

CFSP Forum

ISSN: 1996-1782

Volume 5, Issue 6 November 2007

Note from the Editor

Karen E. Smith, London School of Economics, Editor

The first article of this issue of CFSP Forum, by Sophie Vanhoonacker and Hylke Dijkstra, analyses the evolution of the Council secretariat's role in the foreign policy area. The next two articles deal with various aspects of the relations between the European Union and the United Nations: Edith Drieskens and Roos Van de Cruys look at the EU's role in the new Peacebuilding Commission, while Malgorzata Gorska considers the development of the legal bases for cooperation between the two organisations. Finally, Sonia Lucarelli reports on the results of a research project on how outsiders view the EU - a vastly underresearched area in the study of the EU's foreign relations.

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Beyond Note-Taking: CFSP Challenges for the Council Secretariat¹

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The highly sensitive character of European foreign policy has always made member states reluctant to transfer competencies to the supranational level. When 'the Six' launched European Political Cooperation (EPC) in 1970, they organised this flexible form of foreign policy cooperation on a purely intergovernmental basis. Decisions were taken by unanimity and the ministers of foreign affairs (and their political directors and the working parties) convened in the country holding the Presidency. During the early years of EPC, the European Commission was excluded from the meetings and could only make its views known 'if the activities of the European Communities [were] affected by the work of the Ministers' (e.g. sanctions).2 Since there was no central Secretariat, it was the country in the chair that bore the entire administrative burden.

Today the situation has changed considerably. The Common Foreign and Security Policy (CFSP) is now part of the EU's single institutional framework and has moved beyond its declaratory character. The gradual development of a European Security and Defence Policy (ESDP) has led to the creation of a whole range of Brussels-based foreign policy bodies (see below) and since the appointment of Javier Solana as the High Representative (1999), Europe's external policy has even received a 'political face'.³

This rapid 'Brusselisation' should, however, not

bring us to the hasty conclusion that the old-age rivalry between intergovernmentalists supranationalists has been decided to advantage of the latter.4 The shift of the point of gravity from the national capitals to the Brussels has not necessarily led arena communautarisation of the CFSP.5 Unanimity continues to be the norm and most of the newly created bodies operate under the aegis of the Council. The new executive tasks in European security have not been entrusted to the European Commission but to the Council's General Secretariat (CGS), a body with limited formal powers, over which the member states have more influence.⁶ As a result, the Secretariat evolved from a body that has traditionally fulfilled a supporting role in the shadow of the Presidency to a central actor in the ESDP process.

This short contribution aims to shed light on the emerging role of the Council Secretariat in the area of foreign policy by placing its development in a historical perspective. In addition it examines the challenges resulting from these new responsibilities. Since the Secretariat has relatively little experience in the foreign policy area, the question arises as to what extent it is ready to assume its new CFSP tasks.

The long road to Amsterdam and Cologne

Although the roots of the Council Secretariat go back to the beginning of European integration, its role in the field of foreign policy is of a more recent character. Until the Single European Act (SEA, 1987) there was no permanent secretariat dealing with EPC affairs and the archives moved from capital to capital.8 In the SEA the member states decided under French pressure to establish a small and flexible structure of sixteen staff members in Brussels, paid for and seconded by their national ministries.9 In addition to supporting staff, the five successive Presidencies ('enlarged troika') delegated one diplomat for a period of two and a half years. For practical reasons the offices of the EPC Secretariat were located on the premises of the Communities' Council Secretariat, but a combination lock on the door formally separated them from the Council officials. 10 The EPC Secretariat supported Presidency with the preparation and implementation of foreign policy decisions, while leaving political direction fully in the hands of the country in the chair.

Following the Maastricht Treaty (1993) both secretariats – EC and EPC – were merged. The staff of the EPC Secretariat was integrated into

Directorate-General E (DGE, External Relations) and re-branded as the CFSP unit – consisting of one representative per member state, eleven permanent officials of the Council Secretariat and one seconded Commission official.¹¹ The mix of permanent officials, who had passed the *concours*, and the temporary, seconded diplomats was not a success. The formalistic approach of the former clashed with the informal nature promoted by the diplomats with EPC experience; finding a *modus operandi* took quite some time.¹²

While the CFSP was established to deal with the new post-Cold War challenges, its operational character was only strengthened at a much later stage, as a reaction to the Yugoslav wars (1992-1999). The appointment of Javier Solana as the first High Representative of the CFSP (SG/HR) and the creation of ESDP at the Cologne European Council (both 1999), in the midst of NATO's military intervention in Kosovo, gave the Council Secretariat at once a political and military role. Instead of being a body that merely supported the Presidency and Council in their daily work, it became an institution in its own right, actively participating in the formulation and implementation of European foreign policy decisions.

To support the SG/HR in its political tasks, the Amsterdam Treaty created the Policy Planning and Early Warning Unit (better known as the Policy Unit) consisting of seconded diplomats, and representatives from the Commission, the WEU and the Council Secretariat. The creation of this body led to frictions with DGE, which did not accept the division of labour in which it was only supporting the Presidency. For reasons of coherence, parts of the Policy Unit were gradually integrated into DGE.¹³ Yet the Policy Unit has proved 'sticky' as an organisation. It is mentioned in the Treaties and therefore cannot be easily abandoned.

With ESDP, European foreign policy became more operational and since 2003 the EU has engaged in various civilian and military missions. These new activities required new institutional structures and the member states based them in the Council Secretariat. In 2001 two new directorates were established in DGE - currently under the name 'External Economic Relations, Politico-Military Affairs' – dealing with 'defence issues' and 'civilian management'. In 2006 these directorates employed over 50 officials, a large proportion of which was seconded personnel.14 Because these directorates handle sensitive information of third parties such as NATO and the United States, they are located in a separate

secure building at the Avenue de Cortenbergh.¹⁵ In addition, the Secretariat also houses the EU Military Staff (EUMS), the Civilian Planning and Conduct Capability (CPCC), the Joint Situation Centre (SITCEN) in charge of intelligence, and the Operation Centre (since 2007). These bodies play a role in the implementation of civilian and military ESDP missions and they employ around 300 officials, most of whom are seconded.

