

# **The United Nations and The European Union: A Multifaceted, Differentiated Partnership**

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## ABSTRACT

This study focuses on international institutions and their impact in world politics. It presents an analysis of the EU-UN cooperation in Security and crisis management. Applying a neoliberal view of institutionalized cooperation between the two international organizations I am trying to understand how they work together. Many years after its creation the United Nations has been leading many interventions in different zones of the world; enhance peace, and foster local development. Facing many difficulties concerning crisis management the United Nations finds another way to make its operations more effective by working with regional agencies that are also very active and important concerning crisis management into their zones.

The European Union as an intergovernmental organization is emerging actor in peacekeeping and peace-building and has been an active partner of the United Nations. The partnership has been differentiated and further developed in different zones.

This study tries to understand how the EU and UN cooperate. What have been their participations in the field of peacekeeping, peace-building and human rights?

**Keywords:** European Union, United Nations, Peacekeeping, Peacebuilding, Neoliberal Institutionalism, Human Rights.

## ÖZ

Bu çalışmanın odak noktası uluslararası kurumlar ve onların dünya politikasına etkileridir. AB-BM işbirliği içerisinde Güvenlik ve kriz yönetimi ile ilgili analizini sunmaktadır. İki uluslararası organizasyon arasındaki kurumlaşmış birliğini ve nasıl birlikte çalıştıklarını yenilikçi liberal bir bakış açisi uygulayarak anlamaya çalışıyorum. Kuruluşundan yıllar sonra Birleşmiş Milletler, dünyanın birçok farklı yerindeki barışı sağlamak ve yerel gelişimi arttırmak gibi faaliyetlerde önderlik etmiştir. Kriz yönetimi gibi birçok farklı sorunla yüzleşen Birleşmiş Milletler, kendi bölgelerinde de yerel olarak aktif ve önemli faaliyetlerde bulunan kurumlarla birlikte çalışarak yaptığı faaliyetleri daha efektif kılmıştır.

Devletler arası bir organizasyon olan Avrupa Birliği, dünyada barışı sağlamada ve barış ortamı oluşturmada çok büyük rol oynamıştır ve uzun yıllardır Birleşmiş Milletlerin aktif bir partneri olmuştur. Dünyanın farklı bölgelerinde bu partnerlik farklılaşmakta ve daha ileriye taşınmaktadır.

Bu araştırma AB ve BM'nin nasıl işbirliği içerisinde olduğunu anlamaya çalışmaktadır. Bu iki organizasyonun barış sağlamada, barış ortamı oluşturmada ve insan haklarıyla ilgili çalışmalarda katılımları neler olmuştur?

**Anahtar kelimeler:** Avrupa Birliği, Birleşmiş Milletler, Barış sağlama, Barış ortamı oluşturma, yenilikçi liberal kurumlaşma, insan hakları.

# **DEDICATION**

To my Family and Friends

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## **LIST OF ABBREVIATIONS**

A4P	Action For Peacekeeping
AU	African Union
CFSP	Common Foreign Security Policy
CIMIC	Civil and Military Cooperation
CMCO	Civil-Military Coordination
CSDP	Common Security and Defense Policy
EC	European Community
ENNHRI	European Network of National Human Rights Institutions
EU	European Union
EUFOR	European Union Force in Bosnia and Herzegovina
EULEX	European Union Rule of Law Mission in Kosovo
EUPF	European Union Procurement Forum
EUPM	European Union Police Mission
EUSR	European Union Special Representatives
HCHR	High Council of Human Rights
HRC	Human Rights Council
ICJ	International Courte of Justice
IEMF	International Emergency Multitask Force
IFS	Instrument For Stability
IGO	Intergovernmental Organization
IL	International Law
IPTF	International Police Task Force
MINURCAT	UN Mission in the Central African Republic and Chad

MONUC	UN Organization Mission in the Democratic Republic of Congo
OSCE	Organization For Security and Cooperation in Europe
PBC	Peace-building Commission
PBF	Peace-building Fund
PBSO	Peace-building Support Office
SC	Security Council
SG	General Security
UNIDIR	United Nations Institute for Disarmament
UNMIBH	United Nations Mission In Bosnia and Herzegovina
UNMIK	United Nations Mission in Kosovo
UNPTF	United Nations Police Task Force
UNRIC	United Nation Regional information Center
WTO	World Trade Organizations

# Chapter 1

## INTRODUCTION

International organization become common after World War II, today they represent the medium through which states interact. Decades ago the scholarly debate was animated by the question concerning their existence, their importance, and what role can they play in the global politics. Different views have been noticed from realists that consider them as tools for powerful states to manipulate politics. Liberalists advocate a number of actors and consider international organizations as the medium which facilitates states cooperation and development. But today there is no denial that IGOs play an important role in international politics. In this context two international organizations are the focus of this academic work: the European Union and the United Nations.

After the World War II a new world order has been established with the creation of the United Nations that gathers 193 country members from different continent. Today it takes the role of its predecessor the League of Nations that failed to resolve the problems between its member states and the outbreak of the World War II. As known, the UN objective is to guarantee peace and security in the world, by preventing threats or breach of peace. The birth of the United Nations oriented the international politics toward a better world with its Security Council that is emphasizing the challenges to face and how to effectively tackle challenges or threats in world politics. UN global character gives it a strong influence on

international politics; participates in the facilitation of the relations between nations. Global instability has become a major problem and occupied the international agenda in various form; either it is environmental, political, armed conflict, or even economical. Despite its strength and global character, the United Nations has been weakened by the rivalries of the two blocs as a result of the cold war. Therefore, chapter VII which allows the United Nations Security Council to determine threats or breach of peace and takes military actions stands inapplicable, as consequence another tangible system of intervention has not been foreseen. This highlighted the weakness of the UN as a security provider to act correctly toward the situations that the Security Council have been exposed.

The collapse of the Soviet Union ended the duopoly within the United Nations Security Council; but as a consequence led to another situation that the United Nations has to face. Indeed the collapse of the regime communist led to a scale of war between ethnic group and intra-states problems. This era showed the weakness of the existing system of resolving conflicts, hence the necessity to try new approaches. In this context comes the importance and the ability of the regional organizations in conflict management and security; hence the necessity of the United Nations to work with those regional bodies for a more effective and multilateral cooperation.

The United Nations always used preventive diplomacy as a first effort to halt ongoing issues in many zones. We have notice that there is a development in the UN system of conflict prevention either in political missions with good offices, or special envoys and the regional offices. The United Nations adopted a number of practices like peacekeeping to intervene in different zones of tension. Indeed peacekeeping

demands a large number of military and police abilities to provide security and stability in conflict zones. Many peacekeeping missions have been carried out by the United Nations with the regional organizations to give favorable responses to breach of peace and threats to the international stability. There is also peace building, peacemaking that is different from peacekeeping. These terminologies are different in practices and are used in different times in conflict resolution, management and prevention.

The UN has been working with regional organizations, this fact is considered as something normal and natural; sharing the same values and objectives those regional intergovernmental organizations are gaining important place in international relations. The article 53 of the UN Charter encodes that the Security Council have the power to use regional organizations or agencies for enforcement action under its authority. Today we witnessed a wide development in peacekeeping missions over the years, with an important number of military and civilians that involved in missions for a better world.

The United Nations task has not been always easy. The Brahimi report described that peacekeeping missions are costly and visible action in peace operations, a failure of the mission is harm for peacekeeping, and peacekeeping missions are in short time period. That is why a need of backup in the interventions, in logistic supplies, troupes and budget financing are always welcome. Indeed the security council of the UN encourages the cooperation with the regional organization for effective interventions and the maintenance of peace and security. One of the most prominent partners of the United Nations in peacekeeping is the European Union which is a regional intergovernmental organization known for its commitment in promoting peace,

security and its different interventions in many zones of tension. The most active area of cooperation between the United Nations and the European Union is in the field of peace and security.

The European Union normative power can be analyzed through its values, image and interest that they promote; but also the importance they give to democracy and promotion of peace. In sight of a good architecture in peace and security a step of widening process was compulsory. The European Union participation in security intervention and crisis management has known an important development. In the 1990s the EU started developing a wide network of security and peace management. Conscious of the early development in global governance the future of Europe and its status in the international scene needed an important update and participations in emerging affairs in the world. A guidance were necessary to achieve those program established hence the connection with the United Nations which already had the experience and institutions for peace and crisis management. This connection is called by many scholars as a "partner in nature", may be because they share the same values, goals and believes these are basic values that institutions share. As for me, out of those values and objectives I consider this connection is asymmetrical, necessary and beneficial for each of them but at a certain extent with conflicting interests.

