



Mapping of EU's Global Cooperation

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EU-GRASP

Changing Multilateralism: the EU as a Global-regional Actor in Security and Peace, or EU-GRASP in short, is an EU funded FP7 Programme. EU-GRASP aims to contribute to the analysis and articulation of the current and future role of the EU as a global actor in multilateral security governance, in a context of challenged multilateralism, where the EU aims at “effective multilateralism”. This project therefore examines the notion and practice of multilateralism in order to provide the required theoretical background for assessing the linkages between the EU’s current security activities with multi-polarism, international law, regional integration processes and the United Nations system.

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EU-GRASP is coordinated by the United Nations University – Comparative regional Integration Studies (UNU-CRIS). The other partners of EU-GRASP are based worldwide and include: University of Warwick (UK), University of Gothenburg (Sweden), Florence Forum on the Problems of Peace and War (Italy), KULeuven (Belgium), Centre for International Governance Innovation (Canada), Peking University (China), Institute for Security Studies (South Africa) and Ben-Gurion University of the Negev (Israel).

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Abstract

As a regional actor with ambition of becoming a global actor, the European Union has engaged itself in various frameworks of cooperation at the global level. Still, when the EU engages with international institutions that have a global scope it has to manage with the internal governance of these institutions and the fact that most of these institution find it difficult to accommodate with the complexity of the European Union. By focussing on the six security issues that have been selected for the EU-GRASP project, this paper examines the way the EU has elaborated its cooperation with a variety of international institutions that have a global scope. The most important among these is the UN with whom the EU has developed cooperation at different levels and works with the Security Council, the General Assembly as well as the different UN Departments and Agencies. The other institutions under review in this paper include the different multilateral frameworks for disarmament, the OSCE and the ICC.

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Mapping of EU's Global Cooperation¹

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1. Introduction

With the publication of the European Security Strategy in 2003 the EU clearly stated that in order for Europe to be “more secure in a better world” it needed to make more use of effective multilateralism (European Council 2003). This was in fact not the first time that the EU expressed its willingness to engage in multilateral cooperation. In 2001 the Commission had already published a document stating its eagerness to work in the field of development and humanitarian affairs with the UN as an embodiment of multilateralism. Similarly the Council, via its Joint Declaration on EU-UN cooperation in Crisis Management, expressed its attachment to multilateralism and its readiness to work with the global organisation (Council of the European Union 2003a). Aside from such official documents coming from the different EU institutions, looking at what is happening on the ground clearly shows that the EU is involved in a variety of actions with a multitude of international actors.

One can also stress that the type of multilateral cooperation the EU has involved itself in is not restricted to security issues. In fact, trade historically represents one of the very first issues on which the EU has had to interact with the external world. The quest for trade agreements led European institutions to take an interest in the rest of the world and has led them to work for this purpose through a global cooperative framework. It is thus that the EU (or rather the EEC) started participating in the GATT negotiations. Later, following its growing interest in external issues ranging beyond its borders, the EU has managed to take part in numerous international conferences focusing on global issues such as trade, the environment and development.

¹ An earlier version of this paper was presented at an EU-GRASP workshop in July 2009 hosted by UNU-CRIS.

² The views expressed are those of the authors alone. This is still a working paper, and we would welcome comments and insights from readers. Address for correspondence: efanta@cris.unu.edu

What this very brief sketch demonstrates is that the EU is involved in many different forms of collaboration with a great variety of international actors. Moreover, such collaboration and cooperative frameworks are complicated by two important factors. Firstly, in its interaction at the global level the EU often has to deal with international and multilateral organisations that have already attained a certain level of institutional complexity. Therefore the EU's cooperation has to accommodate the fact that these organisations themselves may have multiple institutions with responsibility for their work being distributed, both vertically with multiple levels of governance, and horizontally with some institutions being assigned specific topics and/or policy areas (as is the case with the UN, for example). Secondly is the fact that the EU acts in a world where the norm remains the Westphalian state and as a result global institutions and organisations may already have well-established legal frameworks that sometimes restrain membership to sovereign states and put limitations on the participation of non-state actors. These organisations sometimes find it difficult to deal with and accommodate such a complex and multifaceted actor as the EU, and thus the EU itself has to find ways to cooperate with these organisations while not constituting a state.

The first part of this mapping exercise will focus specifically on the relationship between the UN institutions and the EU, looking in particular into the EU's presence at the Security Council and at the General Assembly. This section also concentrates on cooperation between the EU and the UN agencies and departments that have a stake in one of the six security issues studied by EU-GRASP. The second part will then turn to some cases of EU involvement with international organisations that have a global reach but are not part of the UN family. This allows us to cover a variety of multilateral frameworks. The third part will dwell on such organisations as the OSCE and the ICC, with which the EU has also extensively cooperated.

2. EU and Global cooperation

The European Security Strategy of 2003 quite clearly represents one of the main documents guiding the action of the European Union in the international arena. In this document the EU has embraced the concept of 'effective multilateralism', which is to be considered a guiding principle for the EU's foreign policy in the field of peace and security. However, multilateralism, or in other words global cooperation, has historically already been undertaken by European institutions in other fields. Such is the case for trade issues, which in fact represent one of the very first matters for which European member states opted for cooperation and collaboration with

international organisations and other international actors. In 1957 Article 229 of the Treaty establishing the European Economic Community (EEC) already made provision for the EC to be entrusted to establish contacts with the organs and specialised agencies of the United Nations as well as with the General Agreement on Tariffs and Trade. This same article also opened up the door for future cooperation with other international organisations. Similarly, within the Treaty establishing the European Atomic Energy Community (EURATOM), Chapter 10 is fully devoted to external relations. Article 101 thus clearly states that the EURATOM may “within the limits of its competence, enter into obligations by means of the conclusion of agreements or conventions with a third country, an international organization or a national of a third country” (1957). It is within this institutional and legal framework that the first contacts between the European Community and international actors were to be established.

Over the years, with the evolution of the international context and also the deepening of the European integration process, there have been important developments in the type and number of cooperation European institutions have involved themselves in. These mutations of the European institutions and the world they were evolving in called for a profound review of the way that European foreign policy should be organised. As such, the Maastricht Treaty represents a key event, with the introduction of the Common Foreign and Security Policy (CFSP). Title V of the Treaty, which established the CFSP as one of the three pillars of the European Union, represents a turning point for the European integration process since it calls for an institutionalisation of cooperation of member states’ foreign policies. The CFSP essentially marks the attempt by member states to resolve their lack of coordination when faced with a crisis situation. The conflict ensuing from the breakdown of Yugoslavia clearly showed the need for an institutional framework to guide the various European foreign policies and to favour a common position rather than disaggregated responses to similar crises. The Amsterdam Treaty further reinforced the CFSP by creating the position of a High Representative of the Common Foreign and Security Policy. Initially the position was established in order to better coordinate the implementation and conduct of the CFSP, but has gradually expanded to encompass additional functions, including the post of Secretary General of the Council of the European Union.

It is in his position as High Representative/Secretary General (HR/SG) that Javier Solana was tasked by EU foreign ministers to draft a ‘European strategic concept’. The result was the publication of the document “A Secure Europe in a Better World. European Security Strategy” in 2003 and its adoption by the European Council during its meeting in December of the same year. Interestingly,

the process leading to the drafting of the ESS, just like for the establishment of the CFSP, followed a period during which the member states were unable to coordinate their action in the international arena. The ESS was, among other things, meant to close the ranks after the Iraq debacle (Bailes 2005: 10).

The ESS is expected to constitute the document leading the way for what European foreign policy should be. In other words, “it outlines the long-term policy objectives and the instruments that can be applied to achieve them” and therefore “it could indeed serve as a reference framework for day-to-day policy-making, defining also the legitimacy of actions and leading the development of capabilities within the EU” (Biscop and Drieskens 2006: 271). Among the various elements contained in the document it is noteworthy to stress the call it makes for increasing collaboration with international organisations and cooperation with major actors on the international scene. Within the part dedicated to the Strategic Objectives of the ESS special attention is thus given to multilateralism by calling for ‘An International Order Based on Effective Multilateralism’ (ESS 2003: 9). The document very clearly states that action undertaken by the EU in its foreign policy should subscribe to the United Nations Charter, which is upheld as the embodiment of international law. Additionally, the ESS recognises the importance of the UN at the global level and considers that it needs to work as “Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority.” (ESS, 2003:9).

The 2008 review of the European Security Strategy also clearly underscores the fact that the EU has to work in favour of multilateralism and in collaboration with international institutions. The review states that “At a global level, Europe must lead a renewal of the multilateral order. The UN stands at the apex of the international system.” it also adds that the EU finds itself at “a unique moment to renew multilateralism, working with the United States and with [its] partners around the world.” (European Council 2008a: 2). This need for cooperation at the global level is further stressed in the outlining of the different security threats that the EU faces.

3. EU-UN Cooperation

As the most important international organisation the UN represents a major actor through which the EU can effectively act within a multilateral framework. The EU has clearly recognised the interest of collaborating with the UN and seeks to enhance its role and capacity to act with the global organisation. As such the contributions of the EU-member states account for up to one third

of the UN budget. The Treaty of Rome already recognised in 1957 the superior status of the global organisation by accepting that the European integration process should be set up in accordance with the charter of the United Nations. Over the years the two organisations have built a relationship that spans across a great variety of issues. Among these peace and security issues do rank highly but do not always represent the case where cooperation has been the strongest or the most efficient. Yet in order to understand why there can be such different levels of cooperation it is necessary to look at EU-UN relations by disaggregating them. In the current case, and as part of the mapping exercise of the EU's relations, each of the different components of the UN will be looked at separately.

The EU is also represented by the European Commission, which has delegations that are accredited to UN bodies:

- in New York, including the UN Secretariat, the General Assembly and its main committees, the UN Economic and Social Council (ECOSOC), the United Nations Development Programme (UNDP), etc.,
- in Geneva, including the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Conference on Trade and Development (UNCTAD), the International Labour Organisation (ILO), the World Health Organisation (WHO), the World Intellectual Property Organisation (WIPO), the International Telecommunications Union (ITU), the Conference on Disarmament (CD) and the United Nations Economic Commission for Europe (UN/ECE),
- in Paris, including the United Nations Educational, Scientific and Cultural Organisation (UNESCO), Nairobi (the United Nations Environment Programme (UNEP), and UN-Habitat,
- in Rome, including the UN Food and Agriculture Organisation (FAO), the World Food Programme (WFP) and the International Fund for Agricultural Development (IFAD),
- and in Vienna, including the United Nations Office on Drugs and Crime (UNODC), the UN Industrial Development Organisation (UNIDO) and the International Atomic Energy Agency (IAEA).

