which – according to the US – rendered the agreements non-binding. The same argument had been used earlier by the US to motivate its withdrawal from the Anti-Ballistic Missile (ABM) Treaty and its vehement opposition to the Comprehensive Nuclear Test Ban Treaty (CTBT).⁹¹ This position further bolstered the already lingering suspicions among non-nuclear weapon States of a lack of dedication of the NWS to fulfil their commitments under Article VI, thereby further mortgaging the universalisation of existing disarmament and non-proliferation norms as a first major prong of the EU’s stated commitment to effective multilateralism.

The second prong, reinforcement of compliance with the non-proliferation regime, also failed to be realised at the 2005 Conference, partly due to incapacity of the EU to act on the issue. Even though all five NWS issued statements in the course of the conference in which they claimed to be upholding their commitments to disarmament, China’s statement was emblematic for exposing the bitter reality that hid behind these official proclamations. Not without a firm dose of hypocrisy,

⁸⁸ Art. VI NPT Treaty states that ‘[e]ach of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control’.

⁸⁹ The NAC comprises seven non-nuclear weapon States (NNWS): Brazil, Egypt, Mexico, New Zealand, South Africa and EU Member States Sweden and Ireland.

⁹⁰ 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, NPT/CONF.2000/28 (Parts I and II), available at <<http://daccess-dds.ny.un.org/doc/UNDOC/GEN/N00/453/64/PDF/N0045364.pdf?OpenElement>> (accessed 15 February 2010), p. 14, point 6.

⁹¹ H. Müller, ‘The 2005 NPT Review Conference: Reasons and Consequences of Failure and Options for Repair’, Weapons of Mass Destruction Commission Paper 31, 2005, available at <<http://www.wmdcommission.org/files/No31.pdf>> (accessed 15 February 2010), pp. 2 and 15; M. Kurosawa, *supra* note 87, pp. 49–50 and 84. See also Statement by Ambassador Jackie Sanders to the 2005 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, US, Implementation of Article VI and the Future of Nuclear Disarmament, Main Committee I, May 2005, available at <http://www.nti.org/db/disarmament/npt_documents/nptrc_mc1_us_20050520.pdf> (accessed 15 February 2010).

China rightly clamoured the US' withdrawal from the ABM Treaty, its persistent refusal to abandon the 'Cold War mentality' and its pursuit of unilateralism and pre-emptive strategies. The statement also pointed at the incapacity of the international community to agree on the entry into force of the CTBT and to start negotiations in the UN Conference on Disarmament on a Fissile Material Cut-off Treaty (FMCT) and on the prevention of an arms race in outer space (PAROS).⁹² The non-aligned movement (NAM) and the NAC on their part voiced severe criticism and disappointment at the lack of progress in nuclear disarmament by the NWS.⁹³ Sweden even went as far as saying that only limited progress had been made towards disarmament, with worrying signs pointing in the opposite direction.⁹⁴ In light of these statements it is telling that neither the US, the UK, France, Japan nor the EU referred to the establishment of an appropriate subsidiary body with a mandate to deal with nuclear disarmament, as was agreed in the 2000 Final Document.⁹⁵ The failure to do so directly goes against the EU's stated aim of reinforcing compliance and seeking improvements to existing verification mechanisms and systems.

Overall, the 2005 NPT Review Conference was marred by procedural rifts, as a result of which the State Parties failed to reach any substantive agreement. Largely due to US opposition, the participating States were not even able to agree on the agenda until halfway through the Conference, thereby triggering vehement reactions from certain NAM States who wished to preserve the outcome and achievements of 1995 and 2000.⁹⁶ It was only when the President of the Conference picked up the pace and the EU took a unified position on procedure that deviated from the US position that some progress could be made. However, by that time the opportunities left for substantive discussions had been significantly reduced. For this reason, the conference is typically seen as a failure in general and of multilateralism

⁹² Statement given by Mr Zhang Yan, Head of Chinese Delegation in the General Debate at the 2005 NPT Review Conference, 3 May 2005, available at <<http://www.mfa.gov.cn/eng/wjbj/zjzg/jks/jkxw/t194498.htm>> (accessed 15 February 2010).