Although the above-mentioned developments have attracted hardly any public or academic attention, the changes in terms of staff, administrative structures and functions have been tremendous. More than half of the Secretariat's A-grade officials are now involved in EU external relations and a majority of them is seconded. Even though the 'traditional' secretarial tasks of organising meetings, booking rooms, sending around material, organising translations, and making the minutes remain pivotal, the Secretariat now has more political functions. Formally it may not have the right of initiative, but it can draw the Council's attention to certain issues via, for example, strategy and/or policy papers. Examples of this proactive approach are the establishment of the Rafah monitoring border mission in the Palestinian territories and Solana's shuttle diplomacy during the Lebanon crisis (summer 2006).

The Secretariat also has a significant impact on decision making through its central role in the drafting of CFSP documents. Contrary to the first pillar where it can only take the floor in case of legal or procedural questions, it can intervene as an actor in its own right (in the working groups as well as on ministerial level) in the second pillar. It is particularly influential when it comes to the implementation of ESDP missions. Once a Joint Action on a civilian or military mission is adopted, the EUMS takes the lead in drafting the strategic military options, the concept of operations and the operational plan. Through the newly created Operations Centre (since January 2007) it can maintain contacts with the host country and the EU actors 'on the ground'. The financing of military missions furthermore goes via the intergovernmental ATHENA mechanism, managed by the Council Secretariat.

With the exception of the appointment of Solana, the changes in the Council Secretariat have never been the result of treaty reform or a grand design. The new tasks and structures gradually developed as pragmatic answers to the needs of time. While such an approach has its advantages, it also raises the question whether the Secretariat is prepared and has the capacity

to deal with its new functions. Three particular challenges stand out: the availability of expertise; access to information and intelligence gathering; and internal and external coordination.

CFSP challenges for the Secretariat

First of all there is the *question of expertise*. The permanent officials of the Council Secretariat generally do not have a background in diplomacy or the military; they are trained as generalists, able to quickly change from dossier or service. Contrary to national ministries of foreign affairs, the Council Secretariat lacks a foreign policy tradition. Only a relatively small number of Secretariat officials have specialised in the area of CFSP. The seconded national officials partially compensate for this lack of expertise, but there are also some pitfalls. Besides the fact that the permanent staff is wary of external 'parachuting', there are also the questions of loyalty, adaptation and continuity. 16 Since seconded staff depend on their national administration for both information as well as their future career, their loyalty is under suspicion. Cultural clashes are a risk as well. Impartiality which is a core value of the Secretariat is not necessarily a high priority for seconded officials. Even if seconded diplomats and experts are willing to socialise and integrate, this process is not automatic and by the time they have adjusted to the Secretariat's norms and values they often return home.

A second challenge concerns information and intelligence gathering. In theory, the seconded officials have access to a wide range of sources and contacts in the national capitals. In practice however, the member states are not always willing to share sensitive data. The diversity of languages is not helpful either: documents written in the languages of smaller member states are often inaccessible to a large group of officials. In contrast to the member states, the Secretariat does not have its own diplomatic missions and depends on the Commission delegations in third countries.¹⁷ As there are no formal procedures, the information exchange depends on the goodwill of the local head of delegation. While this willingness has improved over the years, it still happens on an ad hoc basis rather than through a continuous flow. Furthermore the standard in terms of political reporting tends to be lower than those in the field of trade and development.¹⁸

Last but not least the new responsibilities of the Secretariat also raise the *question of coordination* – internally as well as externally. The relationship with the European Commission is the most critical. A military mission is often succeeded by a civilian

mission and, in the Western Balkans, even with the prospect of EU enlargement. These phases imply different dynamic roles for both players. Structural ambiguities such as overlap and inconsistency between first and second pillar actions stimulate rivalry and have spurred a number of 'turf battles' – not so much at the political (Solana – Patten / Ferrero-Waldner) as at the administrative level. 19 The 'Crisis Management Procedures' (2003) were a first attempt to define the role of the different actors but they are very general since they were drafted when the EU had hardly any experience with crisis management. 20

Procedures and coordination mechanisms do not, however, provide the full answer. Since missions differ considerably in terms of scope, duration, location and size, there is also a need for flexibility. In a document on civil military coordination, the Secretariat and the Commission services plead for a culture of co-ordination 'rather than seeking to put too much emphasis on detailed structures and procedures'. 21 The risk with such approach is however that it makes smooth co-ordination dependent on the goodwill of the players involved. Ideally both partners find a balance between increased institutionalisation and codification on the one hand, and enough flexibility to face new challenges and to respect the specific character of the missions on the other hand.²²

Nor should the internal coordination challenges be underestimated. The advent of the High Representative and the Policy Unit led to tensions with DGE. The merger of their staff was aimed at reducing institutional battles but due to differences in background and administrative culture, it has been far from a smooth process. A further challenge is the civil-military dichotomy. Instead of having close civil-military cooperation from the early stages of a mission onwards, civilian and military operations are organised by different institutional actors and separate chains of command. The Civ-Mil cell should improve coordination but due to its strong military bias, one may question its usefulness.²³

Finally there is the age-old question of guaranteeing coherence between the different dimensions of EU external relations. The 'old style' civil servants that are working in the field of trade and development are now confronted with colleagues who are not familiar with their working methods and norms. Since the ESDP directorates are based in a separate building there is little scope for 'spontaneous' contacts. It may not be accidental that after a history of

more than fifty years at the service of the Council, the Secretariat has felt the need to lay down its core values of professionalism, *esprit de corps*, and impartiality in a mission statement.²⁴

Conclusion

After having operated in the shadow of the Council for most of its existence, the Council Secretariat has become a visible player on the foreign policy arena. Since nomination of Solana and the launching of ESDP, this 'behind the scenes' operator has acquired important foreign policy responsibilities. As a result the number of civil servants has expanded considerably and a whole range of new administrative structures has been set up. While generally the Secretariat has been able to adjust quickly to the new demands, the EU's foreign policy ambitions have also brought a number of challenges in terms of expertise, information and coordination. So far the Secretariat has addressed these problems incrementally as they came along.