The European Commission's original information office in New York officially became a Delegation to the United Nations in 1974.

3.1 European Union – Security Council (UNSC)

3.1.1 General Overview

Article 4 of the UN Charter (1945) clearly states that membership of the global institution is attributed to states. Therefore the EU as a regional organisation cannot be a member itself but instead has to rely on the membership of its member states. This is also ensured by the provision made in Article 19(2) of the Maastricht Treaty (1992), which makes it the duty of those member states sitting in the Security Council to push forward the EU's positions. In this regard, the EU benefits from the assurance of always having two of its member states present at the Security Council and with veto rights, as France and the United Kingdom are both permanent members of the UNSC. Additionally, the fact that EU member states do not all belong to the same regional groups allows them to be elected to temporary seats at the Security Council. All in all, the EU could have up to six of its members sitting in the higher UN body at the same time. On average the EU has at least four of its members at the Security Council (Verbeke 2006: 52). This allows the EU member states to control between 1/3 and 1/4 of the seats even though all the member states taken together only account for 1/8 of the overall number of UN member states.

The EU also has other opportunities to make its voice heard at this level since its Rules of Procedure, under Article 37, allow the Security Council to invite states that are not members of the UNSC to take part in the discussions. Therefore, the state holding the EU Presidency could potentially be called upon to present the EU position on a given matter. Increasingly, the EU has had the possibility to make its voice heard via this possibility. It is also interesting to note that these Presidency statements in front of the Security Council are increasingly made on behalf of the EU and non-member states that align themselves with the EU position. This is particularly the case for candidate countries as well as potential candidate countries, but also other states such as Ukraine, Moldova, Armenia and Georgia. The UNSC Rules of Procedure also contain another provision that could further allow the EU to be represented. Article 39, in enabling the Security Council to call upon particular persons that will present their case in front of the Council, opens the way for various EU actors to contribute to the debates in New York. Thus, representatives of the Commission or even the HR/SG can very well contribute to discussions in the Security Council. This has already been the case with, for example, Javier Solana expressing the CFSP point of view during the discussions on Africa on the 29 January 2002 (Hoffmeister & Kuijper 2006: 17).

In order to make the contribution of the EU more effective, the EU Treaty in its Article 19 calls for coordination of the action of EU-member states that are also members of the UN Security Council.

As stated by Verbeke, “if the EU wants to have any impact within the UN as an Organization, and more specifically within the Security Council as a main body of the UN, it would be of clear benefit to have common positions relating to matters falling within the competence of the Security council, i.e., matters essentially related to peace and security” (2006: 50). Nevertheless, coordination of EU member states has been rather bumpy, since in some cases the states sitting around the UNSC table in New York have privileged their own interests rather than upholding a common position. This was evidently demonstrated during the debates on Iraq in 2002 and 2003 when the UK and France, both permanent members, were defending contradictory positions. Nevertheless, this crisis highlighted the need for improving concertation and coordination among the EU member states. Such coordination is to be facilitated by the existence of a framework for consultation based on the demand expressed in Article 19 of the EU Treaty. In practice these consultations occur at the level of Ambassadors as well as at the level of the collaborators in charge of Security Council matters (Verbeke 2006: 55). Moreover, such consultations have evolved so as to not only be a caucus to inform EU member states that are not sitting at the UNSC, but increasingly serve as a caucus to define ways to push forward a common position. This has, for example, allowed for Security Council resolutions to be commonly drafted and defended by the EU member states.

The Security Council, as the most important body of the global organisation, clearly represents an institution to which the EU gives particular attention. This is so because the EU recognises the UN and in particular the UNSC as the embodiment of international legitimacy. Thus, EU member states have constantly tried to push forward the implementation of UNSC resolutions once these have been adopted. It is for this reason, for example, that EU member states have given a lot of support, both financially and in human resources, to the Peacebuilding Commission, which was established as a common subsidiary body of the Security Council and the General Assembly.

3.1.2 EU – UNSC Cooperation on Regional conflicts

As the major organ of the United Nations system, the Security Council represents a key element in the EU’s external relations. The European Security Strategy clearly recognises that the primary responsibility for the maintenance of international peace and security rests with the United Nations and therefore that the Security Council has a major role to play in regional conflicts. In this regard the EU has tried to establish a strong relationship with the Security Council that also focuses on the question of the EU’s involvement in the settlement of regional conflicts and responses it can provide when such a crisis occurs.

Even though cooperation in various forms between the UNSC and the EU already happened in the past, the launch of the European Security Strategy and the embracing of the ideal of effective multilateralism, which gives a central role to the UN marks a turning point for cooperation between the two institutions. In fact during the months of drafting of the ESS two major events would see the deep involvement of the EU with the UNSC. Thus, in January 2003 the EU deployed the European Union Police Mission (EUPM) in Bosnia and Herzegovina taking over from the UN's International Police Task Force. Secondly, in June 2003 the EU decided to provide the necessary troops and military means to undertake the task mandated by UNSC Resolution 1484 calling for the establishment of an Interim Multinational Emergency Force in Bunia to restore security. Both of these deployments were very localised geographically but actually constituted part of a wider effort to solve the crises in the Balkans and in the Great Lakes regions respectively.

As a follow-up and in order to strengthen the partnership and collaboration between the Security Council and the EU, the two institutions signed a "Joint Declaration on EU-UN cooperation in Crisis Management", which identifies, among others, tracks to implement the EU's commitment to support the UN in crisis management (Council of the European Union 2003a). One such element is the Steering Committee that was established in order to allow for regular meetings between the staff of the two institutions. The EU's commitment to the work of the Security Council was reiterated in the European Security Strategy when it was published in December 2003.

The EU's involvement in the UN Security Council has had to do, in large part, with the EU's own willingness to be engaged on the side of the UN in different conflict situations throughout the world. But the UN has not been entirely inactive in this regard. In 2005 the Security Council adopted Resolution 1631 on cooperation between the UN and regional and subregional organisations in maintaining international peace and security (UNSCR 2005a). This Resolution also opened more avenues for the EU to collaborate with the UN body.

At the level of the Security Council, an essential part of the EU's work has also been to involve itself in the drafting procedure of the Resolutions regarding such topics as regional security. Through the EU member states that are part of the Security Council, the EU regularly attempts to push forward the policies of the CFSP and put them on the agenda of the Security Council. This has, for example, allowed the EU to have the Security Council involve itself heavily in the conflict in the Balkan region as well as taking a particular interest in the regional conflicts in Africa. Of course, the agenda of the

Security Council itself not being antagonistic to these aims of the CFSP has greatly facilitated the fact that the EU's position could be heard.

At the other end of the spectrum the EU, through its various institutions and components, has also repetitively tried to implement Resolutions of the Security Council, especially those concerning issues related to regional conflicts. This has particularly been the case with regard to sanctions that have been called for by the Security Council such as the freezing of assets and arms embargos in a given region. For example, following the adoption by the United Nations Security Council of Resolution 1596 (UNSCR 2005b), the Council adopted the Common Position concerning restrictive measures against the Democratic Republic of Congo (Council of the European Union 2005a). And again, when on 31 March 2008 the United Nations Security Council adopted Resolution 1807 (2008a), providing for new exemptions to the restrictive measures regarding the arms embargo, asset freeze and travel ban, this was quickly followed up by the Common Position concerning restrictive measures against the Democratic Republic of Congo and repealing the previous Common Position (Council of the European Union 2008a).

3.1.3 EU – UNSC Cooperation on Terrorism

In what concerns the fight against terrorism the EU also considers that the UN Security Council has a key role to play, notably in proposing universal frameworks to combat and circumscribe terrorism. The EU has thus been very active at the level of the Security Council during discussions on counter-terrorism. In fact, the EU member states that were sitting on the UNSC made important contributions in this regard and allowed for the adoption in 2001 of Resolution 1373 that established the Counter-Terrorism Committee as a subsidiary body of the Security Council. Following this move, the EU acted quickly to implement within the Union all the provisions contained in the resolution and fully cooperating with the work of the relevant UN bodies.

The EU also submitted two reports on the implementation of Resolution 1373 to the Counter-Terrorism Committee soon after it was established. In these reports the EU informed the Security Council of the legislative provisions that have been adopted at the EU level to combat terrorism, including action against the financing of terrorist activities, prohibiting the supply of weapons to terrorists, and international cooperation in which the EU is engaged to fight against terrorism (UNSC 2001; UNSC 2002). In addition, following Resolution 1373 the EU adopted specific measures designed to implement particular aspects of the Resolution at the level of the EU, and closely cooperated with the Counter-Terrorism Committee of the UN Security Council, as well as with

sectoral bodies like the International Civil Aviation Organisation (ICAO) and the International Maritime Organisation (IMO).

Yet the EU's cooperation with the Counter-Terrorism Committee, and more largely with the UNSC, with regard to the fight against terrorism does not limit itself to actions within the EU. In fact the EU clearly considers that if Resolution 1373 is to be effective in the fight against terrorism it needs to be implemented universally, leaving no loopholes for terrorists and their supporters. Therefore, the EU has made some efforts in order to support the capacity of other countries to implement Resolution 1373. The Commission, together with the Council and member states, soon started implementing a strategy for delivering tailor-made assistance to countries throughout the world in order to help them implement Resolution 1373. In addition, anti-terrorism clauses are increasingly being included in many EU agreements with third countries.

The EU is very well aware of the difficulty of implementing some of the UN Security Council Resolutions, as it encountered certain difficulties in the implementation of Resolutions 1267 and 1333, both relating to measures to be taken in order to prevent the financing of Al-Qaeda and the Taliban. When implementing the resolutions, and more specifically the list of those who would be affected by a freezing of their assets, the EU saw its decision revoked by the European Court of Justice and faced the risk of having EU decisions nullified, such as Common Position 1999/727/CFSP, concerning restrictive measures against the Taliban and Common Position 2001/154/CFSP, which implemented UN Security Council Resolution 1333 (2000) (Eeckhout 2007).

3.1.4 EU – UNSC Cooperation on WMDs

The Council's document "Basic principles for an EU strategy against proliferation of Weapons of Mass Destruction" (2003), which effectively guides the action of the EU on non-proliferation of WMDs, clearly states with regard to the international and multilateral frameworks that they represent the first line of defence in controlling the spread of WMDs. The EU has thus attached itself to several UN Security Council resolutions that deal directly with issues pertaining to the non-proliferation of weapons of mass destruction. In this regard, three resolutions are particularly important and are upheld by the EU. They include Resolution 1540 of 2004 on Non-proliferation of weapons of mass destruction, which establishes a committee under the auspices of the Security Council focusing specifically on Countering terrorism, Resolutions 1673 of 2006 and 1810 of 2008, both further extending the mandate of the 1540 Committee, which will now run until April 2011.