EU-UN cooperates in peacekeeping, peace-building and collaborates in the domain of human rights. Approaches about peacekeeping will be further discussed in this paper. Peacekeeping has not been mentioned in the UN charter, it is a bold innovation, due to the differences of the permanent members of the UN Security Council that paralyzed the system and has difficulties to carry out measures to stop

violations made to the UN charter and international law. Defining peacekeeping is problematic because of its evolution, its amendment and adaptation to different context. However some scholars agree that it is the blue and neutral line between two parties for the maintenance of peace under ceasefire. The United Nations peacekeeping missions have been initiated in 1948 and the first mission occurred in the Middle East between Israel and its Neighbors. According to the US peacekeeping department, the first peacekeeping mission was about maintaining ceasefire and dealing with problems on the intervention soil.

Peace-building also has been a key strategy of EU-UN cooperation to promote peace and development; this term has been introduced by Boutros Boutros Ghali it aims to maintain perpetual peace in order to avoid an eventual relapse into conflict. Peace building also has priorities that have been summarized into 5 points: political process; supply of basic services; give a new boost to the government functions; revitalize the economy. But still the United Nations peace-building system has some differences with the one of the European Union. Concerning human rights the EU and UN has devoted to the protection of human dignity and the European always engaged in the United Nations project on human rights.

## **1.1 Justification of the research**

After many decade of debate concerning the reliability of international organizations in international politics, UN and EU have showed what really institutions are capable of. Many scholars have written about their fulfillment in the field of peace and security but there is still a room to go. I focus on this study to give answers to questions concerning the relationship between EU-UN, and present them as model in international politics. Thus this study may help us to find a response on institutions

nature and behaviors. It can also help to find answer on whether or not realist perspective on institutions is still reliable. And to conclude it might help us to know if UN and EU are having conflict of interests and the consequences it might prosper.

## **1.2 Purpose of the study**

The purpose of this thesis is to look into the partnership of the United Nations and the European Union from the perspective of neoliberal institutionalism. It will make possible to explain the concept of institutionalized cooperation and why do the United Nations and the European Union cooperate with each other. It will also help to identify the areas in which the UN-EU interact and cooperate and how and by what institutions interaction and cooperation in those areas is carried out.

## **1.3 Research Questions**

The research question that is guiding this study is, under what conditions and to what extent the United Nations and the European Union can be partners in the subject areas that have demonstrable significance to both organizations and which both organizations consider essential for the achievement of their aims. The three interrelated areas this thesis will focus on include peacekeeping and peace-building, human rights and the development of international law. The thesis will address a number of subsidiary questions concerning both normative aspects of their partnership and empirical question of how exactly both organizations interact and how this interaction is managed in practice. Finally the question of normative and practical hierarchy between the two organizations will form an important part of analysis.



## **1.4 Methodology and Methods Used**

For this study I am using qualitative data that I apply with a combination of primary sources respectively from both the United Nations and the European Union and secondary sources based on comprehensive academic and scholarly literature review. This study consists of an analysis and an oriented assessment of the efficacy and problems of the partnership between EU-UN. In order to respond to the research questions mentioned above I will do an analysis of the success and failures of the EU-UN cooperation through case study on peacekeeping missions in different countries. I will also focus on a comparative analysis of their vision in peace-building and the gap of early warning response. I will also do a critical analysis on EU engagement in the field of human rights.

I will employ in this study a descriptive research design in order to come to the conclusion that EU-UN intervention in peacekeeping is not always successful, and the differences in peace-building approach is not a gap in their partnership it rather helps for renovation. The descriptive method helps the researcher to understand the nature and characteristics of phenomenon in international politics and can also help to establish the link between them.

The qualitative method applied helps also to analyze and understand some concept relative to inter-organizational relations such as the one of the EU-UN. The results obtained aim to describe the interests and behavior of the European Union and the United Nation. The qualitative method also fits with case studies and helps as well for comparing the two entities and draws a conclusion to explain why they cooperate despite their balance of power.

The time scope of this study is between 1995 and 2019, because it is during the 1990's that the European Union started orienting its policies toward security intervention. Almost two decades and half I think it can allow us to analyze the development of EU's interest and role as a global player. This scope will also allow me to understand the gaps of the UN missions and recent development that have made and compare them to the one of the EU.

### **1.5 Thesis Structure**

This study is composed of seven main chapters, the first chapter deals with the introduction in which I present a general overview of the topic and give details on the research objectives, question, and methodologies. The second chapter is about the literature review which gives a background analysis about what has been written on the topic. The chapter three is a description of the theoretical framework and the institutionalization of UN-EU partnership. The Chapter four deals with case studies of peacekeeping missions on the field mandates and problems. The chapter five analyzes peace-building concept and vision as well as case study on Kosovo. As for the Chapter six it is an analysis of the EU obligations toward UN treaties under international law and the main focus will be on human rights. The last chapter is the concluding remarks of this study.

## **Chapter 2**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

The literature that has been produced on the European Union and the United Nations is sometimes a mere description of the EU foreign policies and participation in the activities of the UN or EU within the UN. Such literature might help to understand the impact or even the degree of commitment that the EU has toward the United Nations project, as well as the willing of EU state members to orient the policies toward the model of the United Nations. Some literature as well has been produced on the cooperation of EU-UN either it is on their workshops on human rights, policy enforcement peacekeeping or even in peace building. Moreover in the field of human rights the EU has participated a lot in UN human rights projects even if they don't have the same human right system, the EU state members are among the first states that ratify UN treaties and conventions in human rights. The European Union also participates in different human right project worldwide to enhance the development and the respect of human rights. Most of their projects in Africa are based in education, women empowerment, child protection and health. The literature produced presents different views of their cooperation and different theories have been applied to describe particular issues that hinder the blossoming of this cooperation in one hand. In other hand some positive views have been underscored, but also some further measures have been given for further development about

institutions cooperation, communication and work on the field as well as measures on peace building operations.

## **2.2 Literature Analysis**

Cooperation among institutions has been one of central themes in international relations debates. The failure of the League of Nations has not been promising for the development of international organizations. But history takes another path that many scholars have not been expecting because for many of them international organizations were doomed to failure. But the aftermath of the Second World War showed a need to create another world order to save the coming generation from war. The development and the proliferation of the international organizations have known a peak after 1945. The creation of the United has been the first step toward the vision of a world which will be impacted by international organizations and multilateral engagement of state actors. The role of the United Nation in world politics has been influential; it gives the organization more vision and credibility. Another further development is the nascent of other regional organizations such as the European Union; the African Union; NATO; then the cooperation between institutions became possible. This aspect of cooperation strengthened multilateralism not only between United Nations and the European Union; but also set the ground for an example of effective multilateralism in international politics. It is also important to mention the 1969 Vienna convention has been the harbinger of the early development of modern multilateral relations between state actors.

The United Nations cooperation with regional organizations became more active after the cold war. According to the report of the UN department of peacekeeping missions during the 1990s the number of demand of peacekeeping missions

increased and the budget for the interventions doubled. Therefore, this affected United Nation's capacity to fully operate accordingly to the demand. Thus, this explains the need for another systemic approach to the missions in peace and security. Regional organizations therefore have been a keystone for the solution to the crisis either in their respective zones or outside of their zone. The UN has an important number of partners that respond to a security enforcement and joint action in order to ease tensions. Either it is NATO; AU or the EU the United Nations has the power to use then in an appropriate wait as it is entails in the UN charter Article 53 states:

The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

The declaration of the article 53 of the UN charter has set the scope of relation between the United Nations and regional organizations. Using regional organization to resolve conflicts makes operations strong and cooperation between UN and regional bodies contribute to the maintenance of peace and security, this perhaps join the idea of mister Karel Van Oosterom who states that the cooperation between UN and sub-regional bodies is crucial for the maintenance of peace and security (UN/SC open debate 6/12/18).

