The European Union, the United Nations and Human Security:
Achieving “Freedom from Fear”

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Abstract:
Since the early 1990s, the UN has been increasingly active in the policy area of international human security. The EU, considered by some as a driving force in the UN policy process, has presented itself as a significant actor in the promotion of concrete actions on human security issues. This paper explores the conditions under which the EU is an effective actor at the United Nations in the policy area of international human security. Using a multilevel game approach, this paper analyzes the willingness of EU actors to work collectively at the UN (internal effectiveness) and the achievements of the EU’s objectives (external effectiveness) at the UN in the area of international human security. In this paper, a case study of human security negotiations is examined: the illicit trade of small arms and light weapons (SALW). The case study suggests that the position of other key UN actors regarding a potential agreement appears to influence EU Member States in achieving their objectives. In the case of small arms and light weapons, the EU failed to acquire the support of the United States but also key actors in the G-77. The paper also highlights that the use of consensus in negotiations can have an impact on the EU’s effectiveness at the UN. The role of the EU presidency in coordinating the position of all EU Member States and the position of France, Germany and the United Kingdom, also appear to have affected the EU’s effectiveness. The paper finally suggests that domestic politics can directly affect the EU’s effectiveness at the United Nation.

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Introduction

In recent years, the EU has reiterated its commitment to the United Nations, an important symbol of multilateralism. Since the late 1990s, the United Nations has been increasingly active in addressing challenges posed by security concerns described by some as “human security” concerns. The term “human security” was introduced to emphasize the post-Cold War shift from a state-centred approach to security to an approach focus on the security of individuals. One of the most cited definition of human security was proposed by the United Nations Development Program (UNDP) in 1994 in its Human Development Report. In this report, the term “human security” has two main aspects: first, safety from such chronic threat as hunger, disease and repression; second, the protection from sudden and hurtful disruptions in the patterns of daily life. The report also insisted on the concepts of “freedom from fear” and “freedom from want”.¹

However the definition offered by the United Nations was so comprehensive that in the mid to late 1990s, a profusion of definitions of “human security” emerged; these definitions were crafted by both states and scholars.² A number of states, mostly “middle powers” were taken up by the idea of a “different” type of security and defined their own concept of human security. Their definitions are often narrower than the UNDP definition and focus primarily on protection from violent threats.³ Human security also acknowledged the linkages between disarmament and arms controls issues, human rights and development.⁴ In the context of this paper, “human security” is defined as freedom and protection from pervasive indirect and direct threats to people’s rights, personal safety or even their life.⁵ This restrictive definition of “human security” limits the scope of this paper. This paper thus examines the EU as an actor in a precise field of activities of the United Nations such as disarmament and human rights.

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³ See for example, the Canadian government’s definition : Department of Foreign Affairs Canada website <http: www.humansecurity.gc.ca/menu-en.asp 25/05/05
⁵ This definition of human security is based on the definition offered by Human Security Network. See website <http: www.humansecuritynetwork.org>
The concept of human security has also been part of the European Union’s vocabulary since the end of the 1990s. However, it remains clear that the concept of human security as yet to be fully integrated in the EU’s foreign policy. As Keane stresses that “human security as a concept is very much part of EU foreign policy and overall it is becoming a more fundamental part of the motivation behind EU foreign policy”, but that “human security is but one motivation behind EU foreign policy”. In September 2004, a group of experts commissioned by the High Representative for the CFSP, Javier Solana, presented the report entitled “A Human Security Doctrine for Europe” (the Barcelona Report). The experts argued that the “most appropriate role for Europe in the twenty-first century would be to promote human security”. The report defined human security as “freedom for individuals from basic insecurities caused by gross human rights violations,” and focused on “capabilities needed for dealing with situations of severe physical insecurity, ‘freedom from fear’”. The Barcelona Report was welcomed by Javier Solana, who showed some interest in studying more thoroughly the ideas put forward by the authors. Human security has not yet developed into a guiding principle within the foreign policy of the European Union. Nevertheless, when negotiations on human security issues began in the 1990s, many observers believed that the EU could become a significant actor in this area. This was mainly due to the European Union’s strong commitment to human rights, development and humanitarian assistance.

This paper aims to examine whether the EU is an effective actor in negotiations at the UN on human security issues. It also attempts to identify factors which may affect the EU’s effectiveness. In this paper, the EU’s effectiveness refers to both the willingness of EU actors to work collectively at the UN (internal effectiveness), and the achievements of the EU’s objectives at the UN in the area of international human security (external effectiveness). Using a multilevel analysis approach, this paper explores a case study: the negotiations on the illicit trade of small arms and light weapons (SALW). The paper then reviews some of the factors which may have influenced the EU’s effectiveness at UN in this case of human security negotiations.

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8 Ibid., p.8 and p.29.
The EU’s effectiveness in Human Security Negotiations

This paper explores the EU’s effectiveness at the UN in negotiations dealing with human security. The term “effectiveness” is often used to discuss the role of the EU in global affairs. It is, however, rarely defined. This paper uses the definitions of effectiveness proposed by Laatikainen and Smith to examine the European Union as an actor at the United Nations. Laatikainen and Smith have suggested four ways in which “effectiveness” can be defined in the context of EU-UN relations: internal effectiveness, external effectiveness, EU contribution to the UN’s effectiveness, and UN effectiveness. The first two dimensions of “effectiveness” (internal effectiveness and external effectiveness) are useful in the context of this paper.

Laatikainen and Smith suggest that “internal effectiveness” relates to the willingness of the EU Member States to act collectively at the UN through the EU (privileging EU action to independent national action). In this paper, the EU will be considered “internally effective” when EU Member States reach an agreement on a common position and when there is EU ‘output’. The EU will be regarded as achieving internal effectiveness when “the European Union” supports the adoption of the agreement that is being negotiated.