The EU adopted a Joint Action in support of these three Resolutions with the aim of helping address problems related to their national implementation in non-EU states (Council of the European Union 2006a). Through this framework the EU organised several regional seminars to raise awareness on Resolution 1540 and its obligations. The regional workshops also aimed at identifying gaps and needs taking into account different perspectives (government and industry) so that effective assistance requests for training, equipment and other fields of activity could be formulated. Through these seminars the EU has also managed to encourage the participating states to fulfil their obligations and submit their reports on their national legislation against the spread of WMDs to the 1540 Committee of the Security Council. Following the success of this first Joint Action, the EU adopted a second one in 2008 (Council of the European Union 2008b).

The successful engagement of the EU with the UN in this regard has also led the Security Council to recognise the role and importance of regional organisations in controlling the spread of WMDs. This was officially stated in Resolution 1810 adopted in 2008, in which the Security Council explicitly calls for greater cooperation between the UN and regional and sub-regional organisations.

Eventually the EU decided to introduce a WMDs clause in its agreements with third countries. This clause directly relates to third states fulfilling their international obligations as provided for in Resolution 1540.

3.1.5 EU – UNSC Cooperation on Human Rights

The EU and the Security Council clearly share the view that human rights are an important element of peace and security. In many of its resolutions the UN Security Council has underlined that respect for human rights is tantamount to preventing and resolving conflicts. Moreover, references to the issue of human rights also regularly appear in a number of the UNSC's documents that do not specifically address the issue. For example, in most cases resolutions adopted to allow the deployment of a peacekeeping force contain at least a mention of the respect for and safeguarding of human rights.

Given this shared will to promote human rights it is not surprising that the EU has tried to collaborate with the UN on this issue. In fact, the Communication from the Commission to the Council and the European Parliament of 10 September 2003, entitled “European Union and United Nations: the choice of multilateralism” (European Commission 2003), already stresses the role that the EU can play in upholding the UN institutions working on human rights, including concerning third countries.

The EU has been active in promoting some UNSC Resolutions that touch on a specific type of human rights. One such case has been the upholding of Resolution 1325 (2000) on women, peace and security. This resolution of 2000 is the first one that clearly identified women as victims of human rights abuses in the context of conflicts. In 2008 it was again strengthened by the adoption of Resolution 1820, addressing conflict-related sexual violence as a security challenge. The EU responded swiftly by adopting a Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security (Council of the European Union 2008c). In this comprehensive approach the EU not only commits to giving political support to the two resolutions at the international level, but also takes some steps to incorporate gender issues into ESDP missions. In addition, it states that the EU-UN Steering Committee on Crisis Management will periodically review progress on the implementation of UNSCR 1325 and 1820.

The EU also includes commitments to promote the role of women in peace building and/or enhance the implementation of Resolution 1325 in several key policy documents, such as the 2006 European Consensus on Development (Council of the European Union 2006b), the 2006 Commission Communication Roadmap for Equality between women and men (European Commission 2006a), the 2006 EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR) (Council of the European Union 2006c), and the Commission Communication on women's empowerment and gender equality in development cooperation of March 2007 (European Commission 2007). In addition, the European Consensus on Humanitarian Aid (Council of the European Union 2008d) recognises the importance of supporting women's participation in humanitarian aid responses and calls for the incorporation of protection strategies against sexual and gender based violence in all aspects of humanitarian assistance. Furthermore, important commitments to the promotion of Resolution 1325 are included in the Africa-EU Strategic Partnership (Council of the European Union 2007) and the first Action Plan (2008-2010) for its implementation (European commission 2009).

3.1.6 EU – UNSC Cooperation on Energy and Climate Change

Just as it has been the case in the EU, the question of climate change has only recently featured as a security issue falling under the responsibility of the UN Security Council. However, today many UN member states, including some permanent members of the Security Council, consider that the issue of climate change should be dealt with at the level of the General Assembly as it relates more to socio-economic development than security. Nevertheless, in 2007 the Security Council decided to

hold its first-ever debate on the impact of energy and climate change on peace and security. Until then climate change had only been of relatively small importance to the Security Council, in fact it had only touched on the subject as a possible root cause of conflict in a resolution on conflict prevention in Africa (UNSCR 2005c). Meanwhile, energy had never really appeared on the agenda of the Security Council.

Even though the EU did not participate in the discussions on energy and climate change at the Security Council, despite the fact that meetings were called and chaired by the UK, it has since then clearly expressed its approval of the Security Council seizing itself of the matter. In fact, the High Representative and the European Commission, in their joint progress report on climate change and international security submitted to the European Council, called for the EU and its member states to push for more debate and take the lead on climate change at the Security Council (European Commission 2008a).

3.2 European Union – General Assembly (UNGA)

3.2.1 General Overview

As is already the case at the UN Security Council the EU does not have formal status at the United Nations General Assembly (UNGA). Since only states can be members of the General Assembly, the EU has to rely on its member states to make its voice heard in the UNGA. But while the EU has a somewhat inflated representation at the Security Council, where its member states hold around one third of the seats, this is not the case at the level of the General Assembly. In fact within the UNGA the EU is dwarfed by the size of the G77 (which represents around two thirds of the votes) and also by the African Union or the Organisation of the Islamic Conference (both equivalent to a little bit less than a third of the votes). All in all, the 27 EU-member states only represent one sixth of the votes in the General Assembly.

The EU can also benefit from the support of non-member states, which via an alignment procedure tend to bring themselves into line with the official EU position. This is most particularly the case for candidate countries. The EU has also been able to extend its influence since EU member states are spread over three out of five of the regional groups that exist within the UNGA. While the majority belongs to the group ‘Western European and Others’, some EU members do also belong to the ‘Eastern European Group’ while Cyprus is the only one to be part of the ‘Asian Group’. However, the

EU's capacity to convince non-member states to align themselves to the EU position has been inconsistent. As studies of the votes within the General Assembly prove, non-member states do not always have a policy of permanently dovetailing EU position but rather tend to prioritise their own interests.(Rasch 2009: 255).

Whereas the coordination of EU member states at the UN Security Council has not always been very functional, at the level of the General Assembly there already exists a much better established framework for coordinating the EU position and pushing it through at the global organisation. Paasivirta and Porter thus inform us that "every year, well ahead of the beginning of an UNGA session, a draft paper is circulated by the Presidency which outlines the basic line to take on various agenda points in the forthcoming UNGA. It is submitted to EU coordination in the framework of the Council and goes through several revisions before the UN sessions starts" (2006: 40).

The presence of the EU at the General Assembly can also be felt through the implication of the European Commission. This is so mainly because the European Community was granted observer status at the 29th General Assembly in 1974 (UNGA 1974). The status of observer at the UNGA is nothing exceptional as it is shared by many other organisations, including regional organisations but also some non-governmental organisations, such as the International Federation of the Red Cross and Red Crescent Societies. As an observer the EC still has the opportunity to raise its profile by making its voice heard and collaborate at a multilateral level since this status allows for the sponsoring and signing of resolutions even if it cannot eventually vote on them.

Given these institutional arrangements it is clear that the EU member states are the ones to be expected to push forward the CFSP and ESDP agendas at the General Assembly, while the European Commission focuses on matters relating to development and related issues. With regard to the CFSP the EU-UN relationship also benefits from the establishment of the Council of the European Union's Liaison Office in New York. As the Lisbon Treaty aims, among other things, to rationalise the foreign representation of the EU it can be expected that it will also bring some changes to the presence of the EU at the General Assembly. Firstly, since the Lisbon Treaty would give a legal personality to the EU it should allow for a mutation of the EC observer status so that the EU in its entirety would benefit from this observer status. Secondly, the creation of the post of High Representative of the Union for Foreign Affairs and Security Policy, which would merge the current High Representative/Secretary General and DG Relex, could allow for better coordination of the EU's action at the UNGA.

In practice EU positions in the various UNGA subsidiary organs are discussed in Brussels where “experts from EU Member states meet under the leadership of the Presidency, together with the Commission representatives and the Council Secretariat. Such Working Groups include CONUN (dealing with fundamental approaches to UN issues), CODEV (Development issues), COHOM (UNGA Third Committee, Human rights Council related issues) and COJUR (international law issues)” (Paasivirta & Porter 2006: 40). Nevertheless, the positions coming from Brussels usually undergo some reworking in New York in order to facilitate the consensus building process, which is the rule within the UNGA and its subsidiary bodies (Paasivirta & Porter 2006: 40).

3.2.2 EU-UNGA Cooperation on Regional Conflicts

Even though the issue of conflict is generally considered to be the domain of the Security Council, the General Assembly can also have a voice on the matter. The work of the UNGA regarding regional conflict is essentially made within its First Committee, which focuses specifically on disarmament and international security.

In December 2005, as a follow up to the 2005 Millennium Review Summit, the United Nations established the Peace Building Commission by concurrent Resolutions of the Security Council (UNSCR 2005d) and the General Assembly (UNGA 2005). The aim of the Peace Building Commission is to help countries emerging from conflict and to help them avoid relapsing into violence. The Peace Building Commission is thus a forum and at the same time has an advisory function. In addition, the Peace Building Commission should serve as an instrument to ensure some predictability in the funding of crisis recovery situations while also coordinating the efforts of the different political, security, humanitarian and development actors involved.

Given the willingness of the EU to engage in the full conflict circle, ranging from conflict resolution and post-conflict reconstruction, it is not surprising that it has attempted to be involved in cooperating with the Peace Building Commission. However, despite the EU being one of the major funders of peacebuilding efforts through both its development policy and humanitarian agency, it was unable to secure a place within the Commission and still has to rely on being represented by its member states. In this regard the EU benefits from the composition of the Organisational Committee as it allows it to have six member states taking part in the debates (France and UK as members of the UNSC, Germany and the Netherlands as top providers of financial contributions to the UN, and Luxembourg and Poland elected by the Economic and Social Council). All in all, despite not being directly represented, the EU effectively controls around one-fifth of the seats in the Commission. In addition, the European Commission can also be invited to participate as an

institutional donor while the Presidency can be represented as part of the regional organisations that are regularly consulted. On its side the UN has also accepted that the EU may be represented by the European Commission and the Council under a single nameplate of “European Union”.