The Reform Treaty constitutes a first attempt to address the challenges in a more substantial way. creation of a 'double-hatted' Representative of the Union for Foreign Affairs and Security Policy' for instance should bring an end to the coordination problems with the European Commission. The establishment of a European External Action Service should allow the concentration of various external relations actors in one central location. Whether these changes will address the challenges of information and coordination identified in this contribution is hard to say. Much will depend on the way they are implemented and on political willingness to draw on the current experiences of the Secretariat's work.

Remain Intergovernmental: A Rationalist Institutionalist Choice

¹ This paper is based on interviews with officials from the Council Secretariat, European Commission and the member states in Brussels (March-September 2006). We would like to thank all officials for their valuable input.

² First Report of the Foreign Ministers to the Heads of State and Government of the Member States of the European Community of 27 October 1970 (Luxembourg Report), article V (retrieved from: http://www.ena.lu).

³ Cf. Monsieur PESC/Mr. CFSP.

⁴ D. Allen, 'Who Speaks for Europe? The Search for an Effective and Coherent External Policy', in J. Peterson and H. Sjursen (eds), *A Common Foreign Policy for Europe? Competing Visions of the CFSP* (London: Routledge, 1998). ⁵ H. Dijkstra, *The changing role of the Council Secretariat in the context of the CFSP (1970-2006)*, unpublished dissertation (Cambridge UK, 2007). These new bodies should be seen as facilitating the coordination process between member states, not as guardians of 'credible commitments'. Cf. W. Wagner, 'Why the EU's Common Foreign and Security Policy Will

Analysis of European Crisis Management Policy', *Journal of European Public Policy*, 10, 4, 2003, pp. 576-595.

⁶ The official name is General Secretariat of the Council of the

European Union.

- ⁷ T. Christiansen and S. Vanhoonacker, 'At a Critical Juncture? Change and Continuity in the Institutional Development of the Council Secretariat', West European Politics, forthcoming.
- 8 S. Nuttall, European Political Co-operation (Oxford: Clarendon Press, 1992), p. 20.

⁹ SEA, article 10(g).

¹⁰ S. Nuttall, European Foreign Policy (Oxford: OUP, 2000), p. 251. ¹¹ Ibid., pp.251-52.

- 12 Ibid.; D. Dinan, Ever Closer Union: An Introduction to European Integration (New York: Palgrave, 1999).
- ¹³ S. Duke and S. Vanhoonacker, 'Administrative Governance in CFSP: Development and Practice', European Foreign Affairs Review, 11, 2, 2006, pp. 163-182. ¹⁴ Information provided by the Council Secretariat (June 2006); G. Hoon, House of Commons Hansard Written
- Answers Question 73847 (5 June 2006). The Directorate for Civilian Crisis Management was restructured in 2007, see: P. Petrov and H. Dijkstra, 'Towards Maturity: The Recent Institutional Reform of the ESDP', CFSP Forum, 5, 5, 2007, pp. 6-9.

¹⁵ S. Duke, *The EU and Crisis Management: Development* and Prospects (Maastricht: EIPA, 2002)

- ¹⁶ A. Stevens and H. Stevens, *Brussels Bureaucrats: The* Administration of the European Union (New York: Palgrave, 2001).
- ¹⁷ T. Christiansen, 'Out of the Shadows: The General Secretariat of the Council of Ministers', Journal of Legislative Studies, 8, 2, 2002, pp. 80-97.
- $^{\rm 18}$ D. Spence, 'The Commission and the Common Foreign and Security Policy' in D. Spence with G. Edwards, The European Commission (London: John Harper, 2006). ¹⁹ Ibid., pp. 124-126.
- ²⁰ Council of the European Union, Suggestions for procedures for coherent, comprehensive EU crisis management, 2003.
- ²¹ Council of the European Union, 'Civil Military Coordination (CMCO)', Doc. 14457/03. Brussels, 7 November 2003. ²² S. Vanhoonacker, 'Co-ordination Challenges in ESDP' in
- H. Kassim, A. Menon and B. G. Peters (eds), Coordinating the European Union: Constructing Coordination and Coherent Action in a Multilevel System (Oxford, OUP, forthcoming).
- ²³ Petrov and Dijkstra, 'Towards Maturity'; see note 14. ²⁴ Council of the European Union, *Mission Statement of the* General Secretariat of the Council, 2007.

EU Representation at the UN: The Peacebuilding Commission as a Paragon of Complexity

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On 17 October, the UN Security Council (UNSC) discussed the first annual report of the Peacebuilding Commission (PBC).² The PBC was established following the 2005 Millennium Review Summit by concurrent resolutions of the UNSC and the UN General Assembly (UNGA), to help countries emerging from conflict to avoid relapsing into violence.³ To this end, it was given both a forum and advice function. specifically, it was created as a meeting place for coordination and the exchange of views, bringing together all relevant actors, including the major stakeholders, donors and countries experience in peacebuilding. In addition, it can provide advice on, and propose integrated strategies for, peacebuilding and recovery, the focus being on *post-conflict* peacebuilding.

In its first year of operations, the PBC addressed number of organisational, procedural and methodological issues and focussed its attention on Burundi and Sierra Leone, as requested by the UNSC. While noting that important work has been done and successes have been achieved, the PBC also identified a number of challenges in its annual report, with maximising its impact on the ground being the crucial one. Echoing these recommendations, several countries participating in the UNSC's debate stressed the need for implementation and for transforming the plans and strategies into visible and tangible results. In addition, many speakers referred to the need for flexibility regarding the PBC's working methods and stressed the importance of strengthening the relationship with the relevant bodies and actors both in and outside the UN in order to avoid duplication - in particular with the UNSC, the UNGA, the Economic and Social Council (ECOSOC) and (sub-)regional organisations. Most members also indicated that the time is ripe for the PBC to consider adding new members to its agenda.4

Although all of them had approved the 'debate' format when the UNSC agenda for October was decided upon, a number of representatives also seized the opportunity express their disappointment at the fact that the

representatives of the European Union (EU) and Non-Aligned Movement (NAM) – i.e. EU Presidency Portugal and NAM Chair Jamaica – had not been invited to participate. Italy even turned dramatically to the audience and wondered aloud how the EU and its member states could be encouraged to remain the main donor given the circumstances. France and Slovakia gave in to the strong Italian pressure to follow its example and recognised that it was indeed regrettable that the EU could not deliver a statement, whereas the UK and Belgium remained silent on the issue. As a result, it was difficult to find even a speck of EU unity in the UNSC chamber that Wednesday morning.

