

‘Effective Multilateralism’?

The EU and International Regimes in the Field of Non-Proliferation of Weapons of Mass Destruction

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Abstract

‘Effective multilateralism’ is often seen as the natural and inevitable foreign policy option of the EU. However, despite the general acceptance of multilateralism in Europe, the numerous views that exist on multilateralism make this unlikely. Rather, in the aftermath of the Iraq war, European foreign-policy makers used the positive connotations of multilateralism to create with the term ‘effective multilateralism’ a strategic concept that can unite four different European views on multilateralism under a single umbrella. Their aim was to create (a) internal cohesion in the EU; (b) strategic coherence regarding European means and ends; and (c) legitimacy for the EU’s international actions. However, the empirical study of ‘effective multilateralism’ in the case of multilateral non-proliferation regimes shows that in practice the three functions of the concept are not always easy to achieve.

Introduction

“Effective multilateralism is the cornerstone of the European strategy for combating proliferation of WMD,” argues the European Union in its key document in the area of non-proliferation, the 2003 *EU Strategy against Proliferation of Weapons of Mass Destruction*. As in the case of the European Security Strategy (ESS), which was adopted by the European Council at the same time as the Non-Proliferation Strategy, ‘effective multilateralism’ plays indeed a crucial role in the conceptualization of the EU’s non-proliferation policy and the measures that have been taken by the Union. At first sight, this concept basically implies two sets of measures: first, the strengthening of relevant international organizations and treaties (Laatikainen and Smith 2006) and, secondly, “enforceable multilateralism” (Biscop and Drieskens 2006), i.e. the enforcement of multilateral obligations by third countries. Based on such a definition, large parts of the measures the EU has adopted since its non-proliferation policy took off in the aftermath of the end of the Cold War fall within the category of ‘effective multilateralism.’

However, once one goes beyond scratching the surface of what the EU means with ‘effective multilateralism,’ the concept becomes increasingly ambiguous, especially in the field of non-proliferation. Most notably, the EU does not specify its position on key questions related to ‘effective multilateralism,’ in particular its relation with other forms of organizing the EU’s relations with third countries, e.g. bilateralism, the use of force and the rights and obligations of its Member States. For example, is multilateralism always more effective than bilateralism? Does the enforcement of multilateral obligations include military operations without a clear UN Security Council mandate? Or does the strengthening of international

treaties include Britain's and France's commitment to nuclear disarmament, as outlined in Article VI of the major international non-proliferation treaty, the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT)? In short, as will be demonstrated in this paper, the EU has not been able to provide clear and coherent answers to numerous more concrete questions regarding 'effective multilateralism', neither in the ESS nor in the Non-Proliferation Strategy.

As the literature suggests, the main reason for these shortcomings is the lack of a more profound consensus on what actually constitutes multilateralism among the EU and its Member States (Cameron 2004; Gowan 2008; Jørgensen 2006b; Krause 2004). In the words of Joachim Krause, "...the European perception of multilateralism is not uniform, but rather, there are many differing forms and rationales behind [the] more general approval of it" (Krause 2004). However, why did the EU still chose 'effective multilateralism' as its key strategic concept, even though it is not able to provide an adequate common meaning? In other words, what is the purpose of the concept? Based on theoretical ideas developed by 'strategic constructivism' (Jabko 2006), I will argue in the present paper that despite its ambiguity (or precisely because of it) the concept has been used to fulfil three major functions for the EU: first, to create internal cohesion by forming a common identity for the EU and its Member States and by providing a common image of the EU to the outside world; secondly, to give the EU as an international actor strategic coherence in the form of means and objectives without alienating major players in the EU's foreign and security policy; and thirdly, to give legitimacy to the EU's activity in international affairs. However, it is not clear in how far the concept has actually fulfilled these functions, in particular in the field of WMD proliferation.

The structure of the paper is basically threefold: First, I will analyze the development of the concept of 'effective multilateralism' in the context of the

European foreign and security policy. Special attention will be paid to the reasons for the choice of this particular concept. Afterwards, I will turn to the different positions on multilateralism within Europe and their relation with the EU's 'effective multilateralism,' both in the light of primary documents and secondary literature. Thirdly, I will examine in how far the EU has fulfilled the functions of 'effective multilateralism' – cohesion, coherence and legitimacy building – in the area of international non-proliferation regimes. The analysis shall finally convey a thorough understanding of the concept 'effective multilateralism' in the context of the EU's policy on non-proliferation regimes. At a more general level it will also allow understanding better the EU's role as a special kind of international actor in the field of non-proliferation of WMD.

The Choice of 'Effective Multilateralism' in European Foreign and Security Policy

The concept of 'effective multilateralism' became a key element of the European foreign policy discourse in 2003, when it emerged as a central concept of the ESS, the Non-Proliferation Strategy and the first Commission Communication on EU-UN relations. Ever since, 'effective multilateralism' has become the defining concept of European foreign and security policy. Although it cannot be found in any of the Treaties, key ideas of 'effective multilateralism' have even become part of the 2007 Lisbon Treaty, e.g. the promotion of "multilateral solutions to common problems" and "an international system based on stronger multilateral cooperation and good global governance" (Art. 10 A). This strong preference for multilateralism in the EU is generally explained as a result of Europe's particular post-World War II history, during which multilateral negotiations and the construction of multilateral institutions have been a major component of the foreign policies of (Western)

European states (Cameron 2004; Groom 2006). Some also emphasize that it was (Western European) multilateralism that has ultimately prevailed over its Eastern alternatives after the end of the Cold War (Morgan 1993). Today multilateralism can be seen from this point of view as the natural default option in European foreign and security policy.