3.2.3 EU – UNGA Cooperation on Terrorism

International terrorism has already been the subject of General Assembly discussion for a long time as it originally fell under the auspices of the General Assembly’s 1972 Ad Hoc Committee on International Terrorism. In addition, in 1996 Resolution 51/210 established an Ad Hoc Committee “to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism.” (UNGA 1996). The same year India presented a draft of a comprehensive convention on international terrorism (CCIT). Since then, the Ad Hoc Committee and a Working Group of the Sixth Committee subsequently worked on separate but related aspects of the draft negotiations. The draft has been the subject of discussion, debate and additional texts since its production. Within the different Committees and Working Groups dealing with terrorism the EU has tried to push forward the negotiation process that would lead to the adoption of the Comprehensive Convention on Terrorism. The EU has also been active with regard to an additional Convention with a focus on terrorism, the International Convention for the Suppression of Acts of Nuclear Terrorism. On many occasions the EU has expressed its belief that the Comprehensive Convention on International Terrorism should become a vital law enforcement instrument in its joint counter-terrorism efforts (EU Presidency 2005).

3.2.4 EU – UNGA Cooperation on WMDs

At the level of the UN General Assembly most of the questions related to weapons of mass destruction are dealt with in the First Committee, which focuses specifically on disarmament and international security. All members of the United Nations have the right to participate in the work of the UNGA Committees, which are organised in a set of formal and informal meetings. The EU is thus represented by its member states. This has been particularly problematic given that the EU member states have very differing views about the question of nuclear disarmament. Both France and the UK have a tendency to defend their right to own nuclear weapons. Meanwhile Sweden and Ireland are among the founding members of the New Agenda Coalition, which aims at the total elimination of nuclear weapons. Therefore it is not surprising that “the percentage of EU split votes has been the highest in the First Committee of all Main Committees” (Rasch 2008: 152).

However, this lack of cohesion in the votes does not mean that the EU has been inactive with regard to cooperation on weapons of mass destruction within the UN General Assembly. In fact the EU, through its member states, reiterates its commitment to disarmament and for a better control of WMDs and regularly supports resolutions drafted in this sense. Thus, the EU has clearly shown its support for the process that should lead to the adoption of multilateral instruments in the field of disarmament.

In fact the EU is involved in several UN disarmament frameworks, such as the Convention on Conventional Weapons (CCW), the Biological Weapons Convention (BWC) and the Chemical Weapons Convention (CWC). The EU also supports measures involving different international actors, ranging from the field of nuclear safeguards to the collection and destruction of small arms.

3.2.5 EU – UNGA Cooperation on migration

Whereas at the European level migration is increasingly perceived as a security issue, this is not the case at the United Nations. For the United Nations and its different institutions the question of migration is mostly apprehended as having to do with human rights and social and economic development. It is in fact along these lines that the UN decided to hold a 'High-Level Dialogue on International Migration and Development' during its 61st session in 2006. In support of this high level dialogue the EU prepared the EU Position for the United Nations' High Level Dialogue on Migration and Development, which was formally adopted during the General Affairs and External Relations Council on 17 July 2006 (Council of the European Union 2006d).

In this EU position document, the EU underlined its support for different multilateral frameworks working on the issue of migration, such as the Global Commission on International Migration, launched by the UN Secretary-General in 2003, and the Global Migration Group which brings together several UN agencies and institutions that have a stake in migration. Furthermore, the EU stressed that the High-Level Dialogue should not be an end in itself but that it needed some follow-up. One of the major outcomes of the High-Level Dialogue was the decision to create a Global Forum on Migration and Development, whose first meeting was to be held in Belgium in 2007. However the EU failed to actively participate in the discussions. Nevertheless, following the High-Level Dialogue the EU did implement a Joint Migration and Development Initiative between the European Commission and the United Nations. This Joint Migration and Development Initiative is a world-wide programme fully-funded by the European Commission, with a grant of €15 million channelled

through UNDP, and with the overall objective of supporting civil society organisations and local authorities seeking to contribute to strengthening the link between migration and development³.

3.2.6 EU – UNGA Cooperation on Human rights

Within the UN the most important units where human right issues are discussed are the Third Committee of the UN General Assembly and the Commission on Human Rights. Via the Third Committee the EU has been able to play a proactive role to push forward the promotion and protection of human rights. For example, in 2002 the EU was one of the driving forces behind the adoption of the optional protocol to the Convention against Torture, establishing a system of international and national visiting mechanisms for the inspection of places of detention and investigation. In addition, the EU introduces resolutions and makes statements aiming to protect and promote human rights and fundamental freedoms. In supporting such resolutions the EU underlines the importance it attaches to the work of UN special representatives and rapporteurs on human rights issues related to countries and themes.

At the level of the Commission on Human Rights (CHR) the EU had also tried to be one of the leading figures, benefitting from the significant number of EU member states that are part of the 53 members comprising the CHR. The various EU member states have thus been involved in the drafting of resolutions as well as in presenting the European position concerning its aim of protecting and upholding fundamental freedoms and human rights. This allows the EU to be represented and to act in discussions focusing on the human rights situation in any given country or when ‘thematic’ questions that are in need of action in many places in the world are discussed.

For example, during the 59th session the CHR adopted resolutions proposed by the EU on Burma/Myanmar, the Democratic Republic of Congo, Iraq, Israeli settlements, North Korea, Turkmenistan (introduced jointly with the United States), rights of the child and the death penalty, and issued chairman’s statements negotiated by the EU on Colombia and East Timor. In addition, the EU supported a wide range of resolutions introduced by third countries and delivered statements on several human rights issues, including a keynote speech addressing democracy, the rule of law, good governance, the fight against torture and the death penalty, as well as the human rights situation in several other countries across the world.

³ More information on the Joint Migration and Development Initiative are available on its website: <http://www.migration4development.org/content/about-jmdi> (Accessed 1 February 2010).

Subsequently the EU has also tried to remain actively involved on matters relating to human rights after the replacement of the CHR by the United Nations Human Rights Council in March 2006. Concerning the death penalty, for example, the EU issues an 'Annual EU Statement on the Death Penalty' on the occasion of the World Day against the Death Penalty, held every year on 10 October, and the EU also sponsored the "Declaration on the Abolition of the Death Penalty", presented to the UN General Assembly on 19 December 2006. Eventually, the UN General Assembly Third Committee adopted, on 15 November 2007, a resolution sponsored by a cross-regional alliance, including the EU, on a moratorium on the use of the death penalty (UNGA 2007).

3.2.7 EU – UNGA Cooperation on Climate Change and Energy

It is only quite recently that the General Assembly has come to consider the issue of climate change as a security issue. In fact it was only in June 2009 that the UNGA touched on the topic when it held its first ever meeting at the demand of the Small Island Developing States. The European Union, through the Council, welcomed the decision of the General Assembly to hold a meeting on this theme given the relative failure of the Security Council meeting on the impact of energy and climate change on peace and security that was held in 2007, and saw many states claiming that energy and climate change were more an issue for the General Assembly (Council of the European Union 2009).

As a follow-up to the UN General Assembly Resolution A/63/281, the UN Secretary General was also expected to draft a report on the existing linkages between climate change and security (UNGA 2009). This report was eventually adopted by the UNGA in September 2009. The European Union also supported the drafting of this report and offered some contributions via its Presidency to highlight the areas the EU considered as being essential.

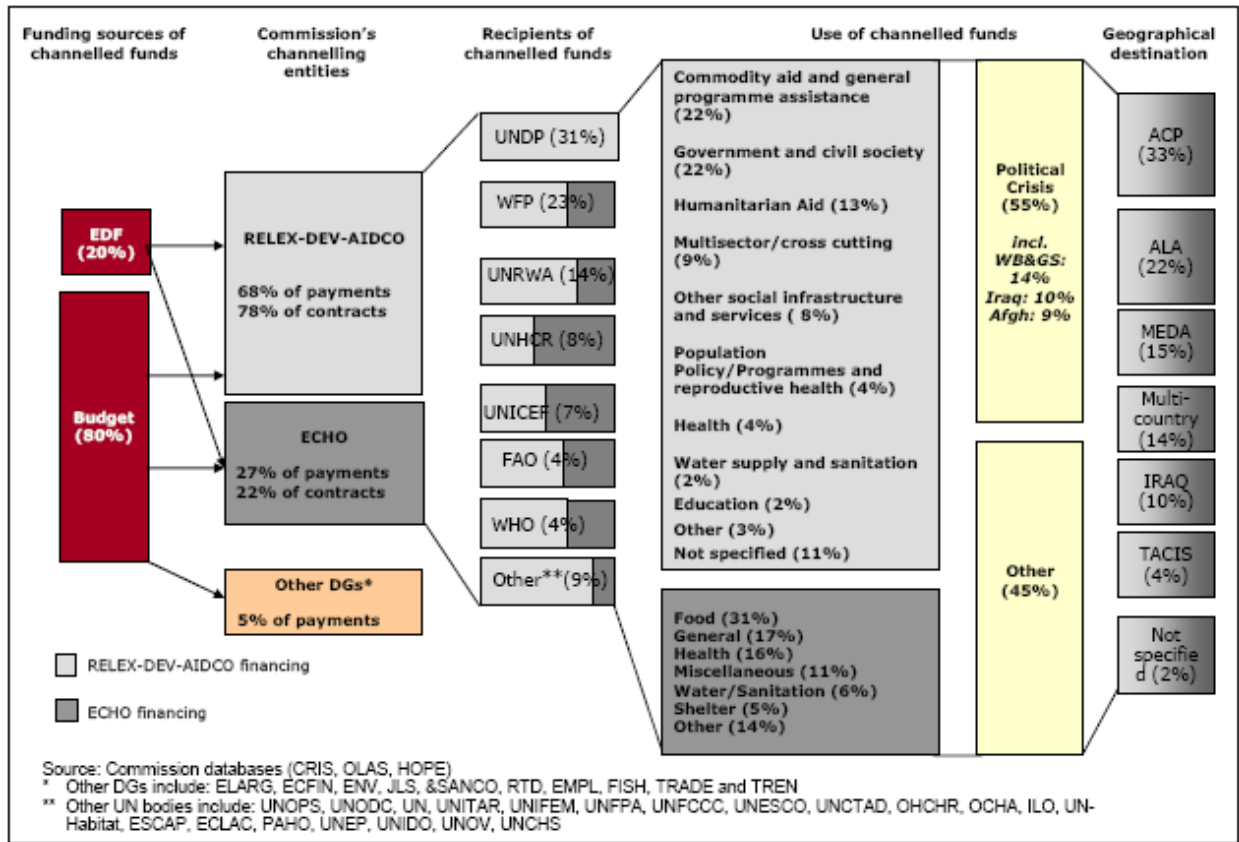
3.3 European Union –United Nations Departments and Agencies

3.3.1 General Overview

The EU represents one of the major financial contributors to the UN, as its member states taken together fund around one third of the UN's regular budget, more than two fifths of UN peacekeeping operations and about half of all UN member states' contributions to UN funds and programmes.