Laatikainen and Smith suggest that the “external effectiveness” of the EU at the UN involves the EU achieving its objectives. This type of effectiveness can also be related to the EU’s influence on other actors at the UN or on the general debate at the UN, to its role as a leader or “frontrunner”, and to the other states’ perception of the EU as a unitary and influential actor. Laatikainen and Smith stress that “external effectiveness” depends on the first place on “internal effectiveness”. The two dimensions are thus linked. The “external” dimension of “effectiveness” as defined by Laatikainen and Smith encompasses several aspects. This paper will only focus on examining the first aspect of Laatikainen and Smith’s definition of “external effectiveness”. In this paper, the “external” dimension of effectiveness will refer to the success of the EU in achieving its objectives in the field of human security. All the initiatives supported by EU members in the area of human security have been towards the adoption of stricter regulations and constraining agreements. The EU will therefore be considered as externally effective if the

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11 The third definition, the EU’s contribution to UN’s effectiveness and the fourth definition the UN’s effectiveness focus on “the UN’s capacity to act and have influence” (p.10) rather than on the EU’s effectiveness and are therefore not relevant for this paper.
outcome of the negotiations mirrors the EU’s general objectives in the area of human security. In other words, if the UN failed to reach an agreement regarding a specific human security issue, then the EU also failed to achieve its objectives.

The EU at the UN: A Multilevel Game

Various factors may shape the EU’s effectiveness in human security negotiations at the United Nations. In order to identify these factors, one needs to consider the special character of the EU as an actor at the UN. The EU as a global actor represents a double challenge for scholars: it is neither a state, nor a typical intergovernmental organization. The European Union is also not a member of the United Nations and the EU Member States remain the main players in most negotiations at the UN. Furthermore, various EU actors, as well as different levels of decision-making, need to be considered to understand the behaviour of the EU as an actor at the UN.12

Taking into account all these elements, this paper argues that the “two-level game” metaphor13, proposed by Putnam provides a valuable framework to examine factors influencing EU’s effectiveness in UN negotiations on human security matters. While the two-level game metaphor is not a fully developed theory, it does offer a useful framework to organise the data and understand how domestic and international factors are intertwined in international negotiations. Indeed, the two-level game metaphor depicts international bargaining as “a process of strategic interactions in which actors simultaneously try to take into account of and, if possible, influence the expected reactions of other actors, both at home and abroad”.14 Putnam argues that most scholars have examined international negotiations in terms either of domestic causes on international effects or of international causes and domestic effects. However, both approaches only represent “partial equilibrium” analysis and “miss an important part of the story, namely how the domestic politics of several countries [become] entangled via an international negotiations”.15 According to Putnam this explains why there is a need to “move beyond the mere

15 Putnam, op.cit., p.430.
observation that domestic factors influence international affairs and vice versa [...] to seek theories that integrate both spheres, accounting for the areas of entanglement between them".16

In Putnam’s view international agreements are the product of a multilevel process of decision-making which flows through a complex web of actors and institutions. Both domestic and international politics can influence international negotiations. Putnam argues that international negotiations should be considered as a two-level game, where each side is represented by a “chief negotiator” 17 that plays at two levels: the international level (Level I) and the domestic level (Level II). At the international level, governments negotiate with each other to reach an agreement that will take into account domestic pressures (Level I). At the national level, different groups pressure the government to adopt certain policies (Level II). Putnam’s metaphor suggests that each game at each level is played simultaneously. Decisions taken at one level can have a direct effect on the negotiations at the other level. Thus strategies and outcomes at different levels of the game simultaneously affect one another.18 In order for negotiations to be successful, the chief negotiator must not only reach an agreement at the international level but must also assure that the agreement will be accepted, or ratified, at the domestic level.19

Several authors have applied Putnam’s two-level metaphor to the analysis of the EU’s external relations.20 Manners and Whitman argue that the Putnam’s two-level game metaphor can be useful in explaining how the international and domestic spheres are significant in explaining the foreign policy pursued by an EU Member State. They emphasize that “this is a two-way street as domestic change, such as a change of government, can have an international impact, but also EU

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16 Ibid., p.433.
19 Putnam defines various constraints on negotiations as “win-sets”. “Win-sets” are the sets of all possible Level I agreements that would have gained the necessary majority among the constituents when voted up or down, thus that would be ratified by domestic constituencies. A number of determinants and circumstances may affect the win-set size including strategies adopted by the negotiators, national preferences, domestic coalitions and domestic divisions, and the cost, both real and perceived, of “no agreement”.
events, such as CFSP, can have a domestic impact”. Most scholars who have used Putnam’s metaphor to study the EU in international negotiations have modified the two-level game metaphor. Firstly, the two-level game metaphor becomes a three-level game metaphor. The three levels can be defined as follows: Level I is the international level; Level II becomes the European Union level, where negotiations mainly take place between the Member States within the EU framework and between the EU Member States and other the EU institutions; finally the third level is the domestic level.

Secondly, in the logic of Putnam’s “two-level game” metaphor, each side is represented by a single leader or ‘chief negotiator’ whose central aim is to reach an agreement at the international level which, in the end, would be approved at the domestic level. The same negotiators are thus negotiating at two different levels. Yet, in the case of the EU, negotiators representing the EU may differ: the key EU negotiators at the international level are not always the same individuals who are playing at EU level and domestic level. In addition, negotiations at Level I may involve more than one actor and each may represent different interests (as in the case of the Member State holding the EU Presidency). This variation of negotiator may pose an analytical problem, but only if the dynamics of the three-level games are different from the two-level game. Yet, this paper argues that in the case of examining the EU in human security negotiations at the UN, officials from foreign ministries are the key negotiators who link the domestic, EU and UN levels. These officials therefore constitute the interface between the three levels of negotiations.

In the following sections, this paper will use an analytical framework based on a three-level game metaphor to identify conditions which may have influenced the EU’s effectiveness in a case of human security negotiations: the illicit trade of small arms and light weapons.