However, the historical tendency towards multilateralism still does not explain sufficiently why the specific term 'effective multilateralism' emerged at a specific point of time and why the EU fails to provide a more concrete definition of multilateralism. Furthermore, as Knud Erik Jørgensen points out, the EU's international role has varied substantially over time and across policy fields (Jørgensen 2006b). In other words, the adoption of 'effective multilateralism' as a key strategic concept for the European foreign and security policy is not necessarily the inevitable result of a long evolutionary process. The adoption of the concept suggests rather that it is the result of certain concrete intentions by European policy-makers. In this regard it is illustrative to highlight that the Non-Proliferation Strategy is a result of a political initiative by the then Swedish Foreign Minister, the late Anna Lindh. Furthermore, although 'effective multilateralism' certainly did not appear out of the blue – 'multilateralism' per se had formed part of the European foreign policy discourse in the years before – the term 'effective multilateralism' emerged only as a key concept during the drafting procedure of the ESS and the Non-Proliferation Strategy.¹ It became even more prominent during the process: Whereas in the Thessaloniki Draft of the ESS one of the two strategic objectives is called merely "Strengthening the international order", the final version uses the heading "An international order based on effective multilateralism." The same occurs in the case of the Non-Proliferation Strategy: Whereas the Strategy's forerunners – the Basic Principles and the

¹ The drafting procedure of the ESS is already well documented (Bailes 2005).

Action Plan – do not use even once the term ‘effective multilateralism’, the Strategy itself refers prominently to the concept.

This is not to say that multilateralism did not play a role in European strategic thinking before the ESS and the Non-Proliferation Strategy. In fact, there are numerous internal, external and “constitutive” factors that may explain the EU’s preference for multilateralism, although there is not enough space in this paper to discuss all the different options in detail.² Yet, the point I want to make is that ‘effective multilateralism’ was deliberately chosen as a strategic concept to fulfil certain functions. The fact that there is a general preference for multilateralism among European policy-makers and citizens in general certainly contributed to the selection of multilateralism, but due to the contested meaning of multilateralism it is questionable that it emerged inevitably as a common European strategic concept. Yet at the same time, the very contested meaning of multilateralism was useful for its adoption by policy-makers: As ‘strategic constructivism’, an approach developed by Nicolas Jabko regarding market ideas and the establishment of the internal market of the EU, argues, actors can use the diffuse meaning of ideas for political strategy: “We should expect actors to creatively exploit the polyvalence of ideas and the institutional tensions that these ideas create in pursuit of complex and multiple goals” (Jabko 2006).³ In other words, the ambiguous meaning of multilateralism allowed European policy-makers to develop ‘effective multilateralism’ as a common concept to achieve certain objectives.

In order to delineate these objectives, it is necessary to focus first of all on the international context of the ESS and the Non-Proliferation Strategy. One issue is

² Knud Erik Jørgensen mentions, *inter alia*, the role of interest groups, the EU’s desire to export its own model of governance, military weakness, or the policies of third states, in particular the United States (Jørgensen 2006a).

³ Nicolas Jabko developed also his own ideas regarding ‘effective multilateralism’ (Jabko Unpublished).

particularly relevant: Since the days of the Presidency of Bill Clinton, the United States has become increasingly selective regarding multilateral treaties and organizations, provoking a perceived “crisis of multilateralism” (Newman 2007). Consequently, the EU’s effective multilateralism can be seen as a reaction towards increasing US unilateralism. The 2003 Anglo-American invasion in Iraq without a clear UN Security Council mandate – technically speaking a counter-proliferation measure against a presumed Iraqi WMD programme – has been certainly a key event in this sense. However, to interpret the concept of ‘effective multilateralism’ in the ESS and the Non-Proliferation Strategy as a European reaction to US unilateralism would be over-simplistic. More importantly, the Iraq War highlighted major deficiencies within the EU itself: First, it showed that the EU lacked a clear strategic concept, especially in the field of non-proliferation. Most notably, it was unclear what the means and ends of European policies should be. Secondly, the EU was deeply divided between supporters and opponents of the invasion in Iraq. Thirdly, the EU could not claim international legitimacy for its (in)action. Thus, European foreign policy-makers were confronted in 2003 with a triple challenge: strategic incoherence, internal division and lack of legitimacy. In order to revive the momentum of European foreign and security policy it was necessary to provide a common framework for the different European views on foreign and security policy to overcome these shortcomings. And a suitable concept to fulfil this function was ‘effective multilateralism.’

European Views on Multilateralism

Joachim Krause identifies three different interpretations of multilateralism in the EU, each one loosely identified with the Union’s three major powers: Great Britain, France and Germany (Krause 2004). Although these views contain

central elements of the divisions in Europe regarding multilateralism, they might not fully grasp all dimensions. A look at the secondary literature provides first clues about an alternative approach: the divisions within the literature itself. Already at the end of the Cold War – when multilateralism became a prominent research topic – Robert O. Keohane complained that “When a scholar refers to multilateralism, it is not immediately clear what phenomena are to be described and explained” (Keohane 1990; Van Oudenaren 2003). This has hardly changed 18 years later. Basically, there is a division between minimalist and maximalist interpretations (Corbetta and Dixon 2004).⁴ The minimalist tradition goes back to Robert O. Keohane who argues that “Multilateralism can be defined as the practice of co-ordinating national policies in groups of three or more states, through ad hoc arrangements or by means of institutions” (Keohane 1990). From this perspective multilateralism can be differentiated from unilateralism and bilateralism mainly through the number of state actors and can take many forms, including alliances such as NATO (Corbetta and Dixon 2004). The states themselves retain a high degree of national sovereignty when they act multilaterally and choose multilateralism for their foreign policies among different options.