The European Union cooperation with the UN goes back to EU CSDP missions; during the 1990s. According to Alexandra Novosselof this cooperation has known

five different phases: "a phase of inaction", experimental, institutional convergence, active phase, and apathy (Novosselof, 2012, P.6) All these phases have been within one decade. According to her the first step have been operation driven which means that the UN which has much more experience and master the practices on the field guided the EU it can also be called a transmission process. She goes further by stating some challenges that EU-UN, the first point is about their deployment on the same area without them coordinating for instance the case in Afghanistan. In this point should it be considered that the two organizations have the same target with particular objectives? Or is EU trying to show its capacity as a global role player? Neoliberal institutionalism will underline the fact that institutions cooperate for more effective actions which helps for a better communication. Whereas realist will say that institutions are tools used for great powers to reach their objectives. The case of the "independent Kosovo" recognized by some EU countries has been also a problem between European Union and the other organizations present in Kosovo. According to her the late deployment of EULEX was due to the fact that it does not have an international status. Another problem of EULEX was as she mentioned:

EULEX could not immediately deploy in the North of Kosovo due to Serbian opposition. Indeed, the Serbian authorities only recognized the presence of NATO and the UN to start off with. However, these difficulties were slowly reduced as tensions decreased and as EULEX was able to establish direct contacts with Belgrade through a liaison office (Novosseloff, 2012).

This underscores the early EU mission in south east of Europe and difficulties that they face on the field. The lessons from Kosovo leads the EU to build more reliable institutions that will give the organization more international legal consideration. Hence the need to enforce its system on security intervention, the gap on the deployment on the field is due to the complication of the ground because EU's

military troops did not master the field in which they were operating. The second point is the lack of experience in security intervention because this was the first intervention that the European Union involved to replace UNMIK.

Novosseloff descriptions of EU-UN cooperation show an active EU committing its troops and organs to perpetual learning, which was necessary for the European Union to face regional challenges. UN organs as well have been helpful for the training about peacekeeping and peace building. However looking through the challenges that they are facing EU and UN are still working in progress and achieve remarkable outcomes in peace and security.

According to the UN regional information center the EU and the UN share the goals and values, according to them the effective multilateralism is a way to promote development and wealth. According to them the European Union has been an active actor these recent decades in participating in UN activities. The EU countries are members of the UN and the participation of EU is 40% concerning the UN budget. This shows an active participation in UN affairs, moreover the EU members are among the first concerning the ratification and implantation of the United Nations conventions and protocols concerning the fights against terrorism (UNRIC, 2007, P.1.4). Therefore, this brings an important development in the adaption of UN treaties and covenants concerning security. But also it shows the implication of the EU in UN affairs. This description of EU-UN relations shows the importance of intergovernmental organizations in world politics. Indeed the EU engagement in UN affairs inspired other regional organizations its success gives other regional entities to involve in multilateralism either with UN or even between regional organizations for instance UN and the African Union has been working on the case of the Gambia

when president Jammeh refused to hand the presidency. I can also give the example of the European Union working with the African Union in the field of security, democratic governance, and human rights.

Jane Wouters and Tom Ruys worked on the same topic; they underscore some issues related to partnership about the UN peace building capacity and peacekeeping operations. Indeed, the United Nations has been facing in the early 1990's many complex and expensive operations. Therefore, actions had been hampered by a commitment gap, because nations participate financially but reluctant in sending troops on the field. Either it is peace building or peacekeeping I think the basic need is human resource, because there is the need to have lots of peace keepers and experimented in the domain. Also different interventions can be ongoing in many zones so the basic material first is a number of soldiers and volunteers to participate in those actions. The European Union commitment in international politics and its role as a global actor might be the cause of the diminishment of his troops within UN missions. Indeed the European Union has been considered as an autonomous actor in crisis management; as the assets and capabilities are on its disposal it will be developing the capacity and quality of the interventions in the zones that EU engages its troops. EU's capabilities in military intervention have been very weak during the end of the 90's and the early of the 21<sup>st</sup> Century. Wouters and Ruys describe EU's intervention in Kosovo as followed:

The crises in Bosnia and Kosovo dramatically demonstrated Europe's continuing lack of a military fist. No EU Member State even remotely possessed the capacity to set up a mission the size of the NATO operation in Kosovo. These events seemed to open the eyes of the European leaders; after the British-French Summit at Saint Malo, the idea of a European defence capability—which had been taboo for four decades—promptly gained acceptance among the different EU Member States (Wouters and Ruys, 2005, P.12).



Following the statement of the authors the EU members were fond of a European military intervention, and this might be the cause of undermining EU's first intervention under the umbrella of UN. The security crises throughout the world in the beginning of the 21<sup>st</sup> century made EU change its approach in security issues, the threat was imminent and a basic response was needed in Europe and the rest of the world. Even today the European leaders are still focusing on the EU military capabilities. According to the French head of state Emmanuel Macron on a speech he gave in France's annual Bastille Day. He states that Europe should rely on its own capabilities to defend itself; Macron's idea is to have a joint intervention force in case of crisis to able to defend Europe.

Wouters and Ruys finally conclude that the UN has complained about the low participation of the European Union members into the United Nations peacekeeping operations. Furthermore, they underline the fact that states are not always sending qualified troops but most of the time infantry. Whereas more effective training is needed in airlift, sealift, multi-role logistics, communication. This article gives an assessment of EU-UN cooperation and the challenges they face, the European Union still have to reinforce its intervention capacities but needs more supports in logistics but more importantly a well trained military troops, the other point that they should work on is aircraft and sealift interventions to facilitate deployments.

Daniel Marchesi comes up with some points. According to Marchesi the analysis of the impact of power is insufficient on the commitment of the European Union to work with the United Nations. Daniel Marchesi also underscores the fact that the drivers and process that lead the EU foreign policy makers to cooperate with the UN are not clear ( Marchesi, 2012, P.13). The author defends that the EU's cooperation

with the UN is much more linked to its resources and cohesiveness which represent its power. Relative to EU's capacity Marchesi supports that the more European Union is weak the more it will need to work with the United Nations. Otherwise the more the European Union is strong the less they need to work through multilateralism. In sum Marchesi defines multilateralism as a weak link. According to Marchesi the EU state member's participation in troops has constantly decreased from 54% to 6% between the 1990's to 2011; but still strongly participating into UN budget. Marchesi's assertion highlighted the power that the European has relative to the United Nations. Marchesi consider that the dependent variable in this cooperation results in competition, sloppiness and conflict. What I understand from Marchesi work is the fact that the European Union itself does not need that much the UN as an independent actor they can fulfill multi task without cooperation. What many scholars called harmony or effective multilateralism is just conflicting interests and competition.

The European Union strives to develop its commitment for an effective multilateralism; this is such a great engagement; but this aspect is considered by some scholars as positive others as negative. Bardo comes up with a quite different way of thinking. Indeed Bardo considers that European Union has a marginal role within the United Nations. The author basically argues that the UN will not survive without the important contributions of the European states considering the regular budget. According to him almost 50% of the budget is supported by 20 or 25 member states of the European Union. Concerning the troops and civilians during UN mission he considers 10% of the global participation comes from the European Union state members. This participation is remarkable and can be consider as an important help to the UN. He further argues that the EU state members strive to

harmonize their foreign policies as well as security policies in consideration of the CFSP. According to him a global failure of multilateralism will actually have a harmful impact on European project.

Bardo's ideas are much more materialistic than liberal; he points an active participation in UN budget without underlying the fact that UN is a global entity in which state members or regional bodies have to participate both in budget and human resources. The author might be following an instrumentality logic which does consider more material gain or the idea of zero sum gain than what EU participation can pay off. Brado undermines the development that the EU can benefit and the image that the European Union is building through this cooperation. Indeed, the EU working with UN was compulsory for a regional organization that want more strong institutions to better face challenges inside the European Union in the domain of peace and security, hence the necessity to go through multilateral agreements which in a way or another benefit both sides. This argument joins the idea of normative rationality that actors today in international politics have to consider in their relations. Hence the logic of appropriateness gives a basic understanding of what one can understand as positive in these kinds of cooperation driving from institutional changes, shared values and norms as well as practices.

Valentina Pavarotti considers that it is a must for the European Union to engage in a very constructive into the United Nations treaty concerning business and human rights. She bases her argument on the fact that the United Nations can at a certain extent improve and prevent or sanction firmly the violation made by the multinational corporations. She describes the EU's reluctance to engage into UN treaties as a lack of leadership. The EU should rather put people's interest and safety

at the first line to guarantee them justice and make sure that the cooperation is correctly regulated in order to end an asymmetrical balance (Pavarotti, 2018).

### **2.3 Conclusion**

The 21<sup>st</sup> century has been marked by the development of international organizations and their commitment in international politics, hence the focus of international relations literature on the development of international organizations. The United Nations has reoriented its intervention system towards a more effective and practical approach with regional organizations which also participate in managing the crisis in their respective zones. The European Union interest in multilateralism was an immediate need for the response of different situation in the European zone as well as the international development and visibility.