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24 Official working for foreign ministries usually make up part of the national delegations in UN negotiations, are involved in negotiations in the Council of Ministers at the EU level and take part in negotiations on human security at the domestic level.
Case Study: The Illicit Trade of Small Arms and Light Weapons (SALW)

Small arms and light weapons (SALW) constitute the types of armament that are most frequently used in conflicts. Responsible for the majority of armed conflict deaths, they are used in more than 40% of homicides in the world. In 2006, the estimated number of SALW in existence was around 640 millions.25 The proliferation of SALW attracted the attention of the international community following the sudden increase of the global arms trade after the end of the Cold War. These weapons were also massively used in internal conflicts in the 1990s in Rwanda, Somalia and in the Balkans.26 Following the signature, in 1997, of the Ottawa Convention, which banned anti-personnel landmines, numerous states, international organizations and NGOs identified the proliferation of small arms and light weapons as the next human security issue which needed to be addressed. However, in contrast to the landmines case, the idea of the adopting of a comprehensive ban of SALW was never considered. Indeed, with small arms being used by armed forces and police forces around the world and legally owned by civilians in many states, the international community realized that the approach to be taken in response to the SALW issue would have to be much broader.

- Negotiations at the international level

As early as 1999, the EU became one of the most vocal actors to advocate the idea of the adoption of politically binding international guidelines or a legally binding international instrument on the trade small arms and light weapons.27 The EU’s efforts to reach an international agreement on small arms were supported by the creation of the International Action Network on Small Arms (IANSA), a global network of civil society organizations working to stop the proliferation and misuse of small arms and light weapons.28 The EU and IANSA supported by other states such as Japan and Canada actively promoted the idea of an UN conference on small arms which would introduce stringent international commitments. As the next section will show, the EU had, at that time, already adopted a number of initiatives to limit the spread of SALW. However, a number of UN Member States, including several Latin American, Asian and Middle Eastern states and more significantly the United States, were more apprehensive about the

27 See Document A/54/260
28 See www.iansa.org
conclusion of international agreements on SALW. Several states, including the United States, privileged national or regional approaches over the adoption of international guidelines \(^{29}\) and made it clear that a UN conference should only focus on the *illicit*, and not the legal, trade of small arms.

Despite this unenthusiastic support of some UN members, the *United Nations Conference on the Illicit Trade of Small Arms and Light Weapons in All Aspects* opened in New York on 9 July 2001. A few weeks before the beginning of this Conference, the European Commission, with the support of the Swedish Presidency, published a report entitled *Small Arms and Light Weapons- The response of the European Union* which clearly stated the EU’s objectives for the UN Small Arms Conference.\(^ {30}\) Negotiations were extremely difficult at the Conference. The Americans remained critical of the negotiations and on most issues the EU and American positions were diametrically opposed. The US refused to support an international agreement which would focus on the legal trade and manufacturing of SALW, regulate small arms transfer to non-state actors or prohibit civilian possession. It also rejected any discussion on the possibility of a follow-up conference. The African bloc, the region most affected by the proliferation of small arms, also refused to compromise on the issue of civilian possession and transfers to non-state actors. In contrast, with the view of achieving consensus, the EU gradually agreed to abandon some of its priorities.

Negotiations concluded at 6.00 am on Saturday 21 July, when the African countries finally agreed to drop some of their demands and the United States agreed to support a follow-up Review Conference.\(^ {31}\) A politically (although not legally) binding document, the *Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in*


\(^{30}\) The EU championed the implementation of international exports controls and principles, the development of international instruments on marking and tracing and on arms brokering. It also emphasized two controversial issues: the need to address the issues of civilian possession and transfer to non-state groups. See European Commission *Small Arms and Light Weapons- The response of the European Union*, Luxembourg: Office for Official Publications of the European Communities, 2001.

\(^{31}\) In his final statement, the President of the Conference expressed his “disappointment over the Conference’s inability to agree, due to the concerns of one state [the United States], on language recognizing the need to establish and maintain control over private ownership of these deadly weapons and the need for preventing sales of such arms to non-state group”. See United Nations, Annex- Statement by the President of the Conference after the adoption of the Programme of Action to Prevent and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its aspects, *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects*, New York, 9-20 July 2001. A/CONF.192/15
All Its Aspects, was adopted by consensus later that same day. It suggested a broad set of measures to tackle the illicit trade of SALW. Several international actors, including the EU welcomed the adoption of the *Programme of Action* (PoA) but also insisted that stronger commitments and efforts were needed from the international community in order to stop the proliferation of SALW. A Review Conference of the *Programme of Action* was planned for 2006. This Conference would constitute a crucial opportunity for the UN Member States to strengthen their commitment on SALW.

The Preparatory Committee (PrepCom) of the Small Arms Review Conference met in New York in January 2006. At the PrepCom, the EU presented its *Strategy to combat the illicit accumulation and the trafficking of SALW and their ammunitions* which had been adopted by the European Council in December 2005. In the framework of the PoA, the Strategy supported the adoption of a legally binding international agreement on the tracing and marking of SALW, the creation of a group of experts on brokering, the strengthening of exports control and the inclusion of minimum common international criteria and guidelines for controls on small arms transfers.\(^\text{32}\)

However, what also transpired at the PrepCom is that several EU Member States backed certain specific priorities. On the one hand, France and Germany emphasized the need to combat the illicit trade of ammunitions.\(^\text{33}\) On the other hand, the Netherlands and the UK presented a working paper on the negative humanitarian and development impact of the illicit trade of small arms and recommended that the link between SALW and development be clearly spelled out in the final document of the Conference.\(^\text{34}\)

Furthermore, while it was clear to all participants that the Review Conference would not initiate a renegotiation of the PoA, negotiations remained difficult at the PrepCom with a number of states including the United States, Iran, Israel and Egypt refusing to compromise on certain issues. Negotiations ended on 20 January without agreement on a final draft to forward to the Review Conference. Only texts of an organizational nature were adopted and forwarded to the officers of the Review Conference.\(^\text{35}\)