The maximalist interpretation of multilateralism has its origins in the work of John Ruggie, for whom “...multilateralism is an institutional form that coordinates relations among three or more states *on the basis of generalized principles of conduct...*” (my emphasis), e.g. diffuse reciprocity (Ruggie 1993).⁵ This tradition has in common that it emphasizes the importance of certain principles that govern multilateral interaction. The ability of states to pursue only its own national interests is diminished. Increasingly, this form of multilateralism is seen

⁴ For a critique of these two still very state-centric and western-centric approaches, see the United Nations University inspired normative literature on ‘new multilateralism,’ which takes into account civil society or views on multilateralism in the global South (Cox 1997; Schechter 1999).

⁵ Robert O. Keohane argues that Ruggie’s concept is better described as ‘supralateralism’ (Keohane 1990).

within the context of the debate on global governance (Forman and Segaar 2006). In its most extreme form, this kind of multilateralism literature merges with the literature on global governance. Sven Biscop argues, for instance, that “Effective Multilateralism can best be understood as an effective system of *global governance*...” (Biscop 2004).

At a more abstract level, the minimalist and maximalist traditions can be distinguished depending on the form of multilateralism. It is possible to distinguish in particular between normative and functional multilateralism. Normative multilateralism implies that multilateral activity is not only a policy choice but the result of a normative preference for multilateralism. Multilateralism is generally seen as the superior form of interacting with other entities in the international system. In a sense, it is rather a belief or ideology (Caporaso 1993). Although it is globalist in outlook, i.e. the United Nations is the principal framework for multilateral activity, it favours also the maintenance of multilateral principles over universality at any cost. In other words, the willingness to limit multilateralism by making compromises with a few reluctant states, in particular the United States, is low. On the contrary, functional multilateralism regards multilateralism merely as a foreign policy tool (Martin 1993). It assumes that actors can choose between unilateralism, bilateralism and multilateralism, both at the regional and global level. Thus, the sovereignty of the individual actors involved in instrumental multilateralism is limited only minimally (Plattner 2005). Even more, the inclusion of key states (read the United States) is indispensable for the proper working of multilateralism. From this perspective, multilateralism can be also “dysfunctional,” i.e. “forms of international cooperation and organization that affect the decision-making calculus of states (...) but are at best suboptimal and at worst counterproductive from the perspective of international order...” (Van Oudenaren 2003). For functional multilateralists, multilateralism is, therefore

a legitimate option, if it is effective,⁶ whereas for normative multilateralism, it is effective, because it is the most legitimate way of dealing with international problems. However, in the case of the EU, it is not sufficient to distinguish between normative and functional multilateralism to grasp the different positions regarding multilateralism in the EU. Rather, a second dimension has to be introduced, namely the role of the EU as an independent actor in its own right. In this regard, the question is whether directly the EU or its Member States are the main vehicle for the implementation of multilateralism.

Put in a matrix, these two dimensions allow differentiating between four different European perspectives on multilateralism (see table below): Civilian Power Europe, Military Power Europe, Institutionalist Europe and National Power Maximizer Europe. Although these broader, well-established concepts in European foreign policy theory or IR theory in general do not have a specific relation with the concept of multilateralism, they have been chosen, since they best reflect the different approaches to European foreign policy in general and, therefore, also to the role of multilateralism. As can be seen in the table, Civilian Power Europe and Military Power Europe, on the hand, and Institutionalist Europe and National Power Maximizer Europe, on the other, are separated by the importance they give to the EU as an international actor in its own right. At the same time, Civilian Power Europe and Institutionalist Europe share a preference for normative multilateralism, while Military Power Europe and National Power Maximizer Europe have in common the instrumental use of multilateralism. Apart from these differences, Civilian Power Europe, Institutionalist Europe, Military Power Europe and National Power Maximizer Europe can be also distinguished by looking into other dimensions that might be significant for the analysis of 'effective multilateralism.'

⁶ James Goldgeier and Steven Weber argue, for example, that the offer of membership in an international organization can be a useful tool to effect change, e.g. in the case of Ukraine or Iran (Goldgeier and Weber 2005/2006).

Table: European Views on Multilateralism

		Independence of the EU as an Actor in Its Own Right	
		High	Low
Multilateralism	Normative	<i>Civilian Power Europe</i>	<i>Institutionalist Europe</i>
	Functional	<i>Military Power Europe</i>	<i>National Power Maximizer Europe</i>

Although both the Civilian and Military Power Europe concepts have been contested since François Duchêne (Duchêne 1972) and Hedley Bull (Bull 1982) introduced them respectively as contrary concepts to describe the EU (then the European Community) in international affairs, crucial differences regarding especially means and ends are discernable. Whereas Civilian Power Europe emphasizes civilian goals, e.g. the promotion of human rights and democratic principles, and is global in outlook, Military Power Europe is much more concerned with the security of Europe. At the same time, Civilian Power Europe pursues its goals principally with civilian instruments such as economic means or its capacity to shape international norms, even though some argue that “...the use of military means can be of a civilian type if it promotes human rights and democratic principles” (Stavridis 2001). In contrast to Military Power, it stresses specifically persuasion and soft power over coercion and hard power (Smith 2005).⁷ Advocates of a more military capable EU argue that civilian means might not be enough. According to Robert Cooper, the Council's Director-General of Foreign Affairs, “...multilateralism, if it is to be effective, needs to be backed by strength, including armed strength” (Cooper 2003) In terms of ends