As for UN, working with regional organizations facilitates the interventions either it is in peacekeeping or peace-building. Assessing the literature I conclude that there positive and negative aspect of the EU-UN cooperation. Some scholars consider this relation as natural whereas others consider it as an interest based relationship. EU's intervention capacities are still weak and need more training even if there is recent development in EU's approach on peacekeeping I consider they should ameliorate their policies on security interventions. Still EU and UN approach on what peace-building should entail is different, more cooperation and communication is needed on the ground. Conflicting interests and competition have been underscored, but it has been based on a materialist gain, institutions basically don't lose in cooperation but gain without comparing without considering the profits of the other side.

## Chapter 3

### THEORETICAL AND CONCEPTUAL FRAMEWORKS

#### 3.1 Introduction

Theories in international relations present different trends of their view of world politics, from state affairs, non state actors engagement in politics as well as the nature of the international system. Theories also share some features concerning approaches on intergovernmental and nongovernmental actors in world politics. Almost all of them present conflicting view on different topics in international relations and political science.

As Robert Cox use to say “theory is always for someone and for some purpose”, this perhaps fit with the idea that theorist label themselves to identify each other, theories explain, predict, and also presents solutions. They fall into two categories problem solving theories and critical theories. The first part of this paper is about theoretical and conceptual framework, I am applying a problem solving theory which is neoliberal institutionalism; it presents a liberal view of world politics, the focus in this theoretical analysis will be on international regimes and institutions. In this paper institution and regime do not mean the same thing and they are clearly defined in the context they are used. The second part of this chapter is dealing with the formalization of the cooperation between the United Nations and the European Union through joint declarations; joint statements and common purpose.

### **3.2 Neoliberal Institutionalism Approach**

Neoliberal institutionalism is a modern international relations theory, which emerged during the 1980s and dominates the international relations debate after the cold war with its epistemological perspective. It is in a certain extent a redefinition or continuation of the classical liberalism based on the culture and believes of laissez-faire. It stresses the importance of international institutions in global governance and their impact in solving some transnational issues. The single claim that makes much more difference and contradiction between neoliberalism and other theories is that institutions help to regulate trade, enhance peace, manage state behavior and make benefit. This assumption explains what neoliberalism is all about; and gives more optimistic view of global governance. Whereas realist think that states will have a negative impact on international institutions; in other words states will weaken international institutions because they manipulate them.

Neoliberal institutionalism takes into consideration security problems, as well as environmental and economic issues this determines their multidimensional view of world politics as being interdependent. First point is about regimes, defining international regimes has always been a problem and still there is no consensus. Krasner gives a comprehensible definition of international regimes that can still be broad to some scholars; he considers them as being "implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations" (Krasner, 1982, P.186). Different types of regime exist but almost all of them have a specific domain or area of intervention. Jack Donnelly identifies 4 types of regimes which are: authoritative international norms which includes binding international standards; International

standard self-selected national exception which gives the states option in part; international guidelines which are not binding; and the last on is national standard which presents the absence of substantive international norms (Jack Donnelly, 1986, P.-603,604).

Neoliberal institutionalism believes that international regimes or organizations like the WTO, International Monetary Fund, NATO, the European Union, and the United Nations are intergovernmental organizations that participate in the facilitation of the cooperation between states and also participate to the securitization of the world with military and humanitarian intervention. Moreover, the mutual dependency between states eases their behavior and turns to a political and economic gain, rather than power competition. According to liberals the behavior of state is determine by the "configuration of interdependent state preferences". Moravcsik argues that each state tries to achieve "its distinctive preferences" despite the constraint that comes from other states preferences; the idea is not about conflict of interest rather collective action but "privilege variation in the configuration of state preferences". He explains the theoretical link between preferences and behavior in these following terms with the concept of "policy interdependence" (Moravcsik, 1997).

Globalization also has a great impact on the interconnection of the world today and development of international politics, inter-states connection and the development of governmental and non-governmental institutions that today have a great influence in the international scene. The development of these institutions and their cooperation's make the saga of neoliberal institutionalism, which has challenged other international relations theories in the past decades. The tenets of neoliberal institutionalism put the

focus on different aspects from institutions, interdependence, the system, to state and non-state actors, military power and threat to peace and security around the globe.

Institutions is defined by Professor Nicholas J. Wheeler in his introductory theory as shared habits, practices, cooperation and system of governance. (Wheeler, P.2). By shared habits we can also understand shared values and beliefs which can make institutions cooperate since they have the same objectives. This definition gives us a clear scope to understand what international institutions are, and their participation in the development of international politics. Furthermore, Viotti and Mark Kauppi state that international institutions can be divided into three forms: organizations (intergovernmental or non-governmental); international regimes; or conventions (Viotti and Kauppi, 2012, P.147).

Neoliberal institutionalism recognizes a number of actors such as states, nongovernmental organizations, private actors, multinational corporations, and institutions. The legitimacy is a point also that makes institutions cooperate for instance UN should legitimize some intervention for regional bodies. For Robert Keohane, institutions are important and they matter. He states that "institutions make a significant difference in conjunction between powers", (Keohane and Martin, 1995, P.46). This portrays the mechanisms and power of the institutions in world politics and the importance that they are given. Institutions cooperate to avoid transaction costs; they share expertise which is for instance the case of UN handling peacekeeping missions with regional organizations which is also a practical way also for EU to have experience on the field and management of national and international crisis as well.



They share information for a better communication and effective response to an international demand. Thus, neoliberal institutionalism view world politics as institutionalized, an arena where there is interconnections between states for mutual benefits. In other words states create institutions, which they consider as a body that gather states to solve collective problems. Actually, states give allegiance to the institutions they decide to engage and follow their international politics through the ideas norms of those institutions in order to give their responses concerning problems in global politics. The basic idea here is that institutions provide tools to facilitate the cooperation and give a mutual response and transparency in order to moderate states behavior. This joins the idea of Arthur Stein who argues that "institutions can resolve the collective action problems and allow states to reach mutually preferred outcomes" (Stein, 2008, P.208). We can give the example of France security engagement which makes him lobby the EU to participate in the UN mission in Chad. Stein's idea gives us a paramount picture of the role that institutions play in world politics. He further argues that the world is facing a pattern of institutionalization through with a "community security" within which war is probably not possible.

As far as cooperation, interdependence, multilateralism and globalization are concerned, neoliberals explain states engagement in transnational regimes as normal and helpful, because at a certain extent it shapes their interest and purposes. It gives reason to the perpetual development of human rights regimes and their ability to make states comply in their engagement in the protection of their citizens' rights and the promotion of human rights. Liberals approach of politics comes first with the identification of the different component of the system with different actors, identities and interests. Among those actors we have societal actors which is composed by "individuals and private groups", the liberal approach try to "generalize

the conditions behavior of self-interested actors converges toward cooperation or conflict" (Andrew Moravcsik, 1997, P.517). In that perspective, states are considered as non-actor; but institutions that represent their people, not in formal view but "other stable characteristics of political process" (Moravcsik, 1997). Therefore, states policy can be an advantage or even be an obstacle for globalization and can also benefit or harm the interest of its citizens.

The question of the adherence of states in a human rights regime is explained by many IR theories, but it is a paradox when we look at the state nature. But liberals give the explanation of rational behavior, as Laurence Helfer explains it "rational pursuit of national interests, which reflect the preferences of their component constituencies and the "domestic and transnational social context in which they are embedded" (Helfer, 2002, P.1842). From this perspective we can understand that it is not power based relation or bargaining purposes, but rather a "convergence of national preferences, which reflect the demands of the domestic groups represented by the state" (Moravcsik; 1995; P.158).

### **3.3 Asymmetrical relationship**

The concept asymmetrical relationship refers to an imbalance between two persons or two entities within their affairs. Applied to this study it aims to identify power relations and understand the commitment of the European Union into the United Nations project. Asymmetrical Relationship is defined by Brantly Womack: "an asymmetric relationship is one in which the smaller side is significantly more exposed to interactions than the larger side because of the disparity of capabilities, and yet the larger is not able to dictate unilaterally the terms of the relationship" (Womack, 2016). From this perspective one can understand the concept applied into

international relations studies. What common people use to consider as a good relationship, is just a symmetrical relation in which both parties treat accordingly one another.