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\(^{32}\) See EU *Strategy to combat the illicit accumulation and the trafficking of small arms and light weapons and their ammunitions*, adopted by the European Council on 15-16 December 2005

\(^{33}\) See A/CONF.192/2006/PC/CRP.12

\(^{34}\) See A/CONF.192/2006/PC/ WP.2

The 2006 United Nations Conference to Review the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in all its Aspects opened in New York on 26 June 2006. Spirits were high at the beginning of the Conference as many international actors believed that the adoption of a strong outcome document could be beneficial to the fight against the illicit trade of small arms. At the beginning of the Review Conference, the EU pushed for the adoption of strong international commitments. Several EU Member States, including the UK, Germany and the Netherlands also made statements supporting the EU’s priorities. In contrast to the EU’s position, other states such as India and China made it clear that they were not willing to negotiate on certain issues. Furthermore the American position remained unchanged from the one held in previous meetings. The American position remained unchanged from the one held in previous meetings: the United States would not agree to negotiate any provisions restricting civilian possession or the legal trade of firearms inconsistent with US laws and practices. The US position also remained unchanged on two other issues: ammunitions and the transfer to non-state actors.

Formal negotiations on the draft final document were only initiated on the 5th of July as the High-level segment of the Conference overran the scheduled time. However a number of informal meetings were held between the 30th June and 7 July. During these negotiations, the EU Presidency, Austria in the first week and Finland in the second week, held a number of coordination meetings to achieve internal effectiveness and find a common position on the key issues of the PoA. Despite these coordination efforts, it soon became apparent that several EU Member States were more interested in achieving agreements on their own national priorities. For instance, France and Germany both wanted the document to include a reference to ammunitions. The UK made several proposals on transfer controls to the President of the Conference. The UK also attempted to persuade the American delegation to support the inclusion of this issue in the final document. The UK, with the Netherlands, also advocated for the link between fight against the spread of illicit SALW and sustainable development to be recognized. However a number of states from the Non-Aligned Movement including India and Indonesia and the Caribbean States opposed this idea. These states raised concerns about the idea of conditionality on development

Austria summarized the EU’s position in its statement: “the European Union is convinced that the United Nations’ efforts to control SALW have to be intensified in particular in those crucial areas where significant obstacles to full implementation persist. We believe these are transfer controls, marking and tracing, brokering regulations, ammunitions and the integration of small arms measures into development assistance”. Statement on the Behalf of the EU, UN Conference to Review the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in all its Aspects, New York, 26 June 2006.
aid and about resources from the donor countries being diverted from development to small arms projects.

A side-event entitled *EU Action in the Area of SALW* was also organized on 30th June to present a comprehensive overview of the EU’s activities. Representatives from the Presidency, the Council Secretariat/Office of the High Representative for CFSP’s Personal Representative on non-proliferation and the European Commission presented the EU SALW policy and the instruments put in place to achieve the objectives set out in the *EU Strategy*. This event highlighted the different EU players involved on the SALW issue, but also delineated the responsibilities of each institution. The participation of the Office of the Personal Representative of the High Representative on non-proliferation was a clear signal that curbing the proliferation of SALW remained first and foremost a CFSP issue. Yet, the presence of the European Commission also reflected another reality: a number of SALW related programmes under different EC budget lines are managed by the European Commission. The involvement of the European Parliament in the Review Conference was quite limited. Members of the European Parliament were allowed to participate in the EU side-event, but only as part of the Presidency delegation. The delegation of the European Parliament also had a private meeting with the President of the Review Conference during which it presented its own priorities. While this meeting had probably little impact on the negotiations, it emphasized the fact that the EU institutions were not speaking with a single voice.

The Review Conference being based on consensus and with the clock ticking, many states realized that most of their efforts should be concentrated on convincing less enthusiastic states to support the final document. Negotiations were complicated by the fact that the US delegation had to send to Washington the various versions of the draft outcome document produced during the negotiations. This considerably slowed down the bargaining process. With the deadline of 6pm rapidly approaching, it became clear that no consensus could be reached on an outcome document. Some delegations hoped that the Review Conference would be extended for a few hours in order to find a similar agreement as the one reached at the first SALW Conference in 2001. However, around 5.30pm, the President of the Conference, Ambassador Kariyawasam began the procedures to close the conference. Only a procedural document was adopted; the final outcome document stated that the Conference was not able to agree to conclude a final document.\footnote{See A/CONF.192/2006/RC/9}
Many national delegations and NGOs representatives were extremely disappointed by the lack of result of the Conference; some states even described the Conference as a failure. In its final statement at the Conference, Finland on behalf of the EU, stated that the “conference [had] been a missed opportunity to make a real difference in our common fight against the scourge of illicit small arms and light weapons” and that “The European Union [regretted] that some delegations have not been willing to make significant progress”.  

- Negotiations at the EU level

In the late 1990s, the European Union became an important advocate of the need to address the small arms issue at the UN. EU activities in the area of development, humanitarian aid, conflict prevention were directly affected by the proliferation of SALW. More importantly several EU Member States were among the biggest producers of SALW and recognized the fact that an increasing portion of their small arms production was being “recycled” and illegally sold on the global arms market.

EU actions on small arms and light weapons fall under the Common Foreign and Security Policy. The production and export of small arms remains within the competence of the EU Member States. The first real step to address the small arms issue at the EU level was taken by the Netherlands. During their presidency of the EU, the Dutch drafted several proposals on how the EU should tackle the illicit arms trade. In June 1997, the EU Council of Ministers finally adopted a Programme for Preventing and Combating Illicit Trafficking in Conventional Arms, a political declaration which provided a framework for addressing the SALW issues and reiterated the EU’s support for UN initiatives tackling the illicit arms trade. A few months later, the United Kingdom, during its presidency of the EU, convinced its European colleagues to adopt an EU Code of Conduct on Arms Exports. The Code introduced criteria and guidelines to manage arms exports by EU Member States. In December 1998, under the Austrian presidency, The EU adopted a

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38 Statement by H.E. Ambassador Kari Kahiluoto, Permanent Representative of Finland to the Conference on Disarmament, on behalf of the EU, Speech, General Affairs and External Relations, 10 July 2006.
39 See I. Anthony, “Appendix 8C- European Union approaches to arms control, non-proliferation and disarmament”, Sipri Yearbook 2001 REF?
40 European Union Programme for Preventing and Combating Illicit Trafficking in Conventional Arms 9057/97 DG E- CFSP IV, 26 June 1997.
“Joint Action on Small Arms and Light Weapons” (1999/34/CFSP). This Joint Action suggested objectives and measures to combat the destabilizing accumulation and spread of SALW. The Joint Action also provided financial and technical assistance to specific actions in the field of SALW including programmes and projects conducted by the United Nations.