⁷ Karen E. Smith also distinguishes between democratic control (in the case of Civilian Power Europe) and (in the case of Military Power Europe) no democratic control (Smith 2005). However, for the purpose of this paper, this distinction is of minor relevance.

and means, the differences between Institutional Europe and National Power Maximizer Europe are similar to those between Civilian Power Europe and Military Power Europe: The former emphasizes civilian goals and means and the latter national security and military means. In the case of National Power Maximizer Europe, the EU is also merely seen as a useful international organization in the interest of its Member States. As realist IR theorist would argue, the EU is especially used to increase the power of the nation states that form the EU. From the perspective of Institutional Europe, on the other hand, the EU takes on the role as one (of many) international organizations to promote the civilian goals of Member States. It is, thus, still a state-centric perspective and reflects largely liberal institutionalist views in IR theory.

The Squaring of the Circle: The Functions of 'Effective Multilateralism' in the European Non-Proliferation Policy

Today the EU is active in various areas of non-proliferation including the regulation of dual-use items export controls, the implementation of cooperative threat reduction programs in the former Soviet Union or the E3/EU negotiations with Iran.⁸ In the literature on transatlantic relations, the policies of the EU are often identified with the Civilian Power Europe concept, while National Power Maximizer Europe reflects US policies. Yet, as the four different European views on multilateralism show, this view is too simplistic. In fact, the EU remains deeply divided over many issues. However, as will be demonstrated further on, the EU has found under the umbrella 'effective multilateralism' a suitable mix of 'strong' and 'weak' consensus between the different views on multilateralism in European foreign and security policy. In this regard, 'strong consensus' means

⁸ Several academic papers provide useful overviews of the EU's non-proliferation policy (Bailes 2007; Kelle 2005; Meier and Quille 2005; Portela 2003; Tertrais 2005).

the profound agreement on a certain issue, whereas 'weak consensus' refers to superficial compromises that can be easily rejected. Both types of consensus can be found regarding multilateralism and associated issues such as the exclusivity of multilateralism, the means and goals of multilateralism, in particular the use of force to implement multilateral obligations, the rights and obligations of Member States in multilateral treaties and organizations and the role of the United States as the 'indispensable power' of multilateralism. Hence, regarding international non-proliferation regimes, the EU has been able to make use of a wide variety of instruments available in its diplomatic tool-box, e.g. common positions, joint actions or demarches. The six-monthly progress reports of the Non-Proliferation Strategy provide a detailed summary of the EU's activity.⁹ However, it is not clear if the circle has been squared sufficiently to actually fulfil the three functions of 'effective multilateralism' – internal cohesion, strategic coherence and legitimacy – in the EU's non-proliferation policy.

Cohesion

European foreign and security policy involves numerous national and supranational actors with different views on multilateralism. In order to establish the basis for common action among such diverse actors, a common identity is necessary, which makes the EU distinctive in regard to other actors and which gives it a certain purpose. However, in the absence of a truly common identity, a para-identity can be created around a unifying concept, which is sufficiently concrete to allow the identification with it, but which is sufficiently broad to

⁹ So far, eight reports have been published. They are available at: <http://www.consilium.europa.eu/showPage.asp?id=718&lang=en&mode=g#Bookmark4>. The main documents are available at: <http://www.consilium.europa.eu/showPage.asp?id=718&lang=en&mode=g>.

avoid the alienation of key actors.¹⁰ As Alyson J. K. Bailes argues in the case of the ESS, “In political terms, [the ESS] could only achieve its unity-building aim by staying broad-brush enough for all the EU members to read their favourite agendas into it, leaving them room to assert their special interests during the follow-up.” (Bailes 2005). The same could be said of the Non-proliferation Strategy. In both the ESS and the Non-proliferation Strategy ‘effective multilateralism’ plays a crucial role, as it allows unifying the different European views on multilateralism under a single umbrella. In this sense, the drafters of the Strategies capitalized on the very positive connotations multilateralism as such has generally in Europe. In contrast to the United States, it is a concept that is not challenged by important strands of foreign policy thinking. At the same time, the EU has found in the very term ‘effective multilateralism’ a suitable compromise between normative and functional multilateralism. If pure normative multilateralism had prevailed in the ESS and the Non-Proliferation Strategy – as some argue – ‘effective multilateralism’ would be a pleonasm, as from this perspective multilateralism is ultimately always the most effective way of dealing with international issues. Interestingly, Javier Solana, the High Representative for CFSP, tends to use before 2003 expressions such as “genuine and comprehensive multilateralism” (Solana 2002b) or “constructive multilateralism” (Solana 2002a) and not ‘effective multilateralism.’ But still, the supporters of normative multilateralism can accept the expression ‘effective multilateralism’ as a truism. For the supporters of functional multilateralism, on the other hand, multilateralism is everything but a truism. Yet they can interpret ‘effective multilateralism’ as the support of multilateralism whenever it can be effective. Consequently, an expression such as ‘effective multilateralism’ is an acceptable strategic concept for all the different worldviews that exist in European foreign and security policy regarding multilateralism (Jabko

¹⁰ In IR theory, identity formation is a complex process that cannot be analyzed in-depth in the present paper. But multilateralism and identity formation in the EU has been dealt with already (Jørgensen 2006b).