Apart from the EU member states, it is also important to note that the European Commission itself also represents a significant UN partner, contributing more than €1 billion in support of UN

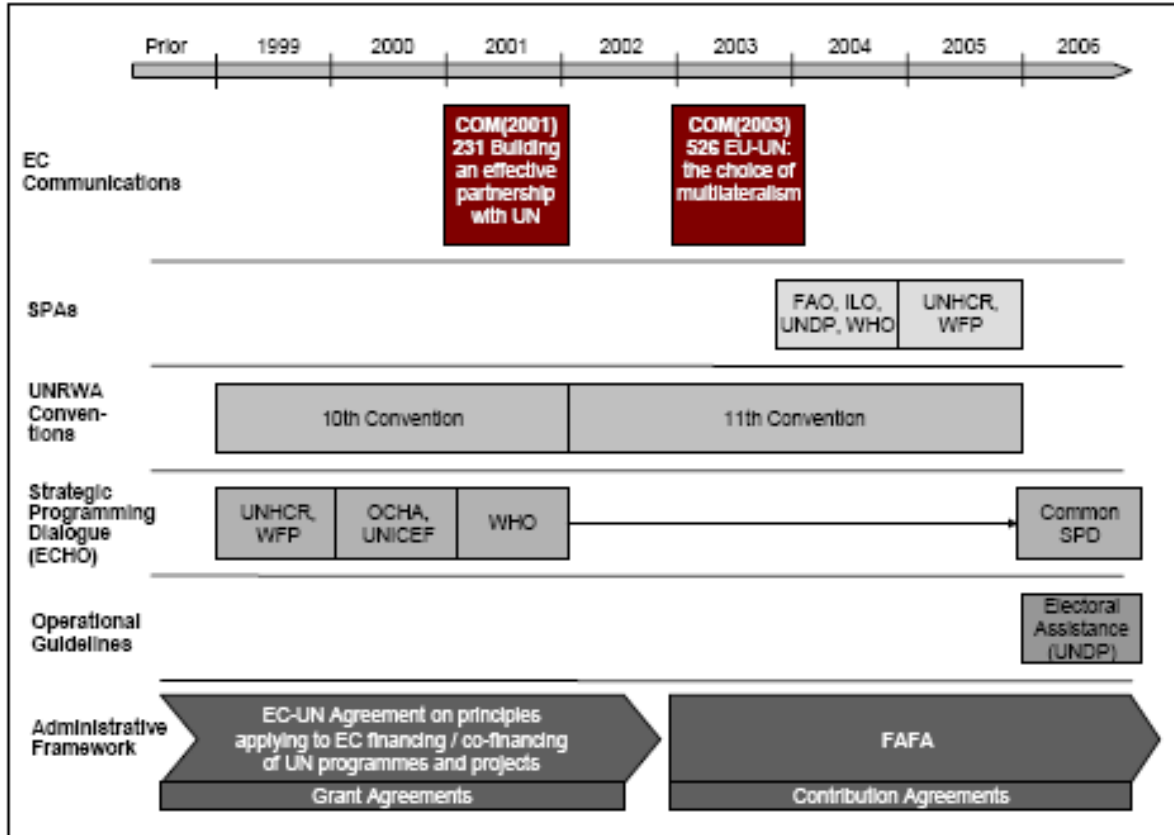
programmes and projects (United Nations Brussels 2009: 56). In order to facilitate these financial contributions a special agreement, known as the Financial and Administrative Framework Agreement (FAFA), has been established between the EC and the UN. The FAFA allows for a better management of contractual aspects and various issues pertaining to the implementation of the programmes and projects in which both the UN and the EU are involved.



Graph from (ADE 2007).

The EC has also been able to improve its collaboration with some of the UN bodies by establishing strategic partnerships with them. To date six strategic partnership agreements (Memorandum of Understanding, MoU) have been signed with the UNDP (June 2004), WHO (July 2004), ILO (July 2004), FAO (September 2004), UNHCR (February 2005) and WFP (September 2005). In addition to which should be mentioned an earlier established cooperation between the EC and UNRWA.

Diagram 1 – Evolution of Commission–UN legal and administrative framework, 1999-2006



Graph from (ADE 2007)

3.3.2 EU – UN Department and Agencies Cooperation on Regional Conflicts

Since 2003, the cooperation between the EU and the different UN Agencies and Departments with a stake in resolving crises is handled under the framework established by the Joint Declaration on UN-EU Cooperation in Crisis Management. Most notably, this Joint Declaration established a ‘joint consultative meeting’, also known as the Steering Committee, between UN and EU staff to discuss a thematic aspect or a specific crisis situation (Council of the European Union 2003a). The Steering Committee brings together representatives of DG Relex, some EU Military staff and experts in other fields, while the UN side includes representatives of the UN Department of Peacekeeping Operations (UNDPKO), the Department of Political Affairs (UNDPA) and the Office for the Coordination of Humanitarian Affairs (OCHA). The aim of these regular meetings is to improve UN-EU cooperation, especially in what concerns planning, training, communication and best practices.

Yet cooperation between the EU and UNDPKO indeed goes far beyond the contacts established through the Steering Committee. The fact that the EU has actively participated in peacekeeping

operations alongside the UN made it necessary for the EU to engage with the UNDPKO. On the UN side there was already some acceptance of the fact that other international and regional actors may play an increasing role in peacekeeping operations, ever since the adoption of the Capstone doctrine. The deployment of Artemis in eastern DRC as well as operation Althea in the Balkans would thus provide for an opportunity for the EU to collaborate closely with the UNDPKO. However, it soon appeared clear that the EU and its member states were more eager to participate in UN-mandated peacekeeping operations than UN-led ones. UNDPKO has in fact found it difficult to secure troop commitments from EU member states. More practically, the fact that UNDPKO and the EU do not envisage the deployment of troops in the same manner has also somewhat stalled cooperation between the EU and UNDPKO and has prevented it from going much further than meetings (Tardy 2003).

Regarding regional conflicts, the EU has also collaborated with UN departments other than UNDPKO. One of the important UN institutions working on issues such as regional conflicts is the Department of Political Affairs (UNDPA). Whereas UNDPKO is in charge of the operationalisation of UN troop deployments, the UNDPA is in charge of managing the political aspect of conflict prevention, conflict resolution and post-conflict reconstruction. Although lacking any formal cooperation agreement, the EU has come to closely collaborate with UNDPA on conflict cases. For this purpose, the two institutions launched the Desk-to-desk dialogues on conflict prevention. These dialogues allow both institutions to discuss various conflict situations and coordinate their efforts for their resolution, as well as identify possibilities for joint activities on conflict prevention and peace-building. The aim of the Desk-to-desk dialogue is also to ensure a regular upstream exchange at the operational level on policy, programming and project assessments. It is therefore not limited solely to the participation of UNDPA, but can also include other UN agencies and departments, such as UNDPKO, the United Nations Development Programme (UNDP) Bureau for Crisis Prevention and Recovery, and the Office for the Coordination of Humanitarian Affairs (OCHA).

3.3.3 EU – UN Department and Agencies Cooperation on WMDs

With regard to the question of WMDs, the EU mainly works through specially established working groups of the General Affairs Council. On the one hand the Working Group on Global Arms Control and Disarmament, referred to by the acronym CODUN, discusses issues relating to the CWC, BWC, the

Comprehensive Test Ban Treaty (CTBT), small arms and land mines. On the other hand the Working Group on Non-Proliferation, known as CONOP, is responsible for the nuclear Non-Proliferation Treaty (NPT), other non-proliferation and export control regimes, and assistance to Russia for chemical weapons destruction. Both of these working groups have tried to cooperate with the UN in the field of disarmament and by fighting against WMD proliferation.

Both CODUN and CONOP take a close interest in the work that is done at the multilateral level through the Conference on Disarmament of the United Nations. This Conference on Disarmament brings together different UN institutions that have a stake in disarmament and WMDs and tries to coordinate their actions and policies. The Conference on Disarmament also serves as a forum which countries can voluntarily join to discuss matters of disarmament. The EU has repetitively tried to push third countries to join the process and take part in these multilateral discussions.

In 2009, the Conference on Disarmament made some progress towards finding an agreement on its plan of action after a 12-year-long stalemate caused by internal disagreement of the participating states. The EU clearly expressed its satisfaction by welcoming the adoption of the comprehensive and balanced Programme of Work. The EU considered that the adoption by consensus of the Programme of Work for the 2009 session signalled that the Conference on Disarmament was again ready to fulfil its role as the single permanent multilateral forum available to the international community for disarmament negotiations (EU Presidency 2009).

At a more practical level the EU has also demonstrated its willingness to cooperate with international institutions dealing with WMDs. The EU has, for example, upheld the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) as an important actor in the fight against WMD proliferation. As a result, the EU has decided to support the work of UNMOVIC by setting up a roster of experts that could be mobilised for UNMOVIC missions. But the EU has not only cooperated with UN agencies that are specialised in disarmament. In fact the EU has tried to broaden the scope of its intervention and actions with regard to WMDs by working with a great array of multilateral institutions. As such, the EU agreed on a Joint Action in support of WHO activities in the field of bio-security (Council of the European Union 2008e). This Joint Action, adopted in April 2008, also allows the EU to push the issue of bacteriological weapons complementarily to the support the EU gives to the BTWC (see *infra*).

3.3.4 EU – UN Department and Agencies Cooperation on Human rights

The European Community is the third largest donor to the OHCHR, with support for a wide range of projects, including OHCHR operations in Colombia, Burundi and the Democratic Republic of Congo. Taken together, the voluntary contributions from the Commission and EU member states accounted to almost two-thirds of all contributions to OHCHR in 2008 (\$75 million out of a total of \$120 million) (OHCHR 2009). Cooperation between the EU and the OHCHR has been spearheaded by the European Instrument for Democracy and Human Rights (EIDHR) and was launched in 2002 when the Commission started funding the OHCHR. The initial projects funded by the Commission focused on UN special procedures and treaty bodies, follow-up to the Durban Declaration and Programme of Action, transitional justice, national human rights institutions, indigenous populations and gender. In addition, some country-specific projects were also initiated in Burundi, Colombia, the Democratic Republic of Congo, Guatemala, Mexico, Nepal, Togo and Uganda. Over the years the Commission contribution to and cooperation with the OHCHR have steadily increased and since 2007 annual agreements ensure that the Commission contributes €4 million a year, entirely free of earmarking (OHCHR 2009). In addition, the EU has also attempted to raise awareness of the OHCHR and its work in upholding human rights and the support provided to it by the EC and has thus decided to include a “Visibility Strategy” as part of its funding.