Early in the section literature review I have presented some point of views of different thinkers concerning the relationship between the United Nations and the European Union. The weak link between EU-UN as a complex engagement presented by Marchesi, Bardo's marginal description of the European Union in the United Nations; Pavarotti's end of asymmetrical balance: consider the nature of the relationship between EU-UN as dissatisfying. This perhaps joins the idea that the relationship between the European Union and the United Nations is asymmetrical at first glance. I argue in this context that the material gain in inter-organizational relationship is not the only aspect of positive gain. The question here is then why are they partners then? I consider that the relationship between UN and EU is beyond material gain, it is more about institutional development and vision in world politics. It is true the United Nations is relatively stronger than the European Union but does not justify that the EU is used for interest purposes, because their relationship is beneficial at a certain extent.

Even if I would have to admit that there is asymmetry in this relationship, I will rather propose the concept of "asymmetrical interdependence". This term is defined by Keohane Robert as being "a basis for power: potential power accrues to the less dependent actor in a relationship" (Keohane, 1988, P.37). At least this concept helps to analyze the relationship between the European Union and the United Nations as interdependent in the sense they need each other no matter the exercising power they have on each other. The level of commitment of the EU is criticized as being

excessive but I consider that the engagement of the European Union can help to inhibit the negative function of the United Nations.

### **3.4 Formalization of EU-UN cooperation**

#### **3.4.1 Joint Declaration**

A joint declaration or statement can be defined as an officializing of a mutual consensus between two actors, partners, or even individuals up on an agreement over something. In order to work toward a more effective multilateralism the United Nations and the European Union formalized their cooperation through a joint declaration in 2003. Indeed the former Security Council Kofi Anan and Silvio Berlusconi agreed on a joint declaration on the 24 of September 2003. This is a big step in the relation of EU-UN in peace and security management. After the first steps in the Balkans and in Africa the United Nations and the European Union consider their Union as vital and should know other perspectives as far as peace, security and human rights are concerned.

Therefore the EU and the UN both agree the primary responsibility for the maintenance of international peace and security is under the liability of the United Nations. The 2003 joint declaration underscored some points that they should work to develop their cooperation. Those points include: Planning, training, communication, and best practices.

The **planning** consists of cooperation between planning units mainly on logistics and the inter-operability of equipments, assistance and contact in assessments. For the **training** it includes joint training standards, procedures and planning for military and civilian personnel; the synchronization of pre-deployment training,

institutionalization of training seminars exercises and conferences. The **communication** includes a desk to desk dialogue between Brussels and New York, cooperation between centers, exchange of liaison of officers. And the last point is **best practices** which aim to regularize and systemic exchange of lessons learned and best practices information, sharing information on mission handover and procurement 12510/03 (UN, 2003, Press 266; P.1; 2).

### **3.4.2 Joint Statement**

Four years after the joint declaration the United Nation and the European Union enforce their commitment with a joint statement in 2007. This can be also considered as a milestone of EU-UN cooperation in which the EU reaffirms its commitment to the UN projects. The United Nations and the European Union come to the point that there was a satisfaction in the first steps of their cooperation, hence the necessity to reinforce the mechanisms in peace and security interventions. Indeed, this was a good system of learning while being in a guiding practice for the EU mainly in the military domain. The 2003 joint declaration between the two organizations and the measures that have been taken made EU's battle groups strong and operational, and their capacity in crisis management and rapid military response has developed. Therefore, the 2007 joint statement is a kind of assessment and further enhances cooperation through the following points:

- Regular senior level of political dialogue between the United Nations Secretary General and the Troika.
  
- Regularization of the exchange of views between UN secretary officials and the EU political and security committee.

- Continued meetings between the two steering committee and ad hoc meetings in situation of crisis.
- Steps to support cooperation in areas like African peacekeeping, cooperation on multidimensional peacekeeping, exchanges between UN-EU situation centers, but also the cooperation with EU satellite center.
- "Pursuit of the establishment of specific coordination and cooperation mechanisms for crisis situations where the UN and the EU are jointly engaged".
- "Systematic UN-EU joint lessons learned exercises following cases of joint operational cooperation" (Council of the EU, June 2007.P. 1, 2).

The United Nations and the European Union joint declaration and statement participate in strengthening the link between UN-EU in crisis management. They have also considered the crisis in Africa and willingly accept to help in crisis management in the African zone mainly in Darfur and Sudan, this is oversea missions that the European Union engages its troops and it participates to the development of further multilateralism between the European Union and the African Union in crisis management. The respect of the measures announced in the joint statement between EU and UN can normally help to make their cooperation successful, but the implementation of the measures on the field has been successful, still the European Union needs more years of experience. The recommendations so far have helped to take remarkable steps in the development of UN-EU peacekeeping missions and have also served a good experience on the ground for the European

Union troupes but also the European diplomacy and its mechanism on crisis management.

### **3.4.3 Joint Press Statement**

The 2003 Joint statement and the 2007 joint declaration have been successful enough to enhance future plans between the United Nations and the European Union. Indeed, the EU and UN consider that they should further their cooperation following some priorities including aspect for peacekeeping missions called also A4P. The priorities of EU-UN in the 2018 joint press statement cover 8 points that the two actors consider primordial between 2019 and 2021. Among those priorities there is:

- 1- Gender empowerment which aims to develop and integrates women through a collaborative platform.
  
- 2-Reinforcing cooperation on the field: it aims on empowerment by giving more strength to missions and operations.
  
- 3-Facilitation of EU member states to participate in UN peacekeeping initiative called A4P.
  
- 4- A measure on common guidelines: it aims to make more effective planning and execution of transitions during the missions.
  
- 5- Conflict prevention, political process, solutions: this aims to a more effective prevention on security and strategic communication for a better response to conflict.

6- The focus on the amelioration of the capacity of peace building, policing, cooperation on civilian rapid response, development of the rule of law and the security sector reform.

7- They put the focus on the possibility of trilateral cooperation between EU-AU-UN based on peace, security and regional strategies.

8- Efforts to reinforce peace operations on the ground through strengthening the training and capacity building (Joint EU-UN Press statement on Crisis Management 2019-2021).

### **3.5 Conclusion**

The neoliberal institutionalism theory appears in a time where technology and the effect of globalization have transformed the world. The theory tackles different issues from economy, institution, security studies and cooperation. The approach is likely liberal and considers plural actors in world politics from state, individual, and groups of individual, multinational corporations, international organizations which also include nongovernmental organizations. The theoretical and conceptual framework that I developed above justifies clearly my choice on neoliberal institutionalism to apply it on the study of the United Nation's relation with the European Union. It is also important to mention that it is not only theory but it also consists of a methodology to response to the research question of this study.

Neoliberal institutionalism fits with the study of institutions and cooperation. Liberals believe in the effectiveness of institutional mechanisms for success in human rights, institutionalized cooperation and compliance of states. For instance the European Union mechanisms are: sanctions which are a mean to manage state



behavior of a possible noncompliance, for instance when a state does not comply with the rules it can be sanctioned; shaming which is a mean of enforcement of human rights, and cooperation which is a cooption of political institution.

I will conclude that institutions cooperate to share help in terms of finance, logistics and task forces, for instance EU provides a large amount within UN budget, an important participation in logistics and troops during UN peacekeeping mission and other operations. The theory also presents a perspective on human rights regime; neoliberal institutionalism considers the human rights institutions as weak but can establish a strong democracy. Concerning the state it is considered as an institutional representative that responds to the demand of different interest of social actors in the domestic and transnational level.

The United Nations and the European Union took a great step in 2003 with their first joint statement declaring their willing to work together, united on the premise that the United Nations has the primary responsibility for the maintenance of peace and security is under the responsibility of the United Nations Security Council. The most important of aspect of that Joint Declaration have been the willing to develop their capacity training, the development of their communication system and more effective planning. This initiative is due to the lacks during the first interventions in the Balkans and in Africa. In 2007 a Joint Statement has been made after the success of the planning of 2003 and today the perspective between 2019 and 2019 still focus on peace and security reinforcement as well as women empowerment.

## **Chapter 4**

### **PARTNERSHIP IN THE FIELD OF PEACEKEEPING**

#### **4.1 Introduction**

The objective of the peacekeeping missions is to halt the violence between two or more parties that are evolved in armed conflict. Peacekeeping is a driven process directed by the United Nations which have the primary responsibility for the maintenance of international peace and Security. The troops are composed of militaries and civilians they accomplish multi tasks from cease fire to the restoration of peace. The post-Cold War has been intense with interventions in the Balkans and in Africa; the United Nations engaged its troops in an active intervention within complex zones and insufficient logistics. This was the first experience also for the European Union to engage its troop in an active intervention through an operation driving under the umbrella of the United Nations. In this chapter I will present a case study of four main countries that the United Nations and the European Union engaged in peacekeeping. In that perspective it is important to ask this question: how the United Nations and the European Union cooperate in the field?