With the adoption of all these instruments, the EU started to develop a more harmonized approach to small arms. Many elements of the various EU agreements were incorporated in the EU Plan of Action which was adopted under the French presidency in December 1999. The Plan of Action clearly stated the priorities of the EU with regard to international initiatives on small arms. These priorities included a commitment to international law and human rights, an emphasis on the link between security and development, the promotion of strict national legislation to sanction the illicit possession of SALW and the adoption of global standards for marking of SALW. In addition, a few weeks before the beginning of the UN Small Arms Conference, the European Commission with the support of the Swedish Presidency published a report called *Small Arms and Light Weapons: The response of the European Union* which stated the EU’s objectives for the UN Small Arms Conference and was produced with the view of distributing it during the meeting in New York.

Following the UN Small Arms Conference, the EU remained extremely active on SALW. In July 2002, the EU adopted a new Joint Action (2002/589/CFSP) on small arms. This Joint Action clearly reflected the German and French focus on the role of ammunitions. Almost a year later, in June 2003, under the Greek presidency, the EU adopted a Common Position on the controls of arms brokering. This Common Position established a clear legal framework on arms brokering and requested from the EU Member States the adoption of necessary national measures to control arms brokering activities on their territory.

During its EU Presidency in 2005, the UK took several initiatives to address the SALW issue at the EU level. The General Affairs Council in October 2005 supported the idea of an international treaty to establish common standards for the global trade in conventional arms. With the

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44 The idea of an international Arms Trade Treaty was first put forward by a group of Nobel Peace Laureates in 1995 with the aim of limiting the spread and misuse of conventional arms. The ATT would create legally binding controls and international standards on arms trade.
preparatory meetings of the Review Conference approaching and with major players, particularly the United States, making clear that they would not compromise on certain issues, the UK pushed its EU colleagues to achieve a strong united EU position on small arms. In the end, the EU Strategy to combat illicit Accumulation and Trafficking of SALW and their Ammunitions45 was adopted by the European Council on 15-16 December 2005, just a few weeks before the preparatory meetings of the Review Conference. The Strategy not only outlined measures which should be taken at the international level but also within the EU.

The Strategy was adopted to demonstrate that EU could speak with one voice on this issue. Yet, the EU Strategy on small arms was clearly the result of negotiations and compromises at the EU level. For instance, the Strategy was adopted “to combat illicit accumulation and trafficking of SALW and also their ammunition”. The fact that ammunition were included in the title of the Strategy seems to indicate that certain states such as Germany for which ammunition was a main concern must have pressed for this issue to become a priority for the EU. Furthermore, the EU Strategy supports the adoption of a legally binding instrument on marking and tracing. This clearly reflected the one of the UK top priorities. The EU Strategy suggested that although EU Member States agreed that the international community should stop the proliferation of SALW, they had different priorities with regards to what measures should be adopted.

The EU Strategy on Small Arms gives a central role to the Council and the Member States in the campaign against the spread of SALW. Yet, it does acknowledge the role of another EU institution: the European Commission. Human security issues such as the production and trade of SALW do not generally fall into the competence of the Commission as they are considered CFSP issues. However, the Commission is responsible for the European Community actions in the field of humanitarian and development assistance, which are considered by many as intrinsic parts of human security. Following the 2001 Small Arms Conference, the Commission created several SALW-related programs using different lines of budget, and other programs, such as the European Initiative for Democracy and Human Rights (EIDHR). The Commission also used the European Development Fund (EDF) to fund SALW related assistance in ACP (African, Caribbean and Pacific) countries and Overseas Countries and Territories (OCT). Furthermore, in October 2004, the European Commission commissioned a wide-ranging research project on “Strengthening European Action on SALW and Explosive Remnants of War”. The study focused

45Council of the European Union, EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition, Brussels 13 January 2006, 5319/06.
on some of the consistency problems of the EU SALW policy and was carried out by the UN Institute for Disarmament Research (UNIDIR). Although the research project was initiated before the adoption of the EU Strategy on SALW, it was only completed in June 2006. The study, which was presented as complementing the EU Strategy, was mainly funded by the Commission, but it also received additional funding from the UK. While the report’s aim was to offer suggestions on how the EU as a whole could become more effective in the area of SALW, it focused primarily, but not exclusively, on initiatives that could be carried out by the Commission. In the years between the 2001 Small Arms Conference and the 2006 Review Conference, the Commission had become increasingly active on the SALW issue.

• **Negotiations at the domestic level**

A comprehensive multilevel analysis of negotiations on SALW would require looking at the domestic politics of 27 EU Member States. However, due to lack of space, this paper will concentrate on three EU Member States: the United Kingdom, France and Germany. Not only are these states dominant in the CFSP framework and major SALW exporters, but they were also central players at both the 2001 Small Arms Conference and 2006 Review Conference.

Several EU Member States are important exporters of small arms and light weapons. In 1995, when the international community started to address the issue of small arms, the EU accounted for 33% of total arms export. During the 1990s, the debate on the trade of small arms started materializing in various EU Member States. This debate was fuelled by various factors including the publication of studies showing that large quantities of arms were smuggled through the EU and brokered by EU companies and individuals.