Another important aspect of the EU’s cooperation with UN agencies concerns the support the EU has decided to give to the realisation of the Millennium Development Goals (MDGs). This was made abundantly clear in the Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee of 12 April 2005, entitled ‘Speeding up progress towards the Millennium Development Goals – The European Union’s contribution’ (European Commission 2005) . Through this communication the EU underlines its commitment to the MDGs by calling on member states to increase the amount of their Official Development Aid and also to improve the delivery of development aid to better serve the attainment of the MDGs. In April 2008 another Communication from the Commission, ‘The EU – a global partner for development – Speeding up progress towards the Millennium Development Goals’ (European Commission 2008b), also confirmed the continuing commitment of the EU in favour of the MDGs. Practically, this commitment is also translated by the funding the EU provides to several UN agencies that are working for the realisation of the MDGs, including the United Nations Development Programme (UNDP), the UN Children’s’ Fund (UNICEF), the UN Population Fund (UNFPA), the World Health Organisation (WHO), UN-Habitat, and many others.

The EU has also come to develop a strong partnership with the UNDP in the field of human rights. In fact, since 1995 the two institutions have closely collaborated in the field of electoral assistance. This was further increased during the electoral processes in the Democratic Republic of Congo in 2004. As a result, in 2006 the EU and UNDP decided to adopt the "Operational Guidelines for the Implementation of Electoral Assistance Programmes and Projects" (European commission 2006b) that would help them streamline and coordinate their activities with regard to electoral assistance. These Operational Guidelines were again reviewed and updated in December 2008 and ensure that there is cooperation both at headquarter level and in the field (European Commission 2008c). For this purpose the EU and UNDP have established a Joint Task Force and work together in formulation and monitoring missions, support for the selection of experts and procurement of election material, joint trainings, development of guidelines, gathering of lessons learned and participation to specialised electoral networks

3.3.5 EU – UN Department and Agencies Cooperation on Migration

Regarding the issue of migration, there are two UN institutions that have a specific role to play. On the one hand, the International Organisation for Migration (IOM) is in charge of all matters relating to migration. On the other, the UN High Commission for Refugees (UNHCR) is more specifically dedicated to addressing issues linked to refugees. As the EU has taken an interest in the question of migration it has come to collaborate with these two UN institutions.

In fact, for the UNHCR the EU has clearly stated and adopted the point of view that it needs to cooperate with this UN institution, most notably in what concerns EU policy and legislation on refugee matters. The Amsterdam Treaty even states that the EU needs to consult with UNHCR on matters related to asylum policy (Amsterdam Treaty 1997). In addition, the Amsterdam Treaty also obliges member states to adopt laws on asylum which are in accordance with the 1951 Geneva Convention on the Status of Refugees (Amsterdam Treaty 1997: Dec.17). Furthermore, the right to asylum is also guaranteed by the Lisbon Treaty, and has always been part of the European Charter of Fundamental Rights (Lisbon Treaty 2007; ECFR 2000).

In 2005 the European Commission and the UNHCR signed two agreements to increase cooperation on the development of European asylum laws and on policy and assistance for refugees, both within the European Union and beyond its borders. The Strategic Partnership Agreement signed by the two institutions identifies some overarching themes on which the EU and UNHCR can work together and gain from one another (UNHCR 2005). These include ensuring the promotion and implementation of different international legal texts, such as the 1951 Geneva Convention relating

to the Status of Refugees and its 1967 Protocol, as well as support for policy making and capacity-building for the development of asylum systems in third countries. These agreements came at a time when the EU and the UNHCR had already been working together on a number of projects and programmes and aimed at facilitating and intensifying the UNHCR's work with the European Commission on policy as well as practice, including in the delivery of aid for refugees. In this regard the two institutions also agreed to push for closer cooperation with other UN Agencies on various EC and UNHCR concepts – for example UNHCR's 'Linking of Relief, Rehabilitation and Development' and the '4Rs' (Repatriation, Reintegration, Rehabilitation and Reconstruction).

At a more practical level, the EU and UNHCR have also worked together in jointly implementing projects. For example, the Asylum Systems Quality Assurance and Evaluation Mechanism (ASQAEM) focused on asylum procedures in Austria, Bulgaria, Germany, Hungary, Poland, Romania, Slovakia and Slovenia⁴. The project was established in order to learn from the existing procedures in the target countries as well as to help achieve one of the core protection goals of UNHCR across the EU by supporting the continuous development of asylum procedures based on the application of the 1951 Convention on the status of Refugees. This 18-month-long project has been co-funded by the EU and UNHCR and the latter has been in charge of its implementation.

The IOM has been working closely with the EU institutions since 1999, when migration, asylum and visas became a Community competence. During this period the progress achieved by the EU in developing a common migration policy has been significant. As the EU expanded its activities and involvement in migration issues through both the Tampere programme (1999-2004), which set the basis for a common European Union policy on migration, asylum, integrated border management and visa control (European Council 1999), and the Hague Programme (2004-2009), the IOM has increasingly appeared as a partner with which the EU has had to cooperate (European council 2004).

However the EU also cooperates with the IOM through its participation in different Regional Consultative Processes (RCPs). These RCPs are an informal process that allows for involved parties to meet together in order to discuss various aspects of migration. Even though these RCPs are spearheaded by the IOM, they usually include a number of states clustered regionally as well as some additional institutions participating in their quality of observers (Klekowski von Koppenfels 2001). As such, the European Commission sits in the meetings of the Inter-Governmental

⁴ For more information on the ASQAEM, see : <http://www.unhcr-budapest.org/index.php/refugee-protection/asylum-procedures> (accessed 2 February 2010)

Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC), which covers Western Europe, and the Budapest Process, which covers most of Europe and the Balkans. The EU Presidency also participates in the meetings of the Budapest Process. In addition, the EU has played a major role in launching one of the most recent RCPs when it sponsored the creation of the Söderköping Process, which covers some Eastern European and Baltic states. In this last case the EU not only financially sponsors the RCP but also supervises the work of its secretariat, together with other institutions, such as the IOM and the UNHCR⁵.

3.3.6 EU – UN Department and Agencies Cooperation on Climate Change and Energy

The EU has quite clearly attached itself to promoting environmental issues at the international level. For this purpose it has attached itself to the work being undertaken under the aegis of the UN and in particular with the United Nations Environment Programme (UNEP). In addition the EU has also been constantly pushing for the inclusion of environmental consideration in various other international agreements and institutions as well as in its collaboration with other partners, including the UN and its various agencies.

The EU has also been actively involved in the effort to strengthen the capacity of the UN to act with regard to environmental matters by pushing forward the transformation of the UNEP from a programme to a full-bodied organisation. A proposal in this sense was adopted by the European Union Council of Environmental Ministers in June 2005 (Morgera and Marín Durán 2006). The actual relationship between the EU and UNEP was effectively institutionalised with the signing of an MoU between the European Commission and the UNEP in September 2004. This MoU is to allow for easier collaboration between the two institutions, in particular in what concerns the promotion and implementation of the World Summit on Sustainable Development (WSSD) environment commitments as well as pushing for the achievement of the environmentally relevant UN Millennium Development Goals. UNEP is also working closely with the European Commission on different specific projects that have an environmental component. For example, UNEP is the executing agency for a project that sees the European Commission providing support to the African Ministers' Council on Water and its work programme. But one of the most visible aspects of cooperation between the EU and UNEP has in fact been the EU's participation in and contribution to the Intergovernmental Panel on Climate Change (IPCC), which was established by UNEP and the World Meteorological Organisation (WMO).

⁵ For more information on the Söderköping Process, see: <http://soderkoping.org.ua/> (Accessed 2 February 2010)

4. EU and disarmament Global/Multilateral institutions

4.1 European Union – International Atomic Energy Agency (IAEA)

4.1.1 General Overview

The International Atomic Energy Agency (IAEA), although established in 1957 under the framework of the United Nations, is an independent international organisation whose relationship with the UN is regulated by a special agreement between the two organisations. However, this agreement still makes provisions for the IAEA to report annually to the UN General Assembly and to the UN Security Council when needed, thus really establishing the global dimension of the IAEA. The IAEA essentially serves as the global forum for technical and scientific cooperation in the field of nuclear energy. As such it is also in charge of the inspection of the proper usage of nuclear energy, making sure, on the one hand, that the right safeguards and security measures are applied as well as verifying measures covering civilian nuclear programmes.

The relationship between the European institutions and the IAEA in fact dates back to the very early days of the European integration process. Since both the Euratom and the IAEA had within their mandates the management of nuclear related questions, it soon appeared that they were quite natural partners. However, it was not until 1973 that an agreement was eventually signed between the two organisations (Fischer 1973). This agreement focused on the technical level and was aimed at increasing the level of cooperation between the two organisations, especially at the technical and administrative levels.

Nowadays, the European Commission represents the EU at the meetings of the IAEA Governing Bodies. In these instances the EC is in fact representing Euratom, which as an organisation is party to numerous treaties and agreements focusing on nuclear issues. These include, amongst many others: the Convention on Nuclear Safety, the Convention on Physical Protection of Nuclear Material, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, all of which are under the auspices of the IAEA.

4.1.2 EU – IAEA Cooperation on WMDs

In addition, the EC is also in charge of implementing various projects and programmes launched by the IAEA, whilst also contributing to the efforts of the IAEA through its own instruments, such as

the Instrument for Nuclear Safety Cooperation or the Instrument for Pre-Accession Assistance and the Instrument for Stability. The EU is also a major donor to the IAEA as it provides financial support to the programmes and Joint Actions of the IAEA. The EU is also a major donor to the IAEA nuclear security fund through Joint Actions supporting IAEA activities in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (Council of the European Union 2008f).

Regarding the effort against the proliferation of WMDs, the EU has also involved itself in several initiatives aimed at preventing the proliferation of weapons of mass destruction, in particular proliferation amongst non-State actors such as terrorist groups. The EU seeks to provide capacity building support and other types of assistance to various states in order to minimise the risk of having them assisting chemical and biological weapon proliferation. For this purpose the EU can also benefit from the input of the European Commission's Joint Research Centre in Ispra, Italy, which works closely with the International Atomic Energy Agency (IAEA) on these matters. The European Commission also cooperates with the IAEA on a range of technical issues — most notably nuclear safeguards — and the EU generally speaks with one voice on the IAEA's Board of Governors on political issues such as the verification of nuclear programmes in North Korea, Iran and Iraq.

4.2 European Union – Biological and Toxin Weapons Conventions (BTWC)

4.2.1 General Overview

The Biological and Toxin Weapons Convention (BTWC) – or more formally, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction – represents one of the major multilateral efforts in the field of disarmament and the prohibition of biological and toxin weapons. The BTWC was simultaneously opened for signature in Moscow, Washington and London on 10 April 1972 and entered into force on 26 March 1975, and as such represents the first multilateral disarmament treaty banning the production of an entire category of weapons. There are currently 162 states that are party to the Convention and an additional 13 that have signed but not yet ratified it.