To answer such question my objective is to analyze their interaction in the field, the mandate they have been given during the mission its accomplishment, problems they faced, challenges they have to take up, and an assessment of the cooperation on the field. The first case is Bosnia and Herzegovina called also the Balkan war which occurred between 1992 and 1995 with the UN peacekeeping task forces, IPTF and

EUFOR. The second case is the Kosovo crisis between 1998 and 1999, the third case is the one of Congo with the Artemis Operation in 2003, the fourth and last case is the intervention in Chad in 2007.

## **4.2 Case Study**

### **4.2.1 Bosnia and Herzegovina**

The idea of cooperation on the ground fit with the principle of neoliberal institutionalism since many scholars consider EU and UN as natural partners. The first cooperation in the field was one of experimental objective; it is what institutionalism calls a shared experience. Technically the United Nations is the leader in the operation; according to Alexandra Novosseloff at the very beginning the form of the cooperation was "operations-driven". Bosnia and Herzegovina has been a "test case" for civilian crisis management. Through the resolution 1575 of 2004 the United Nations Security council welcomed the EU initiative to intervene in Bosnia. The European Union Common Security and Defense Policy launch the operation Althea which mandate and objectives aimed into providing safe and secure environment, providing capacity building and training; provide support for the overall of EU comprehensive strategy. After the Dayton agreement in 1995 the United Nations deployed the UNMIBH as a peacekeeping force included the IPTF.

The United Nations police task force has been working on law enforcement, monitoring and observing law enforcement, assisting the parties, advising government representatives on civilian law enforcement, facilitating within the IPTF mission of assistance (S/SES/1035; 1995). The United Nations post war activities have been helping to implement policies on civilian rights and police task forces in Bosnia and Herzegovina. This mandate can be considered as weak or even lacks an

aspect that supposed to be taken into consideration which is restructuring the police to have another standard.

Years after the EU entered in action and continue the mission. The European Union Police Mission (EUPM) has been present and replaced the UN international police but acted under the coordination of European Union Special Representative (EUSR). Its role was monitoring and the inspection of responsibilities, establishing professional and multi ethnic police; assistance of local authorities in investigations. Furthermore, Zerrin Torun describes the EUPM mission in Bosnia as partly successful but also knows some failures, she states:

First of all, EUPM in Bosnia demonstrated that the EU's crisis management structures became operational. Second, the mission advanced the process of transforming the Bosnian police from an instrument of ethnic warfare into a professional service by continuing the work of the UN International Police Task Force (IPTF). Third, it brought Bosnian policing mentalities, institutions and practices closer to European norms and standards (Torun, 2016, P.12).

I think this description of Torun gives the succeeding part of the European Union work in Bosnia. The EU has help to redesign the Bosnia and Herzegovina police force into a more modern police system by separating the police from the army as it was before the conflict.

Amelia Padurariu states in these following terms "The EU Police Mission in Bosnia and Herzegovina (EUPM) was the first (civilian) crisis management mission ever launched by the EU and has therefore been a testing ground for EU crisis management capabilities" (Padurariu, 2014, P.2). This statement describes the EU as being a novice in crisis management and needed a cooperation to learn and gain

experience on the field. But partly as a first test case I can say that it has been successful despite difficulties they faced on the ground.

#### **4.2.2 Kosovo**

The United Nations resolution of June 1999, which was resolution 1244 allowed the UN Security Council to respond to the situation in Kosovo. After the NATO bombing of Kosovo the United Nations engaged in a peace settlement to ease the situation and to restore the judicial system that collapsed and multi ethnic problems that Kosovo underwent. The UN further authorized the assistance of relevant international organizations for the establishment of an international body of civil presence in Kosovo as well as an "interim administration for Kosovo" (UN Security Council resolution 1244, 1999, Para.10). The head of UNMIK was the representative of the UN secretary general it was a military and civilian presence; the mandate of the mission was as following: Civil administration, humanitarian, institution building, and the EU reconstruction (Report of the UN SG S/1999/779). It is important to mention that the UN and the EU troops have not been on the ground at the same time. The United Nations have been the scouts at a certain extent the UN intervened since the outbreak of the war in Kosovo.

In this context the European Union presence in Kosovo was under the European Union Special Representative (EUSR) with the EULEX as a common security and defense policy mission. This presence has been legitimized by the United Nation. Therefore, the police and the judicial responsibilities were given to EULEX to ensure the interim body in Kosovo. This perhaps joins the idea of legitimacy transfer, the UNMIK as a legitimate institution give the authorization to the European Union to overtake the mission in Kosovo. Legitimacy transfer backs up the neoliberal institutionalism approach on cooperation through institutions, but also explains why

the European Union cooperates with the United Nations, the EU as a security actor did not have a legal ground in Kosovo. The presence of the EULEX in Kosovo will be further detailed in the next chapter which will give more information on peace building missions.

After the remarkable intervention in Bosnia and Herzegovina the European Union special task force has been sent to Kosovo. At a certain extent the pathologies have been the same hence the application of the same reconstruction methods in Kosovo. There has been the need to restore the judicial system, reform the police and settle perpetual peace in Kosovo. Still EULEX works following the United Nations resolution 1244, the council mandate for EULEX was: monitoring, mentoring and advising, Kosovo's authorities in the areas related to the rule of law, protection of minority communities, corruption, and fight against organized crimes (EULEX/06, 2009). According to the Group for Legal and Political Studies the EULEX failed in Northern Kosovo, they state:

EULEX has proven unable to establish rule of law throughout Kosovo's entire territory. Many have agreed that EULEX has largely failed in their rule of law mission in the north of Kosovo. According to the European Court of Auditors, "EU interventions [in the north] have been very limited and there has been almost no progress in establishing rule of law." In the north EULEX should have been minimally focused on reducing crime and smuggling and tackling a number of organized and violent crime cases (GPLS, 2015).

I think this problem is due to the question of trusteeship, indeed northern population of Kosovo did not consider EULEX as an impartial actor in the Kosovo peace resolution. Hence the EULEX had problems to reach some zones but partially corrects aggression.

### **4.2.3 Congo**

The first intervention carried out by the EU and UN in Africa was in Congo. With the presence of MONUC in a intervention called Artemis operation held during the Congo Ituri crisis. Basically the participation of EU is remarkable with finance and logistics. The intervention was first led by MONUC under the chapter VII of the UN charter. The resolution 1279, consistent with the resolution 1258 and 1273 of 1999 mandate MONUC for these following tasks: laying the ground for a continuous contact with the signatories of the Cease fire agreement; a plan for the implementation of the Cease fire; keep the contact with all the parties, give information about security conditions and the area for future decisions; provide technical help and observation of cease fire violation (Resolution S/RES/1279, P.3). The United Nation had problems to manage the situation in Bunia after the withdrawal of the Ugandan troops. According to Kees Homan Bunia was in a total Chaos, the Uruguayan troop abdicated and was unable to protect civilians, some peacekeepers and humanitarian workers succeeded to save a number of civilians (Homan, 2007). The same aspect has been underscored by some scholars as the fact that the UN was not able to act accordingly to stop the scale of violence perpetrated by militias on civilians. Indeed, in 2003 a rapid deployment was made by EU, in response to the emergency call of Kofi Anan concerning the situation in Bunia and a back up to MONUC. According to the report of Refugees International, MONUC did not deter the violence in Bunia; the failure comes from the Uruguayan MONUC elements to act effectively (Bernath and Pearson, 2003, P.5).

The deployment of the EU troops took the mission in Congo in another step. The United Nations through the resolution 1484 authorized a military deployment of the European Union in Congo, with an Interim Emergency Multilateral Force (IEMF)

(S/RES/1484, P.2). The Council Joint Action of 2003/423/CFSP decided to give support to MONUC in Congo. Indeed, the quick response of EU describes somehow its development in term of capacity as a security provider but also the effectiveness of the EU department of crisis management for an immediate response to a military demand. The European Union under a French led deployment helped to restore peace in Bunia, Homan states:

Ultimately, the IEMF re-established security in Bunia and weakened the military capabilities of the rival Lendu and Hema militias, including by cutting off military supplies from abroad, through monitoring of airfields. As a result, the political process in Ituri was allowed to resume some activity as political offices reopened in Bunia and 60 000 refugees returned. To a certain extent, economic and social activities were resumed (Homan, 2007).