In fact, the representation of the EU has been under discussion for most of the PBC's first session. The PBC was established as an 'intergovernmental advisory body' by concurrent resolutions of the UNSC and UNGA. As the intensive and often these founding resolutions negotiations, stipulate that PBC's Organisational Committee consists of 31 members: seven members from the UNSC, seven from the UNGA, seven from ECOSOC, the five top contributors to UN budgets and funds as well as the five top providers of military and police personnel to UN missions.⁷ This also explains why the following seven EU member states are currently sitting in the Organisational Committee: France (UNSC), UK (UNSC), Italy (financial contributor), the Netherlands (financial contributor), Germany (financial contributor), the Czech Republic (ECOSOC) and Luxembourg (ECOSOC). In addition, the European Community participates as 'institutional donor' through the European Commission. As shown in Table 1 below, another four EU member states are represented in the Country-Specific Meetings, because of their special interest in Burundi (Belgium, Denmark) or Sierra Leone (Sweden, Ireland). Also the EU Presidency is invited to participate in these meetings, on behalf of the EU as a 'regional organisation'. To make things even more complicated, the European Commission and the EU Presidency sit here as a 'common delegation' behind a single nameplate reading 'European Community'.

However, for the EU, this can only be a temporary solution. Indeed, on 7 December of last year, COREPER decided that the Commission, the Presidency and the Secretary-General/High Representative should sit in all meetings of the PBC behind a single nameplate reading 'European Union', to achieve 'greater visibility, coherence and effective presence'.⁸

COREPER seems to have been anticipating the provisions dealing with EU legal personality as included in the new Lisbon Treaty. From this perspective, its decision that this 'de facto common delegation' does not affect the status or competences of the EC, EU and its member states, and especially that this arrangement only goes for may seem inconsistent, inconsequential.9 But by way of this nuancing, a message of reassurance could be sent to Washington, confirming that the EU is not trying to get in the UNSC by a backdoor. For its part, the EU wants to receive a double invitation from the UN Secretariat: one for the EC to participate as an 'institutional donor' in all meetings of the PBC and one for the EU to participate as a 'relevant regional organisation' in the country-specific gatherings. Unlike the latter, the notion 'institutional donor' has been subject of an intense debate in the PBC's first year. 10

Both founding resolutions allow for representatives of the World Bank and 'other International Monetary Fund and institutional donors' to participate in all meetings of the PBC, without specifying the criteria these organisations have to fulfil or what this status means in practice.11 The EC decided to put itself forward, convinced to carry enough weight given the amount of financial means it dedicates to external assistance, peacebuilding and the UN funds and programmes, in combination with the wide geographical and thematic coverage of its external assistance and its large implementing network of delegations. NAM, which has been on the alert for western dominance since day one, replied by putting the Organisation of Islamic Countries (OIC) forward, even though this organisation merely functions as a conduit for the assistance provided by its members. To tackle this and other procedural issues, the 'Ad Hoc Working Group on Pending Issues' was established in October of last year. However, only on 16 May of this year did the Organisational Committee agree upon sending standing invitations to both the EC and the OIC to participate in all meetings of the PBC.¹² Officials explain this breakthrough by referring to concerns regarding the PBC's credibility and time pressure, as the former Chair, Angola, was preparing itself to hand on the torch and the drafting of the first annual report came closer.

This issue has been settled, but there is still a difference between what the EU wants and gets in relation to its participation in the country-specific formats. While it claims two invitations (one for the EC/Commission and one for the EU/Presidency), two seats (idem) and a single

nameplate reading 'European Union', today, it has to be satisfied with two invitations, one seat and a single nameplate mentioning 'European Community'. Within EU circles, hopes are high that a solution can be found even within this month. But it will require persuasion, both from Portugal and the other member states, to convince the US, which prefers the EU's presence to remain limited to one invitation, seat and nameplate only. From this perspective, emotional outbursts are only counterproductive. Especially a country like Italy, which wants to give its current membership of the UNSC a 'European dimension', should be aware of this.¹³ Moreover, from the outset, it is also hard to escape the impression that Italy's indignation is selective, seems to rather as it conveniently forgotten that it delivered a national statement in addition to the statement Portugal made on behalf of the EU in the UNGA debate on the PBC on 10 October, while other member states refrained from doing so. >

on Lessons Learned'.

⁶ A statement drafted by Portugal – entitled: `EU Position regarding the Security Council debate on the report of the Peacebuilding Commission on its first session'- was issued as a UNSC document after the meeting, at Portugal's request. Although the text is quite similar to the one Portugal delivered on behalf of the EU at the UNGA on 10 October, when the UNGA debated the PBC's report, the five EU member states in the UNSC presented different views. This, as was also indicated in our discussions with officials in New York, highlighted that it was not a coordinated EU position in the strict sense.

⁷ Each category decided on its own rules for allocating the seats, with geography being the starting point for the UNGA and ECOSOC. While ECOSOC decided to allocate one seat per regional group, the UNGA decided not to assign seats to the Western and Others Group (WEOG), as it was perceived to hold already a disproportionately high number of seats. For more information on this issue, see the special research report published by Security Council Report in June 2006 (N°3): www.securitycouncilreport.org

⁸ For the decision of COREPER and the development of the EU position in this regard, see the note of the German Presidency to COREPER of 22 June entitled: 'EU/EC Representation in the Peacebuilding Commission - Nameplate' (11134/07). ⁹ The EU also developed a set of internal mechanisms for consultation and exchange of information within the EU. See the annex to the note from the PSC to COREPER of 4 May 2006 entitled: 'EU/EC Representation in the Peacebuilding Commission'. These rules deal with (1) consultation between the Presidency, the Commission and the General Secretariat, (2) internal EU consultation and information flow and (3) exchange between EU members/participants of the PBC. ¹⁰ Operative paragraph 7(b) of resolutions S/RES/1645 and A/RES/60/180 refers to '[c]ountries in the region engaged in the post-conflict process and other countries that are involved in relief efforts and/or political dialogue, as well as relevant regional and subregional organizations', without specifying what 'relevant' means. However, the invitations under this paragraph have not been subject of discussion. ¹¹ See operative paragraph 9 of resolutions S/RES/1645 and

A/RES/60/180.