Unpublished). In sum, a weak consensus has emerged in the EU that sees 'effective multilateralism' as a core principle of its identity. This consensus is further fostered by European policy-makers in the Council, the Commission and the Parliament, who mention assiduously 'effective multilateralism' in almost any relevant external policy document. Moreover, in interviews or speeches they tend to emphasize multilateralism as the single most important characteristic of the EU in international affairs. For Javier Solana, for example, multilateralism forms a central element of the "EU philosophy" (Solana 2005).

In practical terms, the EU identity around 'effective multilateralism' manifests itself in the adherence to and representation in multilateral regimes. In the field of WMD non-proliferation a strong consensus has emerged on the key elements that constitute the international non-proliferation regimes. As the *Common Position on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery* (Council of the European Union 2003a) outlines, these elements are: the Nuclear Non-Proliferation Treaty (NPT) and the corresponding Safeguard Agreements and Additional Protocols, the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC), the Comprehensive Nuclear Test-Ban Treaty (CTBT) and the Hague Code of Conduct against Ballistic Missile Proliferation.¹¹ This includes also the corresponding international organizations – the International Atomic Energy Agency (IAEA) in the case of the NPT, the Organisation for the Prohibition of Chemical Weapons in the case of the CWC and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization – and relevant informal multilateral arrangements in the field of export controls, most notably the Nuclear Suppliers Groups and the Australia Group (in the area of chemical

¹¹ Strictly speaking, the Hague Code of Conduct does not belong to the non-proliferation regime, as it deals with means of delivery (mainly missiles) for WMD. In order to maintain the paper within manageable limits, it does not analyze the Code of Conduct.

and biological weapons). All 27 EU Member States are members of all these multilateral treaties, organizations and informal arrangements. This is a notable demonstration of the commitment of the EU as a whole to multilateral non-proliferation regimes, which only 20 years ago would have been unimaginable.¹² In short, all EU Member States are firmly committed to multilateral non-proliferation regimes.

However, beyond the more general commitment to non-proliferation regimes, the consensus between EU Member States is much weaker, especially concerning the rights and obligations of the Member States. First of all, it are principally the Member States that are active in non-proliferation regimes and not European institutions. For example, the Personal Representative for non-proliferation of WMD, who was appointed by the High Representative in the wake of the Non-Proliferation Strategy, has no representational functions in the regimes. Only the European Commission has a limited role in relation with the EURATOM Treaty and its competencies in external trade: First, the so-called Safeguard Agreements and Additional Protocols were signed between the IAEA, EURATOM and the EU Member States.¹³ According to these agreements, both the Commission, which is responsible *inter alia* for the civil nuclear material control system within the EU, and the IAEA carry out relevant inspections on EU territory. Furthermore, the Commission cooperates with the IAEA in fields such as information exchange, common use of equipment, training or research (European Commission 2005). Secondly, the Commission is represented in the informal export control organisms, the Nuclear Suppliers Group (as observer) and the Australia Group (as full participant). This has mainly to do with the dual-use character of nuclear, chemical or biological items, i.e. they can be used for

¹² Spain and France, for example, joined the NPT only in 1987 and 1992 respectively.

¹³ Due to special competencies of the Commission regarding inspections of civil nuclear installations in France and the UK, separate agreements were signed with France, the UK, and non-nuclear weapons EU Member States.

both civil and military purposes. In other words, proliferation-sensitive goods can be traded as harmless civil merchandise. Interestingly, it is the Commission's DG Trade, not DG RELEX, that is involved in the regulation of these products. However, the Member States have never sought an exclusive role for the Commission. On the contrary, after the admission of 12 new Member States after 2004/2007, the EU has pushed for the inclusion of all 27 Member States instead of a single seat for the Commission.

Finally, it should be pointed out that there exist significant differences between Member States in key organisms of the non-proliferation regimes. Most notably, the NPT discriminates between France and the UK as nuclear weapons states and the other EU Member States as non-nuclear weapons states. As nuclear weapons states, France and the UK are also subject to Article VI, which foresees their eventual nuclear disarmament. However, this particular treaty obligation is rarely mentioned at the European level and plans for the renewal of the nuclear weapons systems in these countries makes clear that disarmament is not an issue for them (Pullinger 2006). Most EU documents refer to disarmament, if at all, in a very vague manner. Moreover, the differences between nuclear weapons and non- (or anti-) nuclear weapons states in the EU come to the fore regularly during the NPT review conferences, which are held each five years. Although the Council adopted Common Positions before the last two conferences (2000 and 2005) and numerous working papers and statements were presented by the EU as a whole (especially through the country holding the EU Presidency), the European divisions came always to the fore, most notably in 2005, two years after the Non-Proliferation Strategy: France supported positions similar to the United States, whereas Sweden and Ireland participated in the New Agenda Coalition, which consists of a number of anti-nuclear weapons states.¹⁴

¹⁴ The New Agenda Coalition consists of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden.

According to Harald Müller, “Rather than steadily promoting the reasonable positions encapsulated in the Common Position, member states went astray along national lines” (Müller 2005b). In sum, despite the EU Member States’ general adherence to all relevant institutions of the non-proliferation regimes – a sign of the power of normative multilateralism – Member States are very reluctant to give up its rights and privileges in favour of the EU institutions or, at least, nominal equality between EU Member States – an indication of the influence of functional multilateralism. In other words, in the field of non-proliferation there exists a strong basis for multilateralism as a central element of a common EU identity, but Member States maintain sufficient influence to weaken this identity.