⁹³ See Statement by Hon. Marian Hobbs, Minister for Disarmament and Arms Control, New Zealand on Behalf of the New Agenda Coalition – Brazil, Egypt, Ireland, Mexico, South Africa, Sweden and New Zealand, 2005 Review Conference of the Parties to the NPT, 2 May 2005, available at <<http://www.un.org/events/npt2005/statements/npt02new-zealand.pdf>> (accessed 15 February 2010). Hobbs stressed the need for 'effective measures' to be undertaken in order to achieve nuclear disarmament, in light of the failure of the measures taken so far in terms of fulfilling the agreed outcomes of the last two NPT Review Conferences. See also Statement by the Hon. Syed Hamid Alber, Minister of Foreign Affairs of Malaysia on Behalf of the Non-aligned States Parties to the NPT at the General Debate of the 2005 Review of the Conference of the Parties to the NPT, 3 May 2005a, available at <<http://www.un.org/events/npt2005/statements/npt02malaysia.pdf>> (accessed 15 February 2010).

⁹⁴ Sweden referred to the modernisation of the nuclear arsenal of one NWS and the announced plans for developing new delivery vehicles by another. See Statement by HE Laila Freivalds, Minister for Foreign Affairs of Sweden, 2005 Review Conference of the Parties to the NPT, 3 May 2005, available at <<http://www.un.org/events/npt2005/statements/npt03sweden.pdf>> (accessed 15 February 2010).

⁹⁵ M. Kurosawa, *supra* note 87, p. 68. See also the 2000 NPT Review Conference Final Document, *supra* note 90, p. 14, point 4.

⁹⁶ See Procedural and other arrangements for the effective and successful outcome of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.2005/WP.17, 2 May 2005, available at <<http://www.un.org/en/conf/npt/2005/working%20papers.html>> (accessed 15 February 2010).

in particular.⁹⁷ Various factors and actors contributed to this failure, among which the US position and the incapacity of the EU to take a strong and unified position in reaction thereto were crucial.

The US refusal to have any reference whatsoever to the outcome of previous review conferences was a clear indication of a changed US policy on NPT, resulting from a transition in administration from Clinton to Bush, favouring unilateralism over multilateralism and neglecting rather than supporting international norms and institutions.⁹⁸ Equally indicative of this trend is the fact that much of the non-proliferation diplomacy has moved away from the NPT regime to a host of semi-institutional ad hoc fora, such as the Proliferation Security Initiative (PSI), the Nuclear Suppliers Group (NSG), the six-party talks on the issue of North Korea and the G8 efforts to decommission former Soviet nuclear material safely.⁹⁹

Counterproductive though the US stance may have been, it was rather France's position during the 2005 Review Conference that was most problematic from an EU effective multilateralism point of view. Indeed, it appears that France's central aim during the conference was to distance itself, like the US, from the 2000 Final Document, citing the Cold War as the main reason for why the 1995 and 2000 Conferences had been largely devoted to the implementation of Article VI NPT and, hence, for why such should not be the case in 2005, due to the changed security situation.¹⁰⁰ However, prior to the 2005 Conference, France, in its capacity as a EU Member State, had explicitly agreed to the common positions adopted by the EU Council, both of which hold clear references to the outcome of the 2000 Conference. Specifically, Common Position 2003/808/CFSP on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery, states that:

[a]chieving universal adherence to the NPT is of crucial importance. To that end, the EU will... support the Final Document of the 2000 NPT Review Conference and the Decisions and Resolution adopted at the 1995 NPT Review and Extension Conference.¹⁰¹

Moreover, Common Position 2005/329/PESC relating to the 2005 NPT Review Conference reads that:

[t]he objective of the European Union shall be to strengthen the international nuclear non proliferation regime by promoting the successful outcome of the [2005 NPT Review

⁹⁷ H. Müller, *supra* note 91, p. 4; M. Kurosawa, *supra* note 87, p. 54; C. Kuppuswamy, 'Is the Nuclear Non-Proliferation Treaty Shaking at its Foundations? Stock Taking after the 2005 NPT Review Conference', 11 *Journal of Conflict & Security Law* 2006, 141, p. 141.

⁹⁸ M. Kurosawa, *supra* note 87, p. 49; H. Müller, *supra* note 91, p. 5.

⁹⁹ C. Kuppuswamy, *supra* note 97, p. 146.

¹⁰⁰ Statement by HE Mr François Rivasseau, Ambassador, Permanent Representative of France to the Conference on Disarmament, 5 May 2005, available at <<http://www.un.org/en/conf/npt/2005/statements/npr05france.pdf>> (accessed 15 February 2010).