¹² With the exception of certain meetings of the Organisational Committee which may be deemed by the Chair, in consultation with the member states, to be limited to the member states only.

¹³ On the intention of Italy and Belgium to give their membership of the UNSC a European dimension, see E. Drieskens, D. Marchesi, and B. Kerremans, 'In Search of a European Dimension in the UN Security Council', The International Spectator, XLII, 3, 2007, pp. 421-430.

Table 1: EU/EC Representation at the PBC (as of 1 November 2007) **Country-Specific Meeting Country-Specific Meeting Organisational Committee Burundi** Sierra Leone France UK Italy Netherlands Germany Czech Republic Luxembourg **European Commission** Portugal* Belgium Sweden Denmark **Ireland** *The EU Presidency sits behind the EC nameplate, together with European Commission.

¹ The authors wish to thank the policy officials who consented to be interviewed in Brussels and New York. The opinions expressed in this contribution are strictly personal. ² See document A/62/137- S/2007/458. For a detailed reflection on the PBC's first year of operations, see the special research report that was published by Security Council Report in October last (N°2): www.securitycouncilreport.org

³ See resolutions S/RES/1645 and A/RES/60/180.

 $^{^{\}mathrm{4}}$ In July, Guinea-Bissau requested to be considered by the PBC. Another likely candidate may be Timor-Leste, with the UNSC visiting the region from 25 November to 1 December. ⁵ Unlike in an 'open debate', countries that do not serve on the UNSC can only be invited to participate in a 'debate' (formerly known as 'public meeting') if they are directly concerned or affected or have special interest in the matter under consideration. For this reason, in addition to Burundi and Sierra Leone, only Japan (Chair Organisational Committee), Norway (Chair Country-Specific Meeting on Burundi) and The Netherlands (Chair Country-Specific Meeting on Sierra Leone) were invited. Ultimately, also the representative of El Salvador was allowed to address the UNSC, in her capacity of chair of the PBC's 'Working Group

The Development of the Legal Bases of EU-UN Cooperation

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Relations between the European Union and the United Nations have developed from a set of principles operational into an partnership. The EU member states contribute 40% of the UN general budget and provide military troops and civilian personnel for several UN peacekeeping missions, for instance in the Balkans, Lebanon and Africa. Despite common goals and increasing practical cooperation, EU-UN relations are based on only four technical declarations primarily regarding the financial aspects of joint actions: the Financial and Administrative Framework Agreement between the European Community, represented by the Commission of the European Communities, and the United Nations (1994, revised in 2003); the Agreement between the Community and the United Nations on Principles Applying to the Financing or Co-financing by the Community of Programmes and Projects Administered by the United Nations (1999); and the Joint Declaration on UN-EU Cooperation in Crisis Management (2003).

The process of the establishment of the abovementioned agreements can be divided into three phases: 1953-1989, when EC-UN relations were based on agreements signed separately with various UN agencies in the 1950s and 1960s; 1990-1999, when the expansion of the EU's Common Foreign and Security Policy and the practical development of EU-UN cooperation combined with the EU's significant contributions to the UN budget led to the introduction of financial and administrative agreements regarding the use of EU funds; and 2000-to-date, when the EU's increased prevention, involvement in crisis management and peace keeping operations brought the revision of these agreements and the 2003 Declaration on Crisis Management.

The main trend is a slow switch from arrangements with little practical meaning to an increasing number of more detailed agreements driven by the development of the EU's competences in the sphere of external relations and concerns over the spending of EU contributions to UN projects. Even though the EU-UN partnership is progressively growing,

cooperation lacks a comprehensive agreement that would in a coherent and detailed manner define aims, priorities, guidelines for joint actions, areas of cooperation, and prospects, and would prepare both organisations to face new challenges.

The first phase of the development of the legal bases for cooperation between the European Communities and the United Nations, the years 1953-1990, can be described as a rather insignificant period, during which EC-UN relations were based on disparate agreements concluded specialised agencies. various agreements, however, did not cause expansion of practical cooperation between the organisations because until the 1970s, the members of the Communities did not cooperate in the area of foreign policy. After 1970 their coordination of external actions did not refer to UN-related matters.

Both the Paris Treaty and the Rome Treaties created a basis for the Communities' cooperation with international organisations and contained provisions on the relations between Communities and the United Nations. 1 These relations evolved within the framework practical arrangements signed with the various organs of the United Nations and their specialised agencies. The first practical agreement was concluded in 1953 between the European Coal and Steel Community and the International Labour Organization.² In 1958, the European Economic Community signed a number of agreements, including with ECOSOC, ILO, the UN Economic Commission for Asia and the Far East and the UN Economic Commission for Latin America and the Caribbean.4 In 1962, the EEC signed an agreement with FAO,⁵ and in 1965 with UNCTAD. Under these arrangements the parties could exchange useful information and officials of the Commission could take part, as observers, in the work of the above-mentioned institutions and discuss the various aspects of the Communities' policy concerning social and economic matters. In 1970, when European Political Cooperation was created, the European Community member states declared their commitment to increase coordination in the forum of international organisations and conferences. Despite these declarations, in the 1970s and 80s EC-UN relations did not develop because cooperation with the UN was not included in the agenda of the EPC. Instead, the EC's external interests during these two decades focused on the Middle East conflict and the oil crisis, the Greek-Turkish conflict over Cyprus, the Conference on Security and Cooperation in Europe, the USA-Iran and

Soviet Union-Afghanistan conflicts, and disarmament. Additionally, the EC's external activities were introduced mainly by diplomatic instruments, as démarches and declarations, and the Community did not sign agreements on cooperation with other organisations. The only exception was the agreement signed by the EC with the Council of Europe in 1987, which was a result of the numerous references made by the Community with regards to the European Convention on Human Rights, including those incorporated into the Single European Act.⁸

EC-UN relations entered a new phase with the collapse of communism around 1990, which lasted until the end of the decade when the EU became involved in numerous programmes under the UN mandate. During this time, the organisations were systematically developing practical cooperation linked to the EU's increased financial and personnel contributions. The EU's concerns to ensure its visibility and control over how the UN spent its funds led to the creation of detailed financial and administrative two agreements.