The military deployment of the European Union in Bunia has helped MONUC to stabilize the situation and restore the activities in the city. It is also worth to mention that if the deployment of the IEMF is successful enough it is because of the pre-study of the field and information that MONUC has given.

#### **4.2.4 The case of Chad**

Chad also was among the area of cooperation between EU and UN concerning the 2007 crisis. Indeed, the resolution 1778 approves the deployment of UN and also EU forces. The resolution states in the paragraph 2 " the multidimensional presence shall include, for a period of one year, a United Nations Mission in the Central African Republic and Chad (the acronym MINURCAT is to be used in all languages)" (UN resolution 1778, 2007, para.2). The mandate of that mission consisted of: advise and facilitate support to the Chadian police, collaboration with the local army and police for a more secure environment, collaboration with the government for the relocation of refugee camps, collaborate with the AU to exchange information for humanitarian activities (S/RES/1778, 2007, P.3).



The first problem comes with the deployment of the European Union unity for Chad mission. According to Oxford the Government of Chad refused the blue helmet peacekeepers from EUFOR (Oxford, 2008). The second point that I will underscore is that the time frame of this operation is too short for such calibre peacekeeping mission. The project in the cooperation of Chad was a multidimensional presence which required an operational and joint task force from the two bodies but also a large number of people to face the situation in Chad which has been a zone that was not fully inspected and had complex realities. Complex in the sense that Chad is a landlocked country therefore all supplies and deployment are made through airlift which is cost a big budget for an operation that is supposed to take one year, moreover the Eastern part of Chad is brood and roods are not that good to provide provision from one point to another. Perhaps it is the cost of the operation that justifies the time frame of the operation.

The EU provided a military presence with EUFOR which was supposed to move after one year of their deployment letting the UN task the charge to insure the rest of the mission. Oxfam international in their briefing paper declared the mission in Chad as uncompleted. This perhaps backs up my argument above concerning the shortness of the mission in Eastern Chad. Oxfam clearly states the violence toward civilians has been unsolved and exposes the population in danger, pathologies such as rape, robberies, and forced recruitment, physical attacks still needed to be solved (Oxfam, 2008, P.6). This still goes to my first argument that hints that the extension of the time frame of the mission was going to be able to stop such violence in Eastern Chad. In my opinion the mission was supposed at least take 3 years in order to build a safe environment in Eastern Chad.

### 4.3 Conclusion and Assessment

The previous section shows an analysis of the cooperation between the United Nations and the European Union. It starts from operation driven mission with the first steps in Bosnia and Herzegovina, few years after we have considered that the EU has applied the experiences learned from the UN in Kosovo, Congo and Chad. These missions have known some difficulties in the ground from institutional issues, finance and logistics as well as political issues. The operations have known some success in this section we are going to present the problems and successes as the outcomes of the cooperation between the two organizations.

#### ✓ Successes and failures

The first point I consider as successful is the success to restore order and peace in Bosnia and Herzegovina with a peace agreement. The implementation of the police reform in Bosnia and the post-conflict accompaniment helps for the establishment of institutions for a perpetual peace, justice and law enforcement. Padurariu comes to the conclusion that the situation is "stable as to the chances to relapse into conflict". A problem of "ethnic and political divisions" were still present, the EU has given countries of the west Balkans the possibility to become EU members (Padurariu, 2014, P.14).

In the Democratic Republic of Congo the results have been more or less good, the cooperation of EUFOR and MONUC have given results through joint action on the field despite some problems that they have faced. The analysis of Bernath and Pearson can be considered as positive; indeed some developments have been underscored such as "stabilization of military situation in Bunia with the IEMF";

"Humanitarian access to all Bunia"; "establishment of a transitional national government"; and the fighting against the armament of civilians by Rwanda, Uganda and RDC government (Bernath and Pearson, 2003, P.1, 2). In 2006 according to Clodia Major there was successful securing of the elections which was not an easy task. There was also successful management of the conflict after the announcement of the results. Efficient deployment of the august incident but they have known logistics problem also (Major, 2008, P.20). In the case of Congo the first failure in point of view comes from the United Nations incapacity to properly secure Bunia. What goes wrong with the Uruguayan troop to not face the Chaos in Bunia, have they not been well trained to face such situations? Why did not they give a powerful response to protect civilians? These questions need to be answered and can help for a more effective peacekeeping intervention.

The situation in Kosovo has been managed with the deployment of the United Nation's Mission in Kosovo (UNMIK) and the European Union Rule of law Mission in Kosovo. Basically the mission has been mostly military ensured by UNMIK and law enforcement by EULEX. The success can be related to the restoration of peace in Kosovo and the handover of the mission to EU police for regulation and law enforcement. In my point of view EU and UN did not succeed to hamper the declaration of Kosovo as an independent state, the situation was calm without violence but politically the split of the country was not appreciated at the international level. Martina Spornbauer states that the "international disagreement over the international status of Kosovo affected the reconfiguration of the international presences in the territory". She goes further argues that EULEX mission was in a complex and contentious international and legal environment" (Spornbauer, 2010, P.780, 781). The situation in Northern Kosovo has not been settled by the

EULEX because of a mistrust that the Northern population have upon EULEX. This perhaps should be regarded as a point to revisit rules and approaches of the European Union peacekeeping task forces.

Chad has been another zone of tension within which EU and UN have worked together despite some different objectives between the two institutions. The violence in Chad was an internal armed and inter-ethnic conflict. The EU did not quickly deployed its task force and this was due to the complexity of the zone, but also in terms of approach on the planning of the operation, this perhaps joins the idea of Thierry Tardy who states that:

The mandates of EUFOR and MINURCAT were initially defined, with the expectation on the United Nations side that the EUFOR would act as a kind of military component of the UN mission while the EU had a different vision about its own mandate and its position *vis-à-vis* the UN and MINURCAT. UN-EU cooperation in strategic and operational planning was hampered by these divergences (Tardy, P.48, 49).

This situation made the cooperation difficult in the field, and has affected the effectiveness of the mission. Deby Idrissa also have not been willing to welcome the intervention of the international community. Oxfam international describe the mission in Chad as incomplete, since there have been room to move about the protection of civilians. They describe it as following "growing inability to provide adequate protection for civilians at risk" (Oxfam International, 2008, P.10).

A general point that I am going to make after the analysis of the case studies on these different countries, I will say that the European Union and the United Nations have dealt with complex situation that they did not give much more attention which all these four countries conflicts is much more related to ethnical problems than

interstate problems. In this context I will say that the EU and the UN should give particular attention to this kind of situation. Hence the necessity to give more training to their troops concerning ethnic conflict resolutions, it can at a certain extent help for the reconciliation and avoid split of ethnic groups within a country, because the split of ethnic groups after intervention can also give potential outbreak of another conflict. The other point that I will make is the approach of peacekeeping missions concerning ethnical conflict resolutions. I consider a bottom up approach as the perfect way to solve such problems, in the process of resolution of ethnical problems, all the local actors should be invited to resolve the problem not only the international community.

The European Union as a security actor has provided help in his over sea missions like in Chad, Congo Bosnia and Kosovo. Its participation gives it more acceptances in the international community as well as visibility and strengthens its approach on peace and security intervention. Comparing the United Nations and the European Union capabilities in peacekeeping is not a fair comparison because the UN is 10 times stronger and more mature than the EU in terms of intervention on peace and security missions, in a nutshell the United Nations is the Senior of the European Union in security operations, but still the EU is so far the most advance regional organization in the world.

## Chapter 5

# PEACE-BUILDING AN ACTIVE AREA OF COOPERATION

### 5.1 Introduction

“When wars have ended, post conflict peace-building is vital. The United Nations has often devoted too little attention and too few resources to his critical challenge” (The United Nations High level Panel 2004). This quote sums up the spot in which peace-building occurs and the engagement and challenges of the United Nations toward making an effective peace-building. The term peace-building has been interpreted in different ways since it includes different approaches for different actors, but let’s say that the term is broad in a way that it cannot be subjugated to a single definition. The United Nations approach of peace-building is different from the one of the European Union. According to UNIDIR the EU and UN don’t have the common definition. UNIDIR depicts their differences as following:

The UN, peace-building tends to be associated with the system-wide effort to consolidate peace, whereas in the EU the term tends to be associated with a wide range of long-term development activities designed to promote structural stability, or with short-term actions with direct conflict prevention objectives (Gourlay, 2009, P3).