In France, control over arms exports, including SALW exports came to the forefront of domestic politics with the “Quiles” Commission established in 1998 to investigate the role of France in Rwanda between 1990 and 1994. The Commission was set up following strong pressure from French civil society, including NGOs, members of the media and the academic community. The Commission strongly criticised the lack of transparency regarding French arms exports including

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47 Belgium, France and the United Kingdom were singled out as the EU countries most implicated in this illicit trade in the region of Sub-Saharan Africa. See Saferworld, *Undermining Development: The European Trade with the Horn of Africa and Central Africa*, London: Saferworld, 1998.
SALW exports. Following the publication of the Commission’s report, the French government adopted several measures to enhance the transparency of arms exports. In 2002, the French government also adopted stricter regulations that require brokers operating in France to be registered and keep records of their activities. The French government’s priority regarding strengthening control over arms exports and brokering was strongly voiced at the EU level.

Germany has been described as the most transparent SALW exporter in the European Union. SALW exports remain a sensitive issue in German domestic politics. Germany has often been regarded as a front runner in applying strong control over arms exports. This can be explained by the Germany’s “constitutional and political-cultural legacy as a defeated aggressor in the Second World War” which meant that “the reconstruction of an arms industry, let alone and export-based industry, was viewed with great apprehension both domestically and amongst its neighbours.”

Germany early on encouraged other EU Member States and the EU to adopt stronger transparency measures on arms exports. The question of SALW ammunition also became a priority for the German government. In Germany, this issue had become particularly challenging. The end of the Cold War saw more than one million of SALW, ammunition and explosives decommissioned in Germany. The massive amount of ammunition which had been accumulated on German soil became problematic. Between 1990 and 2004, the German Federal Armed forces had to destroy more than 1.7 million surplus and illicitly owned SALW. Germany attempted to convince both its EU partners and the states participating to the Review Conference of the urgent need to address this issue.

The United Kingdom was particularly active on the small arms issue. In 1997, the newly elected Labour government adopted a comprehensive ban of handguns. In addition as early as 1994, a number of NGOs based in the United Kingdom, including Saferworld, British American Security Information Council (BASIC) and the World Development Movement developed the idea of a Code of Conduct on arms trade. Four years later, during its EU presidency, the UK would propose the idea of Code of Conduct to its EU partners. The Code would ultimately be adopted in

51 Biting the Bullet and IANSA, Reviewing Action on Small Arms 2006- Assessing the First Five Years of the UN Programme of Action. London, 2006
the summer of 1998. In July 2000, the British Government also established a Strategy on small arms established which was to be managed jointly the Foreign and Commonwealth Office, the Department for International Development and the Ministry of Defence. The British SALW strategy aimed to coordinate existing programmes managed by the three departments under a single set of objectives and resources.

Furthermore, in March 2004, the UK announced its supports for the idea of an international treaty on the arms trade. The UK with the help of various European NGOs took up this initiative at the EU level and convinced its EU partners of the need for the EU to support an international treaty on arms trade. While the ATT was not formally discussed at the Review Conference, it was nevertheless envisaged by the EU as the next step to be taken by the international community to address the SALW issue.

An analysis of domestic politics in the EU also reveals that national NGO campaigns in these three states successfully pressed their government to address the issue of SALW both at the domestic, EU and the international level. From its creation, IANSA developed a close connection with several EU countries, but particularly with the UK. Indeed, it was partially the funding provided by the British Department for International Development which allowed the creation of the network and supported its activities during the first years of operation. IANSA headquarters and most of its biggest and more influential members, including Amnesty International, OXFAM and Saferworld, are based in London and Oxford. Having its headquarters in the EU, IANSA intensively lobbied, first, EU Member States - particularly the UK - and, second, EU institutions to get the EU to adopt a strong unified position on SALW. In this sense, European NGOs also hoped that an effective EU would lead to successful negotiations.

**Achieving ‘Freedom from fear’: is the EU an effective actor?**

The aim of this paper is examine the effectiveness of the EU at the UN and to identify factors which may have influenced this effectiveness in a specific case of human security negotiations. In the small arms case, the EU managed to achieve some internal effectiveness. However, during the Small Arms Review Conference in 2006, the internal effectiveness of the EU appeared to gradually dissolve. Furthermore, the EU seemed unable to achieve its objectives and appeared to lack some external effectiveness. This next section will review some of the factors which may
have affected both the internal and the external effectiveness of the EU in this case of human security negotiations.

The European Union has been called upon by many international organizations and non-governmental organization to become a leader in the promotion of human security. The role of the European Union was considered especially crucial as the United States, a prominent UN actor and a major partner of the EU, appeared less committed to the human security agenda. The analysis of the case study suggests that at the UN level, the United States’ opposition and inflexibility during the negotiations constituted a colossal obstacle for the EU to achieve its objectives and influence negotiations. Scholars have acknowledged that the position of the United States regarding a potential agreement on the table might affect the EU’s effectiveness.\(^\text{52}\)

In the case of negotiations on small arms, the US position did not necessarily have a dividing effect on the EU Member States. On the contrary, in some key moments, the US opposition seemed to have made the EU Member States more willing to work together. The findings of the case on small arms and light weapons seem to mirror the findings of Groenleer and Van Schaik who argue that in the cases of negotiations on the Kyoto Protocol and on the International Criminal Court, the EU’s interaction with the United States may have had an impact on the EU speaking with one voice. In both these cases, which saw a strong opposition of the United States, they suggest that the EU Member States were perhaps more willing to adopt a common position to counterbalance the US opposition.\(^\text{53}\)

Although the United States is an important actor in the UN, it is not the only actor. Other actors may also have an impact on the EU Member States achieving their objectives. The small arms case suggests that the EU may have spent too much time on trying to coordinate the EU position and not enough talking to other potential allies, including several African and Asian states. This was seen as particularly challenging as these are the most affected regions by the scourge of SALW. In fact, most African and Asian countries supported proposals for stronger regulations. However, these states, lacking the necessary strength and resources, were not in a position to impose their preferences and crucially needed the EU to support their initiatives. Furthermore, the EU was not able to clearly convey their priorities to these potential allies. For instance, EU

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Member States failed to convince key partners to recognize the link between development assistance and the adoption of international measures on SALW. Indeed, several developing countries, particularly the Caribbean Community (CARICOM), vetoed any mention in the final document of the link between fight against the spread of illicit SALW and sustainable development. These states raised concerns about the idea of conditionality on development aid and about resources diverted from development programmes to small arms projects. The EU’s initiatives to create new funds to specifically deal with the proliferation of small arms were thus unnoticed or misinterpreted by the developing countries.