The introduction of the CFSP changed the nature of EU-UN relations. The Union started to evolve as an actor concerned with the maintenance of international peace and security. Even though in 1993 only 1.7% of EU political assistance was channelled through multilateral organisations, raising only to 3.9% in 1994, the EU became involved in numerous UN initiatives programmes.9 It became a mediator during the conflict and established administration under the auspices of the UN Protection Force (UNPROFOR) in Mostar, Bosnia. It also participated in the humanitarian relief operation in Rwanda. Because these operations required significant EU contributions to the UN budget and the Commission felt it was essential to elaborate clear rules on how these funds were spent, on 21 December 1994, the EU and the UN the Financial and Administrative Framework Agreement between the European Community, represented by the Commission of the European Communities, and the United *Nations*, coming into force on 1 January 1995.¹⁰ The agreement contained numerous clauses that were to be included in future conventions and financial agreements concerning projects and activities administered by the UN, and financed or co-financed by the EU. These clauses covered procedures, financial and audit documents as well as methods for monitoring expenditures. 11 This agreement referred only to financial, technical and operational matters and did not contain any provisions on common goals,

areas and methods of cooperation.

The EU progressively developed its relations with the UN throughout the 1990s. In 1995, the EC contributed €692 million to the UN budget. 12 In 1995, the EU established a police mission in Albania to support police reforms in the country and participated in UN human rights field operations in Burundi and Rwanda, where it contributed both financial aid and human resources. 13 In 1996, personnel provided by the EU constituted the majority of all employees of the EU-UN operations and the EU contributed 37% of the UN budget for peacekeeping operations.¹⁴ EU-UN cooperation intensified a year later when the EU funded over a half of all UN humanitarian aid as well as aid for development, provided approximately 40% of the financial aid for the reconstruction of Bosnia and Herzegovina and 60% of all international aid to Russia and former Soviet republics, and contributed one third of all international aid to the stabilisation process in the Middle East. 15 The EU's financial and personnel contributions to a wide range of UN operations involved agreeing a large number of contracts and financing agreements. Because the financial rules of the UN and the Community differed in a number of ways, political delays could arise threatening the conclusion of these agreements. concluding the 1994 agreement, many problems remained. Thus, the Commission and the UN agreed to negotiate an overall framework agreement establishing the basic rules and principles which would apply to programmes or projects receiving Community funding. 16 The Agreement between the United Nations and the European Community on the Principles Applying to the Financing or Co-Financing by the Community of Programmes and Projects Administered by the United Nations was accepted by the European Commission on 26 July 1999 and the final approval of the text by both parties was given on 9 August 1999. Both parties agreed to cooperate within joint programmes, increase contacts and improve the exchange of information. The document contained detailed information, but only with regards to technical and operational matters, including scheduling payments, indirect and direct costs, sub-contracting, the starting date for the Community's financing, bank interest on Community contributions, and unused funds, among others. 17

The third phase of the development of the legal bases for EU-UN cooperation started in 2000 and still continues. Since 2000, the EU has become increasingly involved in conflict

prevention, crisis management and peace keeping operations – the areas in which the EU and UN have developed the strongest links and where the EU was the primary contributor financially and in terms of personnel. The culmination of this period came in 2003 when the EU was involved in Bosnia, Macedonia, and the Democratic Republic of Congo resulting in two new agreements.

In 2001, the EU on several occasions underlined its commitment to develop and institutionalise its cooperation with the UN. 18 During the in Göteborg, European Council decisions were taken that the member states would support political dialogue and strengthen cooperation with the UN.19 In 2003 EU-UN cooperation entered a new dimension when on 1 the European Union operation succeeded а UN operation in Bosnia-Herzegovina to assist national authorities to put in place a professional police force. This project was soon followed by other military and civilian missions. On 31 March 2003 the EU started its first peacekeeping operation in Macedonia (Concordia) and this was followed in July and August 2003 with the establishment of an EU military operation in the DRC in support of the UN mission in that country.²⁰ Concerns over how UN spent the unprecedented funds associated for these missions by the EU led to revision of the 1999 Financial and Administrative Agreement, which was signed on 29 April 2003.²¹ In the contract the UN and the Commission declared the will of cooperation and partnership and expressed a commitment to improve the exchange of information on the subject of common programmes and operations. The main part of the agreement regulated a number of technical matters.²²

10 September 2003 On the European Commission presented communication, entitled The Choice of Multilateralism, which introduced a new strategy for EU-UN relations. This strategy proposed the establishment of improved mechanisms for coordination in Brussels, New York and Vienna; establishment of working-level contacts, the exchange of information and coordination between certain divisions of the EU and relevant UN specialised agencies.²³ This communication, together with the EU's increased involvement in UN operations led to the creation of a new agreement between the organisations. On 24 September 2003 the two organisations signed the Joint Declaration on UN-EU Cooperation in Management. The purpose of the document was to increase coordination and

coherence in the planning of missions, training, transport and best practices. The Declaration aimed to strengthen the dialogue between the organisations in order to support the positive results of previous cooperation and establish a new mechanism of consultation at the level of working groups to increase mutual coordination and coherence.²⁴

Data published in February 2007 in the European Commission's Report on Financial Contributions to the UN Programmes, Funds and Specialized Agencies show that the UN is a significant partner for the EU.²⁵ It is therefore about time that EU-UN relations are suitably based on solid legal ground. Defining only technical and operational issues is not adequate for the current level of joint initiatives undertaken by the EU and UN and certainly will not be adequate if the trend of increased cooperation continues. cooperation requires а comprehensive agreement, which would define a consistent programme of common actions that would then be developed in practice, based not only on and technical agreements, financial adequately equipped to ensure that their common goals are achieved. Ensuring coherence in EU-UN relations is not just a matter of legal technicality. It is also a politically important step to guarantee a continent-wide uniform minimum policy towards international organisations. >

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⁴ Relations with Non-Member States and International Organizations, in Bulletin of the European Economic Community, no. 2 (1959), Brussels 1959, point 9, pp. 25-27. ⁵ Relations with the United Nations and Its Specialised Agencies, in EEC Sixth General Report 1963, Brussels 1963, point 281, pp. 256-257.