Coherence

Apart from its potential for identity formation, ‘effective multilateralism’ serves also as a framework that provides strategic coherence, as it is associated with concrete means and ends. Like this, it helps to determine what the EU should do to attain which goals. Regarding the latter, two specific objectives have emerged in the field of non-proliferation: (a) the universality of all relevant treaties and organizations and (b) the effective verification of the compliance with the regime obligations. In comparison with the current US administration, which does not seek universality and does not believe in the possibility to verify effectively the compliance with the BTWC and the CTBT, such clear objectives contribute certainly to the strategic coherence of the EU. However, both universality and effective verification are once more compromises between normative and functional multilateralism. Universality is largely a concept of normative multilateralism, as it calls for the global adhesion to non-proliferation regimes, though without compromising regime structures to accommodate more reluctant states. For functional multilateralists, on the other hand,

universality is mainly a principle that in practical terms is not a necessity for the effective working of non-proliferation regimes (Van Oudenaren 2003). Why should, for example, a state like Tuvalu join the CTBT? Yet, at the same time, the term universality is also acceptable for supporters of functional multilateralism, as in practice it avoids mentioning (and putting pressure on) non-member states of non-proliferation regimes such as the USA or Israel and allows dealing with them on a selective basis. Effective verification, for its part, is basically an objective for functional multilateralists, as for them multilateralism is only effective if compliance is verifiable. But normative multilateralists can also agree easily on the necessity of verification mechanisms, since it further strengthens multilateral regimes and does not question the inherent value of multilateralism.

In the case of the EU's non-proliferation tools the balancing act between the four different European views on multilateralism is even more pronounced. In Chapter II of the Non-Proliferation Strategy, which deals with an "effective multilateralist response" to the danger of WMD proliferation, possible measures range from purely civilian means to the use of military force: On the one hand, it points out that "...the EU will continue to address the root causes of instability including through pursuing and enhancing its efforts in the areas of political conflicts, development assistance, reduction of poverty and promotion of human rights" (Council of the European Union 2003b). Such an approach, which links non-proliferation with poverty reduction and human rights promotion, is certainly a holistic point of view in its most extreme form and constitutes a clear concession to advocates of Civilian Power or Institutionalist Europe. On the other hand (and only a few lines further down in the Strategy), the EU clearly endorses military actions "under Chapter VII of the UN Charter and international law" (Council of the European Union 2003b). This in turn reflects the views of Military Power and National Power Maximizer Europe. Although in the near future it is unlikely that the EU applies actually means that fall within the purely holistic or

purely military realms – after all the EU and its Member States do not possess the necessary capacities, the Union has used both persuasion and coercion, thus reflecting once more the divisions between normative and functional multilateralists. In the area of persuasion, the EU uses seminars and workshops to teach third countries about the necessity and the advantages of joining a non-proliferation treaty, of complying with treaty obligations or of implementing supportive measures such as strict export controls. So far the EU has held several seminars or workshops in relation with the NPT, the CTBT, the BTWC and the CWC in all major world regions. The EU's use of coercion, on the other hand, manifests itself mainly in the use of conditionality in the form of the non-proliferation clause (Council of the European Union 2003c). This clause is progressively included in agreements the EU signs with third countries and foresees in the case of non-compliance with the non-proliferation provisions the possible suspension of the agreement in question by the EU. Conditionality applies, however, principally to third countries' "...existing obligations under international disarmament and non-proliferation treaties and agreements" (my emphasis). Since many states that are non-proliferation concerns have not ratified many fundamental non-proliferation agreements, it is questionable if conditionality is in this case really an effective non-proliferation tool. Nevertheless, the EU has used the non-proliferation clause extensively in recent years: It has been included in agreements with more than 90 countries (Council of the European Union 2007).

However, the consensus on ends and means remains weak, whenever the limits outlined above are exceeded. In general, the weak consensus is related to three types of issues: first, transatlantic relations; secondly, relations with nuclear weapons states in general; and, thirdly, the use of force and the primacy of the United Nations. The weakness can be seen in many situations, when the EU is unable to act coherently in favour of non-proliferation. The most famous case is the Iraq war, where the EU Member States could not agree on how to deal with

the United States, the use of military means and the role of the United Nations. In addition, many other (less known) cases exist. In the case of the United States and other nuclear weapons states the main issue is the adherence to international non-proliferation regimes. Three nuclear weapons states – India, Israel and Pakistan¹⁵ - are not members of the NPT and five nuclear weapons states (China, India, Israel, Pakistan and the USA) have not ratified the CTBT, which weakens substantially the nuclear non-proliferation regime. However, EU Member States are unable to find a common way for dealing with these states. For example, the seminars, which are organized in support of the CTBT do not focus specifically on the nuclear weapons states, even though their ratification is essential for the CTBT to become effective. Usually, the dialogue with these countries focuses on uncontroversial issues in the field of non-proliferation or avoids at least any type of confrontation, e.g. the non-proliferation clause tailored to the sensitivities of Israel in its European Neighbourhood Policy Action Plan with the European Commission. Some issues are simply ignored, for example a controversial nuclear agreement between the United States and India, which would include India in the nuclear non-proliferation regime as essentially a nuclear weapons state (Rynning 2007).¹⁶ Potentially, the most dividing issue is, however, the use of force against perceived threats of proliferation. Even though EU Member States are not able to use military means on their own, the situation might occur once more, when EU Member States have to decide if they support the use of military means by the United States. For example, attacks against Iran have been seriously discussed by the current US administration (Sagan 2006). Although the EU Member States have agreed in

¹⁵ The status of North Korea is not clear, though from a practical point of view it is currently not a NPT member.