The consensus rule applied during UN negotiations is another factor which may have influenced the EU’s effectiveness. Several authors have emphasized that institutional decision-making rules at the international level can shape negotiations.\textsuperscript{54} Three main decision-making rules have characterized international negotiations: some form of majority voting, unanimity or consensus. It is interesting to note that negotiations in the UN only resume when there is a consensus which will not be challenged. Jupille has examined various combinations of EU decision-making rules (unanimity and QMV) and international decision-making rules (unanimity, consensus and majority vote) to explain EU effects on international outcomes. He argues that in the case combining unanimity decision-making rule at the EU level (the rule most often applied in CFSP) and international consensus decision-making rules (the rule applied in most UN negotiations), the EU Member States, which are acting as free agents, will face greater difficulties in shaping the negotiations and obtaining their desired outcome.\textsuperscript{55}

In the cases of the 2001 Small Arms Conference and the 2006 Small Arms Review Conference, two conferences relying on consensus, EU Member States had to focus their efforts on convincing other states to support a final (weak) document rather than pushing for more stringent commitments. Furthermore, two of the main producers of SALW, China and Russia, appear to have used the consensus rule (where a sole negative voice is enough to block negotiations) to maintain their hard positions on certain issues without making much noise. It the end, no final


\textsuperscript{55} In this case, the more “revisionist” Member States will have to work harder to impose their preferences and influence their EU partners, as they cannot rely on a rule like QMV to neutralize the voice of EU Member States supporting the status quo. Furthermore, under the consensus rule, the larger free-agents are usually the players in the best position to affect the negotiations. See J.Jupille “ The European Union and International Outcomes”, \textit{International Organization}, vol.53, No.2, p.421.
document was adopted at the Small Arms Review Conference and the EU failed to achieve its objective.

The role of the EU Presidency is another element which may have influenced the EU’s effectiveness. While the Member State which holds the Presidency has a central role at the United Nations\textsuperscript{56}, the role of the Presidency at the EU level is even more decisive. The Presidency is in charge of chairing all the meetings of the Council of Ministers working groups as well as the European Council. The Presidency is therefore in a prime position to put forward certain of its priorities including on CFSP matters and initiate negotiations on specific CFSP instruments to be adopted by the Council of Ministers.\textsuperscript{57} In the small arms case, between 1997 and 2006, the EU adopted more than a dozen agreements addressing the issue of small arms, including a series of Joint Actions, an EU Code of Conduct, an EU Plan of Action and the EU Strategy on small arms which helped to harmonize the EU’s position regarding small arms and light weapons. Several Member States holding the EU Presidency convinced their EU partners of the need to address the SALW issue. This seemed to have had an impact on the EU’s effectiveness in international negotiations.

The position of France, Germany and the UK may have also the EU’s effectiveness. France, Germany and the United Kingdom are dominant players in EU foreign policy. Their support for or opposition to an agreement in the field of human security may be influential. Gegout highlights the fact that regarding CFSP issues the larger EU Member States are likely to negotiate among themselves before coming to the negotiating table at the Council.\textsuperscript{58} She argues that “on some occasion the final EU decision seems to reflect the outcome of the discussion made within this directoire”\textsuperscript{59}. Furthermore, compared to other EU Member States, France, Germany and the United Kingdom all have a “special” relationship with the United Nations. France and the UK chiefly differentiate themselves from other EU Member States by their permanent membership in

\begin{itemize}
\item \textsuperscript{59} Ibid., p.332.
\end{itemize}
the Security Council.\textsuperscript{60} Although not a permanent member in the Security Council, Germany has a close relationship with the United Nations. In 2006-2007, Germany was the third largest contributor to the regular budget (with a share of 8.6%).\textsuperscript{61} Germany has also actively campaigned to become a permanent member of the Security Council.

France, Germany and especially the UK were also unquestionably important actors in the small arms negotiations. More importantly, these states were on board from the beginning of the negotiations. These three actors were actively involved in the negotiations and supported EU actions in this sphere. However when these three Member States decided to pursue their own priorities rather than the EU position than the EU’s effectiveness started to deteriorate. In fact, the UK was criticized by other EU Member States during the 2006 Review Conference as it made several proposals and suggestions to the President of the Conference without consulting its EU partners. France and Germany focused mainly on the question of ammunition during the Review Conference. This resulted in a situation where “in attempts to take stronger positions on a number of themes, several EU Member States spoke on behalf of their individual governments, rather than allowing the moderate joint EU statements to represent them”\textsuperscript{62} and influenced the EU’s capacity to be truly effective in the negotiations.  

Various EU institutions have also been involved in EU actions on SALW. It is remains unclear whether and for how long the fight against the proliferation of SALW will remain outside the Community’s competence. As a recent opinion of the European Court of Justice (ECJ)\textsuperscript{63} demonstrate, the Commission as well as the European Parliament are increasingly arguing that the campaign against the proliferation of SALW has become an integral part of the policy development cooperation and should fall within the scope of the competences conferred on the Community in that field. The fact that various negotiators represent the EU in human security negotiations may also affect the EU effectiveness to speak with one voice.