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⁷ M. Farrell, 'EU Representation and Coordination within the United Nations', in K. V. Laatikainen and K. E. Smith, *The European Union at the United Nations: Intersecting Multilateralisms* (New York: Palgrave, 2006), pp. 30-32. See also Copenhagen Report – Second Report on European Political Cooperation on Foreign Policy, in: Bulletin of the European Communities, no. 9 (1973), pp. 14-21.

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European Political Identity and Others' Images of the EU: Reflections on an Underexplored Relationship

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How the EU is perceived on the international scene is relevant not only because perceptions influence the actual behaviour of the EU's counterparts, but also because they might influence the very self-representation of the EU in the 'domestic' European debate. Harsh criticisms (from Robert Kagan) or appreciations (from Jeremy Rifkin) of the EU from the outside have heavily influenced the European public debate in recent years and are likely to have affected also the very self-representation of the (informed) Europeans as a political group (i.e. their political identity).

That 'Others' are relevant in processes of identity formation is by no means a novelty. The relevance of 'Others' (particularly of physical others - other individuals, other states) for processes of identity formation is largely appreciated by both Social Identity Theory¹ and the International Relations literature.2 'Others' are both passive and active actors in the self-categorisation process. Malgré eux they are a term of comparison for state distinctiveness in international affairs (in more or less oppositional terms); as active players, they reproduce an image of ourselves which we can compare our self-representation to, particularly if those 'Others' are relevant sources of our selfesteem from whom we demand recognition. What, then, are the EU's prevalent external images? How can they potentially influence the European political identity in terms of recognition, otherness and labelling?

The EU in the eyes of the 'Others'

In order to respond to those questions, I draw on a survey of The External Image of the EU, which I coordinated in the framework of the integrated research project 'Normative Issues' of the GARNET Network of Excellence (Global Governance, Regionalisation and Regulation: the Role of the EU - EU 6th Framework Programme 2005-10), with the financial support of the Italian Foreign Ministry.³ The survey looked at how public opinion, political elites, civil society organisations and the media (particularly the press) view the EU in a sample of core countries in Latin America (Brazil), Asia (India, China and Japan), Africa (South Africa and Egypt), Oceania (Australia) and North America

(Canada). Two transversal chapters on NGOs and EU Commission delegations completed the report.

What can we learn from this survey? Two results should be underlined. In the first place, the EU is not a widely known and debated actor for public and the media outside Europe. Moreover, most people would not make a qualitative difference between the EU as a political actor and a more vague 'Europe' as a geographical area with cultural and political similarities. Few people have an idea of what the EU is and even fewer of what it stands for. Though very much dependent on levels of education and societal position, a low level of knowledge of the EU is common to the different countries and continents. In 2001, 23% of the Chinese had an opinion about the EU (World Values Survey 2001), while the percentages were 45% in South Africa (Afrobarometer 2002) and 43% in Brazil (Latinobarometro 1995-2004).4

Second, the image of 'Europe' which emerges from the surveys is undoubtedly influenced by historical relations with a European country in the past. This is particularly the case of the post-colonial countries in our sample, such as India. Given these general results, let me introduce what can be gained from the survey in terms of external acknowledgement of EU distinctiveness, recognition of the EU and how it is labelled.

The EU's Distinctiveness

In the first place, and indeed universally (at least in our sample), the EU is still regarded as a model of integration to be imitated. There is a significant number of political speeches and official documents (e.g. in India, Brazil and South Africa) that focus on the example set by the EU as the first successful case of regional integration. In this regard, it must be noted that the political elites of most of these countries have specific interests in supporting regional integration processes in their own geographic spheres of influence (particularly Brazil and South Africa, but also India). In the case of Egypt, the experience of European integration is often presented in the press 'as an exemplary experience of integration and as the most reasonable and realistic alternative to the failing pan-Arab projects'.5 In the case of Japan, an analysis of the press (2004-06) revealed that by far the largest number of news articles regarding the EU dealt with European internal affairs (145 out of 371 articles reviewed) and most of them

highlighted the EU's enlargement as a positive example of the peaceful benefits of regional cooperation and, perhaps, an example to follow in Asia.⁶

A second result of our research is that the EU is recognised as a *champion of multilateralism*. This particular trait of the EU is widely recognised by political and social elites abroad (though far less by the wider public). Political elites often view the EU as a key player in a future multipolar (referring to the number of powers) world and frequently also as a champion 'multilateralism'. Among others, this particularly evident in the official discourse of the Indian, Brazilian and Chinese political elites. In the latter case, reference to multilateralism as a shared concern of the EU and China is frequent. The same element is recurrent in the case of India and Brazil but with more emphasis on 'multipolarity'. Interestingly, this perception is shared across the political spectrum. It must be noted that the whole issue of 'multipolarity' and 'multilateralism' is often presented in response to an international system currently dominated by the US. This kind of discourse (which is particularly recurrent in the public statements regarding the Strategic Partnerships with China, India and Japan) is definitely permeated by rhetoric. Moreover, what 'multilateralism' is understood to be is affected by political culture.

In the third place, the EU tends to be presented, particularly in the press, as a *model of (global)* environmental protection. This image, though less widespread than others, is worth mentioning as it is rapidly growing. It is particularly the case of better-off countries (like Canada, Australia, Japan, but also India). However, among NGOs worldwide the EU is also criticised for adopting neo-liberal policies which *de facto* compromise sustainable development.

Finally, a distinguishing trait that emerges from our analysis is that the EU is often associated with *peace-making processes* and security concerns. For instance, the majority of Egyptian respondents of an internet opinion poll conducted in 2005 believed that the Euro-Mediterranean partnership would positively affect the Arab-Israeli conflict in the Middle East. The view seems to be shared by the national newspaper Al Ahram.⁷ Evidence of recognition of an EU role, whether real or potential, in conflict management is also to be found in the Indian, South African and Canadian press. The Japanese media highlights similarities between the EU and Japan's approaches to conflict prevention and democracy promotion in Iraq, by making a

distinction to US strategy in the area.⁸ A more positive view in the media can also be observed in less pro-European countries such as India. However, the degree of recognition of relevant EU distinctiveness in democracy promotion has proved to be less than could be expected.