¹⁰¹ Art. 4, 4th indent, Council Common Position 2003/805/CFSP of 17 November 2003 on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery, OJ L 302, 20 November 2003, p. 35. Furthermore, the WMD Strategy Action Plan mentions the importance of promoting the universalisation and strengthening of the main treaties as well, and in so doing explicitly refers to the aforementioned Common Position. See EU Strategy against proliferation of Weapons of Mass Destruction, *supra* note 35, p. 8.

Conference]. [To this end] the European Union shall . . . help build a consensus on the basis of the framework established by the NPT by supporting the Decisions and the Resolution adopted at the 1995 Review and Extension Conference and the final document of the 2000 NPT Review Conference. . . .¹⁰²

This common position served as the chief basis for drafting several working papers for the Main Committees of the 2005 Review Conference¹⁰³ as well as two separate papers concerning treaty withdrawal and cooperative threat reduction.¹⁰⁴ As the recommendations contained in these papers received strong support from many other States, it was expected that the EU could play a leading role during the review conference. However, for reasons described above, the Conference failed to agree on a final declaration and the Union's recommendations never made it into a final text.

In any case, notwithstanding the common positions and the panoply of working papers submitted by the EU, it is clear that the Union did not veritably act as a unitary and coherent actor during the 2005 Review Conference. On the one hand, France sided with the US in opposing any reference to previous conference outcomes, while the UK's primary concern appeared to be avoiding US isolation. At the same time, Ireland and Sweden vehemently supported the NAC, as they did before, albeit clearly less successfully than in 2000. Further, other coalitions such as the 'NATO-7' group brought together by the Netherlands, comprising Belgium, Italy, Spain, Norway, Lithuania and Romania, only served to further diffuse EU action across (ad hoc) regional coalitions.¹⁰⁵

The 2005 Conference profoundly illustrates that reaching and upholding intra-EU consensus on issues going beyond a general commitment to non-proliferation regimes proves very challenging. The disagreement on whether or not NWS are upholding their disarmament commitments and the inability of the EU to put forward a statement on this matter are telling signs in this respect. The strong basis for multilateralism in non-proliferation notwithstanding, it thus seems that the level of intra-EU coherence on these matters is not yet of such a level that it would preclude EU Member States from taking up diverging positions in multilateral fora, which ultimately serves to weaken the Union's effectiveness within the NPT

¹⁰² Arts 1 and 2(b), Council Common Position 2005/329/PESC of 25 April 2005 relating to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, OJ L 106, 27 April 2005, pp. 32–3. See also Arts 5 and 6 of the Preamble of this document, which refer back to the 2000 Common Position and the Final Document of the 2000 NPT Review Conference.

¹⁰³ See working papers 43–5 submitted to the 2005 NPT Review Conference by Luxembourg on behalf of the European Union and several (potential) candidate countries, available from <<http://www.un.org/en/conf/npt/2005/working%20papers.html>> (accessed 15 February 2010).

¹⁰⁴ See working papers 32 and 37 submitted to the 2005 NPT Review Conference by Luxembourg on behalf of the European Union, available from <<http://www.un.org/en/conf/npt/2005/working%20papers.html>> (accessed 15 February 2010).

¹⁰⁵ H. Müller, *supra* note 91, p. 11. See also working paper 27 on nuclear disarmament for Main Committee I: Recommendations submitted by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, South Africa and Sweden as members of the New Agenda Coalition, NPT/CONF.2005/WP.27, 4 May 2005, available at <<http://www.reachingcriticalwill.org/legal/npt/RevCon05/wp/WP27.pdf>> (accessed 15 February 2010).

regime. This situation is further compounded by the fact that two EU Member States are both NWS and members of the P5.¹⁰⁶

Furthermore, the two most pressing issues in non-proliferation, i.e. the nuclear aspirations of North Korea and Iran, were not adequately dealt with in the framework of the 2005 Conference, in spite of the EU's determination to act resolutely on the matter.¹⁰⁷ This is by no means to imply that the EU does not deal with these issues *in general*. Indeed, the EU's engagement within the UN Security Council and the E3 Trilateral Talks with Iran show continued engagement to resolve these issues in a peaceful manner and work towards a satisfactory solution for all parties concerned. However, an effective multilateral treatment of these two issues presupposes that the EU should also strive for a comprehensive solution in the framework of the NPT Review Conference. The US on its part did push for measures to be taken to address the crisis on the occasion of the 2005 Conference, yet its efforts were hampered by criticism from the NAC and the NAM on its own lack of progress towards disarmament. It was here that the EU could have played an important intermediary role in pledging a united response to the North Korean and Iranian issues, whilst duly taking into account the NWS' unequivocal undertaking towards disarmament (effective multilateralism as a means of providing an exit strategy¹⁰⁸). The EU's ability to act coherently in this respect was undermined, however, by France's (tacit) support for the position of the US and its inability to present a coherent response to these changed circumstances.