¹⁶ According to the NPT – the main treaty of the nuclear non-proliferation regime – only China, France, Russia, the United States and the UK are official nuclear weapons states. India has never ratified the NPT and developed its nuclear weapons outside the treaty. The US-India agreement, which is still not in force, would allow safeguard inspections by the IAEA of India's civil nuclear installations in turn for the opening of the trade of nuclear goods with India. However, India can keep its nuclear weapons arsenal and its military installations are exempt from any IAEA inspections.

the Non-Proliferation Strategy that the use of force is a last resort option, the conditions are not clear, in particular regarding the role of the United Nations. As Milagros Álvarez-Verdugo points out, “the [Non-Proliferation] Strategy merely assigns the Security Council a central role, not the primary competence as stipulated in Article 24 of the UN Charter” (Álvarez-Verdugo 2006). Javier Solana himself supported as NATO Secretary-General, the Alliance's intervention in Kosovo in 1999 without a clear UN Security Council mandate (Barros-García 2007). And according to Frank Foley, “Cooper [the Council's Director-General for Foreign Affairs] rejects those who he says imply that ‘multilateralism’ means that ‘everything we do must be through the UN’” (Foley 2007). This indicates that the consensus on the use of force as a non-proliferation measure is particularly weak and that, therefore, another Iraq-style division within the EU is always a possibility. Hence, ‘effective multilateralism’ cannot guarantee the EU's strategic coherence.

Legitimacy

Many key actors in European foreign and security policy emphasize the link between multilateralism and legitimacy, most notably Javier Solana (Barros-García 2007) and Benita Ferrero-Waldner, the Commissioner for External Relations (Portela 2007). Legitimacy, however, is a complex and difficult topic in IR theory. Robert O. Keohane has published recently a paper with useful clarifications for the purpose of this paper (Keohane 2006). First, he distinguishes between normative and sociological concepts of legitimacy: “Normatively, an institution is legitimate when its practices meet a set of standards that have been stated and defended,” whereas “[i]n the sociological sense, legitimacy is a matter of fact. An institution is legitimate when it is accepted as appropriate, and worthy of being obeyed, by relevant audiences” (Keohane 2006). Secondly, he argues that conventionally two types of sources for organizational

legitimacy exist, namely output and input legitimacy: “Outputs refer to the achievement of the substantive purposes of the organization, such as security and welfare. Inputs refer to the processes by which decisions are reached – whether they have certain attributes regarded as important by the audience” (Keohane 2006). Applied to the concepts of normative and functional multilateralism, the former tends towards the normative concept of legitimacy and stresses input legitimacy, whereas the latter sees legitimacy as a sociological concept and emphasizes output legitimacy. In other words, multilateralism can be either legitimate because of how outputs are produced or because of the effective output of desirable results such as security. At a more general level, in the case of normative multilateralism, legitimacy precedes effectiveness, while it is the other way round in the case of functional multilateralism. These different perceptions can be found in the opinions of key policy-makers in the EU: Javier Solana, for instance, “...is of the idea that only multilateral agreed decisions would be effective because solely multilateral decisions are perceived as legitimate worldwide” (Barros-García 2007). In contrast, Robert Cooper argues that “For the moment the United Nations remains the primary source of legitimacy in international affairs (...) This need not always be the case. At a certain point, if the failures of the UN system – for example, the failure to agree on necessary action in the Security Council – appear to threaten people’s security, they will look elsewhere for legitimacy” (Cooper 2003). However, since the concept ‘effective multilateralism’ allows both interpretations of legitimacy, it is suitable for both normative and functional multilateralists. In short, for functional multilateralists, only ‘effective multilateralism’ is legitimate, whereas for normative multilateralists, multilateralism is effective because it is a legitimate form of dealing with certain international issues.

In practice, this consensus is relatively strong, because alternative sources of legitimacy are scarce. As Robert O. Keohane concludes, "...contemporary multilateral institutions such as the United Nations are *contingently legitimate*, relative to the currently available alternatives, which are quite unattractive" (Keohane 2006). More problematic is the relation between 'external' and 'internal' legitimacy of the EU, which means the relation between the legitimacy as perceived by non-EU (external) states and their citizens and by EU (internal) Member States and their citizens. As Javier Solana points out, for the EU both types of legitimacy are important: "A key benefit of acting multilaterally is legitimacy, which in turns enhances effectiveness. Once again, this means bringing in new centres of power. But legitimacy also means bringing our publics along. If decisions are increasingly taken at the international level, people have to see these as legitimate" (Solana 2007). However, Javier Solana does not mention that the relation between external and internal legitimacy is often conflict-laden. Regarding non-proliferation regimes, conflicts have come to the fore especially in relation with two actors, the United States and Iran.