Since the BTWC does not have a secretariat or an organisation specifically tasked with upholding it, most of the work undertaken through the framework of the Convention occurs during the Review Conferences, held approximately every five years since 1980. These Review Conferences serve to ensure that the purposes and the provisions of the Convention are being realised by the signatory states. During the second Review Conference in 1986 the state parties decided to adopt the habit of

reporting Confidence Building Measures (CBMs) every year. These CBMs consist of annual exchanges of data and information, as well as declarations of past and present activities of relevance to the Convention. The first CBM returns were collected collated by the UN Office for Disarmament Affairs (then the Department for Disarmament Affairs) in 1987 and have been compiled every year since.

As the BTWC does not have a permanent institution, cooperation involving the EU occurs with other states and/or international organisations. Even though other international organisations had already participated in the Review Conferences as observers in the past, it was not until the 6th Review Conference held in 2006 that the EU was formally represented in the Convention's meetings.

In order to operationalise its support for the Convention the EU also decided to adopt a Joint Action in support of the BTWC. This Joint Action, which ran between 2006 and 2007, focused on supporting two goals of the BTWC. In one part it focused on furthering the universalisation of the Convention, and in the second it aimed at providing assistance for national implementation of the Convention (Council of the European Union 2006e). In addition to the Joint Action in support of the BTWC, the European Union adopted, on 9 March 2006, a complementary action plan on biological and toxin weapons (Council of the European Union 2006f). In this complementary action plan the Council calls for all EU member states to fulfill their obligations with regard to reporting Confidence Building Measures every year and expresses the EU's wish to enhance the effectiveness of the current UN Secretary General's mechanism for investigating cases of alleged use of chemical and biological and toxin weapons. In November 2008 the EU adopted a new Joint Action in support of the Convention (Council of the European Union 2008g). The programme runs for twenty-four months from May 2009 to April 2011 and is implemented by the Geneva Branch of the United Nations Office for Disarmament Affairs. It focuses on the same goals as the previous Joint Action, to which are added programmes to improve CBM participation and supporting the intercessional process.

4.2.2 EU – BTWC Cooperation on Regional Conflicts

Although the BTWC does not particularly focus on regional conflicts, the cooperation framework in which the EU has been engaged gives some importance to this security dimension. The initial phase of EU support for the Convention consisted of a series of meetings in Brussels, Geneva and New York to inform the diplomatic representatives of the states not yet party to the BTWC of the

importance of the Convention. These meetings also served to lay the groundwork for upcoming Regional Seminars structured around briefing sessions explaining the BTWC and its contribution to regional security.

During the course of the Joint Action five such regional seminars were held, including one for Southern and East Africa, one for Asia and the Pacific, one for Latin America and the Caribbean, one for West and Central Africa, and finally one for the Middle East. The three principal themes of those discussions related to: (i) development benefits and responsibility regarding biology and biotechnology; (ii) regional security issues and the BTWC; and (iii) legal and administrative requirements regarding ratification and accession to the BTWC⁶.

Participants in these regional seminars comprised international experts on biological disarmament, experts and representatives from states parties in the region, EU member states, the Council of the European Union and the European Commission, as well as international organisations, such as the Food and Agricultural Organisation (FAO), the United Nations Office for Disarmament Affairs (UNODA), and the World Health Organisation (WHO).

4.2.3 EU – BTWC Cooperation on Terrorism

Contrary to most international conventions on non-proliferation and other agreements on arm-controls, the BTWC applies not only to states but also to private parties. Article III of the convention prohibits the signatory states from transferring to any recipient whatsoever, and not in any way to assist, encourage, or induce any state, group of states or international organisation to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery that could be used for biological weapons. Moreover, Article IV also imposes on the state parties to take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of biological and toxin weapons. These features make the Convention an important instrument in the fight against terrorism.

During the Regional Seminars organised through the Joint Action, the EU made clear that it considered that the threat posed by biological weapons should be viewed in the light of the spread of extremely violent terrorist and criminal activities in many parts of the world, in combination with the natural diffusion of knowledge, skills, and equipment related to advanced biology and biotechnology. Therefore the EU's cooperation in this regard aims at ensuring that state parties to the convention are really able to implement the necessary provisions in their national legislation, as

⁶ For additional information see: <http://www.euja-btwc.eu/euja> (Accessed 2 February 2010)

it believes that no state can afford to be complacent about the threat posed by terrorist group access to biological and toxin material.

With regard to the states that are still not party to the Convention, the EU raises the risk that terrorists or criminals may use such states as bases to prepare biological weapons. Thus, the second objective of the Joint Action, which specifically focuses on the universalisation of the Convention, is also to ensure that terrorists no longer find a safe haven or could make use of the territory of a state not party to the BTWC to prepare for a biological attack at home or in another country, exploiting the weak or non-existent laws to minimise the risk of detection and criminal prosecution.

4.2.4 EU – BTWC Cooperation on WMDs

As the focus of the BTWC is specifically on bacteriological and toxin weapons, it represents an important cornerstone of the global effort to control the spread and eradicate the use of weapons of mass destruction. Rightly so, the EU considers that the BTWC has to be upheld as part of its general strategy against the proliferation of WMDs. It is therefore mostly in regard to this security issue that the EU has been the most actively involved with regard to the BTWC.

The EU participation was in fact triggered by the adoption by the Council of the European Union, in 2003, of the EU Strategy against the proliferation of Weapons of Mass Destruction, in which assistance to and the strengthening of the BTWC was seen as an important task for the EU (Council of the European Union 2003b; 2003c). As a follow-up the Council also adopted, in March 2006, a Common Position for the 6th Review Conference of the BTWC (Council of the European Union 2006g). The EU was eventually represented at the 6th Review Conference by Finland – which held the Presidency at that time – as well as the EU HR/SG personal representative on non-proliferation of WMDs, Annalisa Giannella, who accompanied the Finnish delegation.

The Council Common Position identified a broad framework of action in support of the norm against the weaponisation of disease. The EU considered that it needed to push for the further universalisation of the BTWC, as well as the amelioration and expansion of the CBMs. Similarly, the EU decided to support the full implementation of UNSC Resolution 1540 (UNSC 2004) with regard to biological weapons, as well as the G8 Global Partnership programme, which both dovetail the BTWC. In addition the Common Position advocated for the holding of intercessional meetings to improve the efficiency of the Convention.

As mentioned earlier, the absence of a permanent institution for the BTWC means that the EU's programmes relating to the Convention have to be established in cooperation with third countries or other international organisations. The adoption of the two Joint Actions in 2006 and in 2008 have thus enabled the different components of the EU to cooperate with a wide range of states and international organisations. Following the meetings during the initial phase of the Joint Action, the EU engaged in more substantive discussions during the Regional Seminars, where it advocated for the ratification of the Convention by the states that still had not done so.

5. EU – International organisations

5.1 European Union – Organisation for Security and Cooperation in Europe (OSCE)

5.1.1 General Overview

The OSCE appears as a natural partner for the EU as it comprises all the EU member states and geographically covers not only EU-Europe but also the countries that are encompassed in the European Neighbourhood Policy (ENP). EU member states are also aware of the role that the OSCE can play in the field of peace and security in their immediate neighbourhood. It is thus not very surprising that two thirds of the OSCE budget comes from EU member states' contributions, while the EU itself also actively contributes in financing various OSCE programmes and projects (Council of the European Union 2004a). The cooperation between the two institutions can go even deeper in the form of joint projects, which are run and funded by the two organisations. This is the case of the Office for Democratic Institutions and Human Rights (ODIHR). In fact, despite not being able to contribute to the Unified Budget of the OSCE, the European Commission has over the years become the second biggest donor of extra-budgetary contributions (Council of the European Union 2004a).

At the institutional level the relationship between the two organisations is led by the participation of the President of the European Commission in the OSCE Summit and the presence of the Commissioner for External Relations in the annual OSCE Ministerial Council. The European Commission is thus able to represent the EU in the areas falling under its competence and plays an essential role in drafting EU positions at the OSCE. The EC, for example, works out an official EU position each year before the OSCE Economic and Environmental Forum which is then presented by the EU Presidency (EU Presidency 2010). The EU is also represented by its member states via the EU Presidency, as the EU Troïka and the OSCE Troïka regularly meet at ministerial level to discuss

different issues. Contacts between the two institutions are also facilitated by the fact that the European Commission has a Delegation accredited to the OSCE. With this delegation in Vienna, the Commission has been able to maintain close contact with other OSCE delegations and institutions, including the ODIHR in Warsaw.

The issues on which the EU is particularly active in its relationship with the OSCE encompass human rights, border management and the fight against human trafficking, environmental matters as well as combating terrorism. In these matters the EU and the OSCE are particularly active in the Balkans, in Central Asia and in the Caucasus. For example, the EU has involved itself in various missions to provide police assistance in OSCE participating states, such as in Bosnia and Herzegovina and in the Former Yugoslav Republic of Macedonia (since 2003 in both cases). These missions, which fall under the aegis of the ESDP, clearly benefited from the close collaboration between the EU and the OSCE for their implementation.

5.1.2 EU – OSCE Cooperation on Regional Conflicts

The EU has been particularly keen to cooperate with the OSCE on the issue of regional conflict given its recent interest in the stability of the Caucasus and Central Asia. The fact that the OSCE includes member states from these two regions offers a window of opportunity for the EU to address a part of the world it has often overlooked. In 1995 the European Union had already decided to include the OSCE and closely cooperate with it in what concerned its policy towards Eastern Europe. The Pact on Stability in Europe (Council of the European Union 1994), adopted by the EU in 1995, clearly gave some responsibility in terms of implementation to the OSCE. The 1999 Stability Pact for South Eastern Europe follows the same path and also calls for closer cooperation with the OSCE in the process (Stability Pact 1999).

Another major step towards cooperation between the EU and the OSCE was taken with the adoption, in November 2003, of the Conclusions of the Council of the European Union on EU-OSCE cooperation in conflict prevention, crisis management and post-conflict rehabilitation (Council of the European Union 2003d). In addition, a year later the Council of the European Union adopted the Assessment Report on the EU's role vis-à-vis the OSCE, in which past collaboration between the two organisations was reviewed and opportunities for future cooperation were considered. In this Assessment the Council clearly stated that the EU "should seek to re-enforce its contribution to the security and stability in the Euro-Atlantic area through the OSCE"), thus proving its attachment to cooperation with the OSCE (Council of the European Union 2004a).

This cooperation has materialised in different instances, especially when conflicts erupted in the area covered by the OSCE. A recent example was offered by the process leading to the resolution of the Russo-Georgian conflict, where the EU involved itself in the resolution of the conflict and called for OSCE participation in the post-conflict reconstruction process.