Moreover, the EU is *not* perceived as a distinctive world actor in a number of sectors which are very relevant particularly in emerging economies. In the first place, the EU is regarded as a trade giant with interests and policies which do not differ substantially from those of the US. As seen below, it is largely perceived as a neoliberal power which is protectionist of its own economy.

Recognition

The EU tends to be *largely appreciated*, particularly in the areas where distinctiveness emerges. Opinion polls also reveal that the majority of citizens also hold a positive view with regard to stronger cooperation between their country and the EU/Europe (74% of the sample, with Japan scoring the least at 46% and China scoring the highest at 96%).⁹

However, only a small portion of the population perceives the EU as a world power (with an average of 13% in Brazil, India, China and Japan). And the picture given in response to the question to rank the EU 14 years down the line is not much brighter. 10 Moreover, under doubt is also the effectiveness or credibility of EU foreign policy. For instance, in South Africa only 15% of citizens believe that the EU is an effective actor (Afrobarometer 2002). Similarly, when asked to assess the contribution of global actors towards democracy, development, peace and free trade, only a small minority of Brazilian citizens (ranging between 12% in the case of 'development', and 22% in the case of 'democracy') believe the EU is the most effective actor, judging the US as slightly more effective (the only exception is in promoting peace, where the EU is ranked top by 22% of citizens vis-à-vis 17% for the US). 11 Interestingly, percentages improve in the case of people with a university degree.

The greatest impediment to the EU's credibility, however, appears to be its international trade policy. The EU is regarded in the first place as a trade giant (see below). In this respect the EU tends to be largely perceived as a *neoliberal power*, not too dissimilar with respect to the US. Reference to the EU as a neo-liberal power is frequent among civil society organisations in the

Southern countries. In the EU's case, this neoliberal image comes in for particular criticism as it appears a contradiction to its social stance 'at home' and its self-protectionist attitude. In this regard, the main target for criticism is the EU's common agricultural policy and the various nontariff trade barriers that, in the eyes of many non-European countries, distort international trade and bring about negative consequences for emerging markets. Though the EU social model is not quoted as one might expect (reference to the European social model is mostly confined to occasional speeches by politicians and civil society groups in developing countries, with no evidence in the media and public opinion polls), politicians and civil society organisations (particularly in Southern countries) denounce the contradiction between the EU as a neo-liberal actor in its foreign policy and as a social actor within its own borders.

Labelling and Bordering

If the EU is not labelled a 'world power' then what is it called? How are its borders drawn? By and large, the main image the EU casts of itself is one of a trade giant and a source of foreign direct especially in fast-growing developing economies. For Indian, Chinese, South African and Brazilian elites, the EU is a strategic opportunity for development and economic growth and is mainly described as a trade partner and the biggest market in the world. Likewise, economic linkages between these countries and the EU are by far the most common issues presented by the media (this is particularly the case in Brazil and South Africa). In the case of the Japanese media, the EU is mainly described as a commercial actor, with the recent enlargement presented as an important trade opportunity for the country. 12 In the words of the former Secretary General for External Relations of Brazil, de Seixas Correias, 'the partnership with the EU is of primary importance. Its fifteen members, together, represent the largest market for Brazilian exports and the main source of foreign direct investment Brazil'. 13 For the Indian Prime Minister, Manmohan Singh, the EU is 'not only India's largest trading partner, but also our largest source of foreign direct investment'. Such a positive image of the EU as an economic power, as we have seen, is very frequently accompanied by criticism for being a neo-liberal power, yet protectionist at home.

The analysis in the survey reveals another label which appears frequently in the press: that of a possible counterbalance to US hegemony. In most countries citizens would see it as mainly positive if

Europe became more influential than the United States in world affairs, for instance, in Australia (62% see the perspective of the EU becoming more powerful than the US as positive vs. 23% against), Brazil (53% vs. 28%), Canada (63% vs. 26%), China (66% vs. 16%), Japan (35% vs. 13%) and South Africa (35% vs. 25%). The only exception is India (35% vs. 38%). Analogously, the image of the EU as a possible counterbalance to the US appears in public discourse and in the media. In Egpyt, the EU ranks second in volume of coverage after the US, but the tone is more positive.

As for borders, the survey indicates that the borders of Europe are mainly drawn on a cultural-political basis rather than on geographic and institutional basis. The image which emerges more clearly is one of a 'divided West': though similar to the US in several a European distinctiveness recognised. In terms of geographic borders, great attention has been paid in the external press to the process of enlargement and the normative transformation of Central and Eastern European countries, in both cases for reasons of self-interest (what type of economic implications will this have for us?). For instance, the Japanese press followed the 2004 enlargement of the EU closely, adopting 'a tone of admiration in many news texts', 'yet, enlargement's economic consequences were contemplated in terms of possible economic threats to Japan'. 18 EU enlargement was also the most prominent media news item in Australia. 19

Conclusions: a partially uncomfortable mirror?

If we sum up the results of the survey in the light of the three categories presented in the introduction - distinctiveness, recognition, labelling and bordering, we see that there are areas in which the EU's distinctiveness is largely (if not universally) recognised: its integration experience (its multilateral attitude, its global its environmental policy conflict and management policies), and in those areas the EU tends to be largely appreciated. Despite this, only a small portion of the population perceives the EU as a world power. The greatest impediment to EU credibility, however, appears to be its international trade policy and its common agricultural policy. In terms of labelling, the main image the EU casts of itself is one of an economic power, but it also emerges as possible - largely called for counterbalance to US hegemony. The image

which emerges is one of a partially 'divided West'.

All these elements not only impact on the EU's international credibility, but might also have also the potential to influence the self-identification process of the Europeans as a political group. Such a potential translates into actual impact when external images become acknowledged by Europeans, something which is more likely to happen in the case of a crisis, but also in 'ordinary' press coverage of international gatherings such as the World Economic Forum or the WTO rounds.²⁰

In any case, such external perceptions are due to influence the Others' behaviour towards the EU, the latter's credibility and also the self-esteem of the Europeans as a political group. For this reason, given the political and theoretical relevance of the topic, I believe that the external images of the EU is a promising area of investigation which should be better developed and linked to the existing studies both on the political identity of the Europeans and on the EU's international role. \diamond

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