In the United States, the support for multilateralism is more functional than in the EU, where a peculiar compromise between normative and functional multilateralism can be found. Multilateralism is also confronted with numerous domestic and institutional obstacles in the United States – from powerful interest groups to the military (Tepperman 2004). Nevertheless, multilateralism per se is an important policy option for American administrations. As most European policy-makers are aware of the importance of the United States for the functioning of multilateralism, they are eager to strengthen the American voices in favour of multilateralism and to increase the legitimacy of the concept in the USA. In this regard, 'effective multilateralism' has played an important role in accommodating the most legitimate form of multilateralism in the United States: functionalist multilateralism. 'Effective multilateralism' is indeed similar to terms

used in the US political discourse: “Interestingly, the ‘effective multilateralism’ of the ESS seems to carry much the same meaning as ‘assertive multilateralism’, which was a key term during President Clinton’s first two years in office (1993-1995)” (Toje 2005). It resembles also the concept of “efficient multilateralism” (Tepperman 2004) as used by Wesley Clark, the former Supreme Allied Commander Europe of NATO, during the race for the Democratic presidential nomination in 2003/2004. However, in practice it can be difficult to find compromises that are legitimate from the perspective of functionalist multilateralism in America and from the perspective of normative-functionalist multilateralism on the other side of the Atlantic. In the case of non-proliferation regimes, an illustrative example is the verification problem in the case of the BTWC. This treaty does not provide adequate means of verification of compliance with the treaty provisions, which diminishes substantially its legitimacy – at least from the perspective of the EU. Therefore, the EU supported the negotiation of a multilateral verification mechanism protocol in the so-called Ad-Hoc Group. The US government, on the contrary put the protocol effectively on ice in 2001 arguing that it is more effective to improve national export controls (Jasper 2004; Zanders 2006). In other words, the EU and a state outside the Union did not agree on the need to improve the legitimacy of a non-proliferation regime by introducing new measures. Another, more prominent example where the EU disagrees with a third country is Iran’s uranium enrichment programme. Article IV of the NPT grants the “inalienable right” to develop in each member country the complete nuclear fuel cycle. According to Harald Müller, “All NPT parties, including Iran, have this right” (Müller 2005a). The Islamic Republic sees, therefore, its nuclear programme as a legitimate option under the NPT. The EU argues, however, that Article IV refers only to civil nuclear activities and that the circumstances of Iran’s nuclear programme suggest that it serves primarily military purpose and is, thus, not legitimate. In

short, there exists a profound conflict about the legitimacy of certain multilateral arrangements between the EU and third countries.

Conclusion

Multilateralism is often seen as the natural and inevitable foreign policy option of the EU. However, despite the general acceptance of multilateralism in Europe, the many different views that exist on multilateralism make this unlikely. Rather, European foreign-policy makers have used the positive connotations of multilateralism to create with the term 'effective multilateralism' a strategic concept that can unite the different European views on multilateralism under a single umbrella. In total, four different perspectives on multilateralism have been identified: Civilian Power Europe, Military Power Europe, Institutionalist Europe and National Power Maximizer Europe. The main differences between these perspectives are their adherence to either normative or functional multilateralism and the degree of independence they assign to the EU as an international actor in multilateral affairs. Furthermore, they are divided regarding means, goals and relations with other international actors, most notably the United States. It is argued that the concept of 'effective multilateralism,' especially in the ESS and the Non-Proliferation Strategy, has been suitable to establish consensus concerning the various divisive issues. It has provided, in particular, a common identity for the EU in international affairs, it has clarified the EU's ends and means in foreign policy and it has enhanced the Union's legitimacy, both inside and outside. It has served, therefore, three purposes that have become particularly urgent for European policy-makers in the aftermath of the Iraq War: internal cohesion in the EU, strategic coherence in terms of ends and means and internal and external legitimacy. Consequently, 'effective multilateralism' is a framework for what Katie Verlin Laatikainen and Karen E.

Smith call “internal effectiveness” and not “external effectiveness” (Laatikainen and Smith 2006). In other words, ‘effective multilateralism’ has served primarily the purpose of output production by the EU and not outcome enhancement of EU actions.

However, the empirical study of ‘effective multilateralism’ in the case of multilateral non-proliferation regimes shows that in practice the three functions of the concept are not always easy to achieve. The main problem is that the consensus the EU establishes is in many cases weak. This means that the consensus is only superficial and any new event can break again this consensus. The weakest consensus are related to the rights and obligations of Member States, in particular France and the UK, the two nuclear weapons states, to the use of force and to transatlantic relations. It comes, therefore, as no surprise that the Iraq war – the use of force by an Anglo-American coalition against a presumed Iraqi WMD programme – was so divisive for the EU. And despite the weak post-Iraq strategic consensus in the EU, similar divisions can be expected in the future. Should the United States push, for instance, for the use of military force against Iran’s nuclear programme, it is very unlikely that the weak European consensus on the use of force and the role of the United States will be maintained. Consequently, the EU’s activity regarding non-proliferation regimes avoids any divisive projects and focuses on areas where a strong consensus exists, most notably measures to improve the universality and verification of relevant non-proliferation treaties, export controls and the coordination of EU Member States in the non-proliferation regimes. This means, however, that the EU is mainly active where internal consensus is easily achieved, not where external demands are most pressing. For example, the EU’s reaction towards the US-India nuclear deal or North Korea’s nuclear weapon test (Wulf 2006) has been, if at all, very limited. What does this mean for the EU as an international actor in its own right?

As long as the EU can focus on the (numerous) tasks on which strong consensus exists, the EU is an important actor in its own right. But when issues arise where only a weak consensus has been established, the EU becomes easily a deeply divided organization. The EU is in this sense more than a traditional international organization, because it has the capacity for strong consensus among its Member States. But this strong consensus is not broad enough to turn the EU into a state-like polity. In the field of non-proliferation, the Union is rather a harmonized plural actor with a strong core of activity, but with a weak shell. This is certainly not enough to be a strong strategic actor in its own right.

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