Also at the field level, there are regular contacts among the OSCE field missions and representatives of the EU and its member states, including with the Delegations of the European Commission or EU Special Representatives.

5.1.3 EU – OSCE Cooperation on Terrorism

The EU has also come to collaborate with the OSCE on the issue of Terrorism, as both organisations share the same concerns on this matter. In this regard the OSCE relies essentially on the Bucharest Plan of Action (OSCE 2001) and the OSCE Charter on Preventing and Combating Terrorism (OSCE 2002). Moreover, the activities undertaken by the different institutions and bodies of the OSCE coincide with the wide range of measures covered by the EU Counter Terrorism Strategy to address the factors which contribute to support for and recruitment into terrorism. These activities cover policing, border control, non-proliferation, small arms and light weapons, stockpiles of conventional ammunitions, incitement to hatred, good governance and the rule of law.

Moreover, the EU also cooperates in these field with the Office of Democratic Institutions and Human Rights (ODIHR) Anti-Terrorism Coordinator, most notably in providing support to OSCE member states to implement UN Security Council Resolution 1373. Other activities that are more directly focused on security matters are also managed in a relationship established between the EU and the OSCE's Action against Terrorism Unit. This relationship encompasses such activities as legal cooperation in criminal matters, countering threats to civil aviation, urban transport security, combating terrorist use of the Internet, as well as enhancing container security. In addition to these two cooperation frameworks, it is also worth mentioning that terrorism financing and money laundering are jointly tackled via the OSCE Coordinator for Economic and Environment.

5.1.4 EU – OSCE Cooperation on WMDs

The EU has also been actively cooperating with the OSCE in the field of disarmament, and most notably in the management of WMDs. Within the OSCE the main organ in charge of these issues is the Forum for Security Co-operation (FSC), which was established by the Helsinki Document 1992 and is responsible for overseeing the OSCE's action with regard to conflict prevention and conflict resolution (OSCE 1992). Thus the FSC covers, among other things, negotiations on arms control,

disarmament and confidence and security building measures and provides an arena for regular consultations and cooperation on security.

Via the FSC various policies have been defined for improving the efficiency of the organisation in the field of peace and security. Many of these documents are of high relevance for the ESDP and include the Code of Conduct on Politico-Military Aspects of Security of 1994 (OSCE, 1994), the elaborated regime of Confidence and Security-building Measures (CSBMs) cumulating in the Vienna Document of 1999 (OSCE, 1999), the OSCE Document on Small Arms and Light Weapons in 2000 (OSCE 2000) and – more recently – the OSCE Document on Stockpiles of Conventional Ammunition (OSCE 2003).

5.1.5 EU – OSCE Cooperation on Migration

Since the OSCE encompasses states that are in the geographical proximity of the EU it is natural that the two organisations have moved closer in order to cooperate on issues linked to migration. The collaboration between the two organisations has essentially focused on border management programmes. On the OSCE side policy on border management is dictated by the OSCE Border Security and Management Concept (BSMC), adopted in 2005 during the Ministerial Council in Ljubljana (OSCE 2005). The various EU missions focusing on border security are mainly aimed at building the capacity of the involved states in curbing illegal migration and trafficking, such as the EU Border Assistance Mission to Moldova and Ukraine (EUBAM), which benefits from the Ohrid Process for Border Security and Management (Stability Pact 2003) which established a cooperative framework between the EU and the OSCE on the matter of border management⁷. The Ohrid Process for Border Security and Management, launched in 2003, and which brings together the EU, the OSCE, NATO and the Stability Pact, led, among other things, to the development and establishment of the South Eastern Europe Cross-border Cooperation Programme (OSCCP) consisting of 11 regional seminars.

The relationship between the EU and the OSCE is also notable as it includes the cooperation of both organisations in the programmes and projects of the other. As such the OSCE has been involved in the EU's Community Assistance for Reconstruction, Development and Stabilisation (CARDS), especially with regard to the implementation of the "Support to and Coordination of Integrated Border Management Strategies in the Western Balkans" Programme. In Central Asia, the OSCE also participates in the Border Management Initiative for Central Asia (BOMCA) of the EU.

⁷ For more information on EUBAM see: <http://www.eubam.org/> (Accessed 2 February 2010).

In addition to the question of border management the EU and the OSCE have also established a strong working relationship in order to tackle the issue of human trafficking. This collaboration is organised through the “Alliance Expert Coordination Team”, which is an international forum set up by the OSCE, bringing together various international actors involved in the field of combating the trafficking of persons. On the European side, both the European Commission Expert Group and EUROPOL take part in these meetings, which allow the OSCE to provide input to the EU Action Plan on Combating Human Trafficking.

5.1.6 EU – OSCE Cooperation on Human Rights

The question of human trafficking can also be considered as a matter relating to human rights. In fact the EU and the OSCE have also been working actively together for the promotion and the upholding of human rights in the OSCE member states. There are two particular areas in which the EU and the OSCE have been particularly involved and for which they have increasingly tried to collaborate. These are election observation on the one hand, and police assistance on the other.

With regard to election observation the EU has, for example, applied itself to follow the model provided by the OSCE instrument for election observation. The OSCE’s Office on Democratic Institution and Human Rights (ODIHR), established in 1990, already has a long history of sending missions to observe the electoral process in its member states. The EU has used the framework developed by the ODIHR to design its own election monitoring teams. This has also allowed for a facilitated cooperation between the teams of the two organisations when they are deployed to monitor elections in a given country.

In the field of Police assistance both the EU and the OSCE have long established projects and programmes focusing on capacity and institution-building of law enforcement agencies, and most particularly the police. The two organisations have also tried to build on their relationship to collaborate in the implementation of these programmes. For example, in Kyrgyzstan the European Commission contributed up to €1 Million and some technical assistance for OSCE projects in support of the Kyrgyz police.

Another interesting case is offered by the cooperation between the EU and the OSCE in Kosovo as part of UNMIK. Within UNMIK the EU is in charge of Pillar IV focusing on Economic Development while the OSCE leads the Pillar III on Democratisation and Institution Building. The participation of the two organisations in the UN mission for the rebuilding of Kosovo has thus witnessed multiple levels of cooperation (Karnitschnig 2006).

5.1.7 EU – OSCE Cooperation on Climate Change and Energy

Yet another area that has seen the EU and the OSCE working together concerns the environmental dimension. In this field, the EU, led by the European Commission, has been contributing to the convergence of standards in OSCE countries, with the norms, policies and principles of the EU more particularly for the countries involved in the European Neighbourhood Policy and the EU's Stabilisation and Association Process. For this purpose the European Commission has been particularly active in its participation in the OSCE Economic and Environmental Forum.

The Commission has also involved itself in supporting the Economic and Environmental Dimension (EED) of the OSCE by contributing to the various conferences, and also by providing its support to the OSCE's Economic and Environmental Committee (EEC) of the Permanent Council, established in 2001. The European Commission is also responsible for designing the EU position at the annually held Economic and Environmental Forum Conferences. In fact the EC is also involved in the various preparatory activities of these conferences by preparing various keynote speeches and contributions and drafting the EU Presidency's interventions.

5.2 European Union – International Criminal court

5.2.1 General Overview

With regard to the International Criminal Court (ICC), the EU showed its support for this global institution even before it was formally established. The EU's Common Position of 2001, for example, streamlined the position of the EU institutions with regard to the establishment of a Court that would have competence over international crimes (Council of the European Union 2001). After the entry into force of the Rome Statute that established the ICC, the EU reviewed its Common Position in 2003 in order to agree to uphold the Court in the multiple frameworks of international relations that EU institutions are involved in (Council of the European Union 2003e). This was complemented in 2004 by the adoption of an Action Plan to follow up the Common Position, in which the EU sets out three priorities, namely: the coordination of EU activities, the recognition of the universality and integrity of the Rome Statute, and defending the independence and effectiveness of the Court (Council of the European Union 2004b). For this purpose the EU also relies on the Council's working group focusing specifically on the ICC. This COJUR ICC meets 4 to 5 times in Brussels and once a year in The Hague, where the Court is based.

The EU's attachment to reinforcing the global institution that is the ICC has pushed it to pay special attention to the question of the ICC when dealing at other levels. For example, the question of the

ratification of the Rome Statute resurfaced many times in the enlargement process. In addition, the Cotonou Agreement became, following its 2005 revision, the only binding international legal instrument that includes an ICC-related clause (Article 11 of Cotonou revised version) (European Council 2008b: 13). Even nowadays the EU attaches itself to promoting membership of the Rome Statute with the EU candidate countries. In the relationship with the EU at a bilateral and multilateral level the ICC has also been a prominent issue, as between 2002 and 2008 the EU carried out no less than 275 demarches to 110 countries and international organisations to encourage ratification and implementation of the Rome Statute (European Council 2008b:10).

The financial contribution of the EU to the ICC has also been very important. Until July 2007 the overall contribution of EU member states to the ICC amounted to 75% of the total assessed contributions to the Court. Since July 2007 and the joining of Japan, the EU member states' contribution remains the main source of ICC's funding even though in percentage their contribution has lowered to 57% (European Council 2008b: 18).

5.2.2 EU-ICC Cooperation on Human Rights

The EU's support to the ICC also takes the form of its official contribution to the work undertaken by the Court. This is notably the case for the EU Special Representatives who can provide support and information to the ICC. The EUSR for Sudan, for example, has to closely monitor the situation in Darfur and holds regular meetings with the Office of the Prosecutor of the ICC. The EU therefore contributed to the work of the ICC by providing the ICC with satellite imagery and analysis of locations requested by the Office of the Prosecutor. The Council of the EU also holds regular ICC diplomatic debriefings in Brussels in order to keep the ICC updated on various situations in the world.

Given this great support provided by the EU to the ICC, it is not surprising that the EU became the very first international organisation to sign, in April 2006, the ICC agreement on cooperation and assistance (Council of the European Union 2005b). Under this agreement the two organisations agree to exchange information and documentation that are of mutual interest. In addition to this the EU and the ICC are in the process of signing an agreement allowing for the exchange of classified information.

At the practical level the support the EU has given to the ICC has mostly been operationalised by the European Instrument for Democracy and Human Rights (EIDHR). Ever since the prospect of establishing the International Criminal Court appeared in the 1990s, the Commission, through the

EIDHR, has supported projects carried out by a number of actors, including NGOs, to support the rapid establishment of the ICC. These projects included support for the full implementation of the Rome Statute in domestic law, trainings on the work of the ICC, as well as campaigning activities. In fact, between 2002 and 2006 around €17 million were earmarked for supporting international justice projects, to which should be added around €3 million directly granted to the ICC to fund exchange programmes for legal professionals (EIDHR 2008).

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