7. Conclusion

This contribution has shown that the different elements fostering 'effective' multilateralism as implied by the ESS coexist at daggers drawn. The examples of crisis management and non-proliferation, key threats identified in the ESS, have demonstrated the intrinsic tension in the field of security between effective multilateralism as a strategy for the EU to enhance its strategic actorness and as a means of strengthening the multilateral system as a whole. The great pull of the US and

¹⁰⁶ The main objective of the French delegation during the Conference apparently was to achieve a P5 Statement, the failure to do so being a bitter defeat for France. It is clear, however, that the mere attempt of arriving at such statement only serves to further undermine EU coherence: see H. Müller, *supra* note 91, p. 9.

¹⁰⁷ See the Declaration by HE Mr Nicolas Schmit, Minister Delegate for Foreign Affairs of Luxembourg on behalf of the European Union in view of strengthening the international nuclear non-proliferation regime, 2 May 2005, available at <<http://www.eu2005.lu/en/actualites/discours/2005/05/03schmit/>> (accessed 15 February 2010) ('The EU reaffirms that it is firmly resolved to contribute to finding a peaceful, negotiated solution to the North Korean nuclear problem. . . . The EU considers that the review conference must seriously address the question of withdrawal [by North Korea from the NPT]. The European Union is united in its determination to prevent Iran from gaining access to military nuclear capabilities and to see the proliferating implications of its nuclear programme resolved. . . . The European Union calls on Iran to fully and in good faith respect all of its international commitments, as well as to furnish the international community with objective guarantees that its nuclear programme is exclusively for peaceful use by stopping development and operation of its fissile materials production capacities.').

¹⁰⁸ See also M. Kurosawa, *supra* note 87, p. 83.

the lack of internal coherence between EU Member States that are too often free to choose between the EU and other multilateral institutions as a forum for security action severely hamper the ability of the Union to play a leading role in the maintenance of international peace and security.

As regards CSDP, we have seen that the EU is faced with a difficult dilemma in terms of pursuing a balanced approach to effective multilateralism. Effective crisis management action by the EU would require diminishing opportunities and incentives for its Member States to act unilaterally or through other structures than the Union, by further institutionalising and centralising the CSDP. Such increased 'europeanisation', however, runs the risk of further moving away from an integral approach to crisis management within the framework of the UN, thus further separating two of the main elements of effective multilateralism as identified previously. Indeed, current power relations and political realities seem to preclude any real possibility of reconciling the EU's dependence on the unilateral approval of the US with reliance on the true multilateral organisation that is the UN. Furthermore, the Lisbon Treaty appears to carry with it the seeds of further mortgaging EU coherence as a bloc by introducing additional alternatives for crisis management tasks by smaller groups of Member States, either by those that are 'willing and have the necessary capabilities for such [tasks]'¹⁰⁹ or by establishing a so-called form of 'permanent structured cooperation within the Union framework (PSCo)'.¹¹⁰ However, the first option refers only to the *implementation* of a crisis management task by a limited number of Member States, the decision for which is still to be taken by the entire Council and as such rather reflects current practice. Moreover, the PSCo is concerned only with the further development of military *capabilities* of the EU through its Member States. Therefore, these added alternatives for crisis management by EU Member States should not necessarily result in a limited visibility of the EU as such. Still, true effective multilateralism will mainly depend on the EU being able to act as a bloc in support of UN operations, without stressing the need of EU visibility as an end in itself.

As regards the issue of non-proliferation of nuclear weapons, it is clear from the above that, if the NPT is to remain the essential foundation for the effective pursuit of multilateral nuclear disarmament, the international community cannot afford to live through 'another 2005'. Respecting the outcomes of previous review conferences is vital if the regime is to remain credible. For the EU a lot was at stake in the 2010 NPT Review Conference held in New York from 3–28 May 2010: it would essentially determine whether the EU's doctrine of effective multilateralism adds value to existing efforts in establishing a strong, negotiated and enforceable multilateral non-proliferation regime or whether it remains a mere 'catch-all phrase' to which Member States can sign up or from which they can opt out, depending on their interests. A preliminary assessment of the proceedings and outcome of the 2010 NPT Review Conference shows that there may be reason for

¹⁰⁹ Art. 44 TEU.