At the domestic level, the presence of coalitions of NGOs may have affected the EU’s effectiveness. Throughout the negotiations on SALW, the EU and several of its Member States

\textsuperscript{60} C. Hill, “European Powers in the Security Council” in K.V. Laatikainen and K.E. Smith (eds.), 
\textsuperscript{62} C. Buchanan, The UN Review Conference on small arms control: Two steps backwards? Available at www.hdcentre.org. accessed on 03/05/07
\textsuperscript{63} See Opinion of AG Mengozzi in ECJ Case C-91/05, Commission of the European Communities vs. Council of the European Union, pending, 19 September 2007.
began perceived as natural allies by the NGO Community. NGOs expected the EU to speak with one voice and strongly encouraged EU Member States to show a united front. From the end of the 1990s, European NGOs intensively and successfully lobbied several key EU member states to adopt stricter regulations regarding SALW, not only at the domestic level, but also at the EU level. Between 2001 and 2006, the EU adopted more than a dozen agreements addressing the issue of SALW, including a series of Joint Actions, an EU Code of Conduct, an EU Plan of Action and the EU Strategy on SALW. The EU Member States also used European NGOs to raise awareness on this issue and gained public support for their embrace of "humanitarian values". Yet, during the Review Conference, the NGOs’ insistence on the EU being a cohesive actor was not sustained. The NGO community’s approach to the EU consisted on relying on specific EU Member States to defend their position rather than support the EU as a collective actor. For example, the UK was perceived as the natural ally by part of the NGO community. Other national NGOs attempted to influence states such as France, Germany, Japan or Brazil.

Several authors, such as Cooper and Keck and Sikkink, have recognized the increasing role of transnational advocacy networks, such as NGOs coalitions, in international negotiations. These networks have aimed to modify the behaviour of states and international organization. Knopf is another author who argues that public advocacy campaigns can directly stimulate the pursuit of cooperation on issues such as arms control. Knopf identifies three causal mechanisms which can be used by citizen campaigns (including campaigns by NGOs) to influence national government to pursue cooperation with other international actors. The first mechanism is electoral pressure. Knopf argues that growing activism and mobilization of public opinion can produce electoral incentives for action. Knopf defines an elite coalition-shift as a second influence pathway used by civil society by which citizen groups become part of the dynamics of elite coalition formation. These groups might combine their resources with elites who share their policy goals.

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64 NGOs may have legitimate reasons to work with national governments. Given that not all NGOs had the same objectives it could be reasonable for them to work with the government closest to their priorities. Some NGOs in this field have strong links (also economic) with their national governments. This could also explain the fact that they chose national governments as their primary target.


67 Ibid., pp.57-60.

68 Ibid., pp.60-64.
and thus enhance the capacities of these like-minded elites. These groups can persuade elites to take action on an issue in the first place.\textsuperscript{69} The third mechanism is the “bureaucratic utilization pathway”. In this pathway, the arguments provided by the citizens groups are used by officials inside the policy making system to gain advantage in debates with other actors in the government.\textsuperscript{70} In the small arms case, European NGOs were extremely active during the negotiations and used some of these pathways, such as elite-coalition shift and bureaucratic utilization, to influence some EU Member States. The national governments, in return, used NGOs to raise public awareness of the SALW issue.

Lastly, while officials from the national foreign ministries might be the actors present at the negotiating table, other ministries/department might be affected by the adoption of international agreements on human security issue. This is especially true with respect to Ministry of Defence. For example, an international agreement on arms control can have a direct impact on military programmes. In addition to the Ministry of Foreign Affairs and the Ministry of Defence, the ministry responsible for aid and development programmes might be involved in the decision to support a specific initiative. According to Miller, the main challenge at the domestic level is to reach a position that will be accepted by each of these departments.\textsuperscript{71} Each department/ministry may have its own policy and defend its own position with regards to human security issues. Intergovernmental bargaining can become critical on certain human security issues. In most EU countries no clear division among the various departments/ministries was apparent on the SALW issue. In some EU Member States, initiatives were even put forward to coordinate existing programmes managed by different departments generally including the Ministry of Foreign Affairs and the Ministry of Defence.

\textbf{Conclusion}

This paper sought to explore factors which may influence the effectiveness of the EU at the United Nations in the policy area of international human security. It suggested that the analysis of the EU’s effectiveness at the UN in human security negotiations requires the understanding of the ways in which a complex web of actors and institutions interact at three different levels

\begin{itemize}
\item \textsuperscript{69} \textit{Ibid.}, p.64.
\item \textsuperscript{70} \textit{Ibid.}, p.69.
\item \textsuperscript{71}S.E. Miller “Politics over Promise. Domestic Impediments to Arms Control” \textit{International Security}, vol.8, no.4, 1984, p.80.
\end{itemize}
It then explored a specific case study to highlight several factors which may have affected the EU’s effectiveness in human security negotiations.

Some factors may have more influence than others on the EU’s internal and external effectiveness. The role of France, Germany and the UK may be one of these factors. Whether these three major actors decided to focus on their own priorities rather than the EU’s priorities seems to directly affect the EU’s success in achieving its objectives. The consensus rule used in most UN negotiations also appeared to affect the EU’s influence in negotiations. The failure of the negotiations during the Conference on Disarmament and the 2006 Review Conference, but also in other cases of UN negotiations, has lead to a strong criticism of use of consensus in negotiations at the United Nations. One might suggest that the EU’s effectiveness might increase if another type of decision-making rule, such as majority voting, was used in human security negotiations. The position of the United States also appeared to affect both the EU’s internal and external effectiveness. Yet, the case studies also revealed that positions of other UN actors including several members of the G-77, the largest intergovernmental organization of developing countries, also affected the EU’s effectiveness in achieving its objectives.

This one case study may not be sufficient to draw conclusions on which factors actually influence the EU’s effectiveness in human security negotiations. Other case studies of human security negotiations such as negotiations on banning landmines or negotiations on the involvement of children in armed conflicts could give us more insights on these factors. Nevertheless, it is obvious that factors at various levels of negotiations need to be considered to fruitfully examine the EU as an actor at the United Nations.