¹¹⁰ Arts 42(6) and 46 TEU. See also the Protocol on permanent structured cooperation established by Article 28 A of the Treaty on European Union, annexed to the Treaty of Lisbon.

optimism as to the EU's recommitment to multilateralism in the field of nuclear disarmament as proclaimed in the 2008 ESS implementation report. Spurred into action by the 2005 failure, the countries at the conference dispensed with procedural quibbles and spent significantly more of their time discussing substantive matters. This resulted in a final document that expressly reconfirmed the States parties' commitment to the effective implementation of the decisions and outcome of the 1995 and 2000 review conferences.¹¹¹ The EU for its part was arguably more successful in adhering to its Common Position than it was in 2005.¹¹² While the outcome document still does not fully reflect the wishes of the EU and internal divisions among the 27 Member States remain inevitable, some pointers indicate toward an increased influence of the EU at the multilateral forum of the NPT review mechanism.¹¹³ For the first time, the conference opened with a statement by a High Representative of the EU, Lady Ashton, formally presenting the view of the Union.¹¹⁴ More importantly, the EU, despite not being a party to the NPT, took part in the final stages of the negotiations, which resulted in the formulation of an all-important Action Plan on the Middle East.¹¹⁵ While it is still too early to assess the impact of the changes brought about by the Lisbon Treaty on the pursuit of effective multilateralism in the context of the NPT, the 2010 conference at least paints a brighter picture in this respect than the 2005 review. In the coming years, much will also depend on whether the EU succeeds in achieving full participatory status in the multitude of other fora addressing non-proliferation, both to prevent them from undermining the NPT and to provide an effective response to key challenges, in close cooperation with the US.¹¹⁶

The in-depth examination of the selected key threats to security in this contribution has served to illustrate the difficulties that emerge from the equivocal nature of the constituting elements of effective multilateralism as wielded by the EU when

¹¹¹ 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, NPT/CONF.2010/50 (Vol. I), available at <[http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50%20\(VOL.I\)](http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50%20(VOL.I))> (accessed 18 August 2010), p. 2, point 5.

¹¹² Council Decision 2010/212/CFSP of 29 March 2010 relating to the position of the European Union for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, OJ L 90, 10 April 2010, 8.

¹¹³ See P. Sturm, 'The EU's Performance at the 2010 NPT Review Conference', July 2010, available at <http://www.isis-europe.org/pdf/2010_artrel_537_esr50-eunpt.pdf> accessed 18 August 2010.

¹¹⁴ Speech by HR Catherine Ashton, 3 May 2010, available at <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/114169.pdf> (accessed 18 August 2010).

¹¹⁵ See section IV of the 2010 Final Document.

¹¹⁶ The EU no longer disregards these fora, nor are they seen as 'spoilers' to the NPT; it is now accepted that they are complementary to the work undertaken within the framework of the NPT: see Council of the European Union, Implementation of WMD Strategy – Updated List of priorities, Council Doc. 10747/08, 17 June 2008, pp. 3 and 12. The document mentions that the EU continues to work actively to receive at least an observer status in the PSI and to seek more coordination of initiatives within the Nuclear Suppliers Group (NSG). Furthermore, in June 2009, the EU Member States and relevant EU institutions actively participated in the Regional Operational Experts Group (ROEG) meeting of the PSI in Poland, with the objective to ensure the EU's full participation in the PSI. Consultations on the possibility to grant full participatory status to the EU in the PSI continue with the US: see the December 2009 progress report on the implementation of the EU Strategy against the proliferation of Weapons of Mass Destruction, *supra* note 111, pp. 11 and 39.

defining its role in the maintenance of international peace and security. The opacity of the notion is further compounded by the multiplicity of actors involved and the plurality of frameworks for cooperation between which they can choose freely in the absence of a strong cohesive element. For this reason, if 'effective' multilateralism is to become more than a patch on a tensely connected set of international actors, it is precisely the interlinked nature of the notion's constituent elements that should not be overlooked. The ultimate goal of effective multilateralism should remain the firm integration of a strong EU within an empowered UN.