The UN approach is more about peace consolidation whereas the EU is within a large scope considering development, stability and conflict prevention. The question here is why are they cooperating since they don’t have the same definition and same approach of the same thing? What is obvious here is that they have the same

objective which is peace as the core element that enables the following elements like development, economic activities to be settled. This section aims to analyze the cooperation of the European Union and the United Nations in peace-building. The first part will discuss the European Union and the United Nations approach on peace-building based on their policies and practices and I argue that the EU as a new actor in peace-building has a complex approach of peace-building but still has a suitable approach and vision of peace-building. The second part is about case study on Kosovo peace-building intervention by the European Union under the auspices of the United Nations. The third part is about the challenges that the European Union is facing that also be identified in the UN system.

## **5.2 EU-UN Vision on Peace-building**

The United Nation peace-building concept can be retraced from the *Agenda for Peace* of Butros Butros Ghali who defines it as post war mission to strengthen and solidify peace in order to avoid a relapse into conflict in other word a repetition of a possible violence (A/47/277. S/24111. 17 June 1992). Indeed peace-building can be considered as the last step after peacekeeping and peacemaking, it is a process in which the UN bodies engage in a long lasting peace reconstruction. But does UN really have one way to approach peace-building? I would say it will not even be pragmatic to have a particular way to address to peace-building mission; it should rather depend on the case and the context of the conflict. Charles Call and Katy Kollin argue that there isn't a UN single approach concerning peace-building, but there might be differences between policies and practices (Call & Kollin, 2015). This being said one can understand that basically there is no particular approach between the UN and the EU in term of peace-building but normally the difference lays in their policies and practice.

The European Union recently engaged in security management and peace settlement, the EU has become an emerging regional power and security actor. It has participated in building a set of peace making approach or introduced other aspects that bring today peace-building in another standard. It is important to know that peace-building has developed in a way that it has become a process in which many actors are called to work together in order to take many aspects in reconstructing a good environment. Among those actors one can mention Non-Governmental Organizations, Multinationals, Private Citizen, civil society. May be this development can justify the European Union developing approach on peace-building. The EU advocates sustainable projects in term of peace operations that take into account democracy, effective multilateralism, education, gender empowerment, responsibility to protect, and security in general.

The European Union architecture on peace and security intervention does not present the notion of peace-building in their text or in their policy. According to Catriona Gourlay the term doesn't feature prominently in EU policy. She further argues that peace-building in the European Union context rimes with conflict prevention Agenda linked between development and security (Gourlay, 2009). So the basic question is where does the European Union concept of peace-building came from? Gourlay argues that the European Commission Agenda of conflict prevention can be retraced during the mid-1990s within a communication with the council where the term structural stability has been mentioned including other relative practices such as peaceful conciliation and democracy (Gourlay, 2009).

The European Union concept of what can be considered as peace-building is a mixture of peace settlement and policies that foster development in long or short



term run. But still in a way or another knew a development and adaptation with the context of the security challenges of today's world. The creation of the instrument of stability in 2006 can be considered as a great step toward the development of the European Union peace instrument. The IFS objectives can be summarized into three main points which are: a rapid response to instability and natural disaster, Building environment for long term stability but also prevent threats that trouble political stability and development, participate and support the Common Security and Defense Policy and restoring stability after conflict. Furthermore, Michal Natorki considers that IFS as an instrument of peace-building is neglected. He further argues that:

This neglect is unfortunate for two basic reasons. First, the IFS is one of the few instruments dealing exclusively with crisis prevention and management and peace-building during different phases of conflict and, therefore, it provides a complete view of EU practices in this field. Second, the resources available in the framework of the IfS are considerable, e.g. its budget of € 2.068 billion is comparable with the EU's budget for the Common Foreign and Security Policy (CFSP) (€ 1.980 billion) (Natorki, 2011, P.3).

I would rather say that the IFS is not neglected but it is considered as a financial instrument and an effective tool of the European Union peace-building project, it can also serve to engage with the civil society, the IFS and the EUPF have their steps in the peacemaking project and can be considered as different pillar within the EU peace-building architecture that work hand in hand. According to Richmond and Al the European Union Peace-building Framework (EUPF) is framed in way to build "stable liberal states" and to go beyond the state via regional integration to create a more developed version of peace-building (Richmond & Al 2011, P7). This argument of Richmond and Al reflects the core difference between the European Union and the United Nations approach of peace-building. Indeed, the EU peace-building approach is kind of complex and demands lots of efforts and many

parameters to consider, but in my opinion it is the perfect peace-building model which regional organization such as the African Union should adopt. Call and Kollin argue that in peace-building the United Nations give more importance to security and politics than development and institutions (Call & Kollin, 2015, P.1) Here lies the most basic difference between the senior actor and the regional actor in their practice of peace-building. But I argue that the European Union has the most comprehensible approach of peace-building and had influenced the recent United Nations peace-building architecture.

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### **5.3 The European Union in the United Nations’ Peace-building Architecture**

The United Nations peace-building architecture can be considered as a model in which other actors or peace builders copy or even request services. The UN peace-building architecture has known some recent development with the Peace-building Commission (PBC), the Peace-building Support office (PBSO), and the Peace-

building Fund (PBF). Today the UN is engaged in different bilateral cooperation with regional actors for a more effective peace-building in different zones. As a senior actor the United Nations institutions fund many peace-building actions give services and civilian troops. Despite their differences in peace-building practice the European Union and the United Nations work together for effective multilateralism. Therefore, what should be the engagement of the European Union in the United Nations peace-building architecture?

To answer this question I will start by stating that the primary task of the United Nations Security Council is the maintenance of international Peace and Security and other actors in peace-building and peacekeeping often need a mandate from the UN in order to carry out intervention in a respective zone. This statement already underlines the power and position of the UN vis a vis other regional actors in term of legality and reliability. Thus, Gourlay asserts that the recent UN architecture is “relatively marginal to the bulk of EU and UN operational engagement in peace-building and to their operational cooperation”. This is due to the broad concept of what peace-building should entail when it comes to cooperation between UN and EU. She further argues that it is “associated with an expansive root causes agenda” which she also describes as not fitting with many European Union and United Nations actors to properly describe their policies or operations” (Gourlay, 107). The EU engagement in the United Nations recent peace-building architecture can be considered as a milestone of regional organizations commitment to the UN cause and the peace project. The EU-UN relationship is not only military and financing but also it includes learning from each other, creating and adapting bilateral as well as multilateral policy and mutually supportive. Hence the development of the UN body in peace-building creating institutions that can also be conform to the European

Union standard of peace-building with the creation of the Peace-building Commission. The PBC has allowed a more cooperative ground between the United Nations and the European Union; meanwhile the EU's model of peace-building is a bit reflecting in the PBC body. The recent development of the United Nations Machinery has helped countries in their economic and social development but it is not that successful in failed states and the PBC was supposed to be able to help for its development (Brantner and Gowan 2009 p.22). Indeed PBC allows also building social and economic development in the aftermath of a war in a country, but what we witness today is quite different, for instance in Libya after the intervention of 2011 the country became a fail state and today the country has become the bridge of drug and human trafficking. I can conclude that the effectiveness of the PBC for dealing with the development and peace restoring in failed state is relatively low.

The High Level Panel presented to the General Assembly in 2004 a new agenda of challenges and threats that the world is facing, thus from that perspective new institutions have been settled. The creation of the PBC came in an era where an update of the UN system was strongly needed. The first step normally concerns the adaptation of the PBC with the regional organizations, in this context the EU has its role to play. Gourlay argues that the European Union was a strong supporter of the idea of the PBC {...} the EU actively contribute using the European Commission, the common and foreign security policy, as well as the EU security strategy (Gourlay, 111). Indeed, the European Union has used its institutions to support the UN peace-building architecture this help for the development as well as the cohesion and adaptation in the policies of the EU-UN partnership. This also helps to strengthen and facilitates the first steps of the PBC with other regional organizations. The European Union is also the first supporter and largest funding of the United Nations

peace-building budget. I will back up my argument with the statement of the UNRIC that states that the EU is the largest financial contributor of the United Nations Budget with 36.6% (UNRIC 2007, S 1.5). The EU financial support to the United Nations shows the commitment of the European Union state members to the world peace-building project through institutional cooperation. Though I argue that states cannot alone address issues that the world is facing but it is only through joint actions with strong institutions that they can commonly participate and make significant development concerning threats in our world.

#### **5.4 Kosovo a Case Study on Peace-building: Post War Interventions**

The United Nations have mandated the European Union intervention in Kosovo in 1999. The case of Kosovo has been among the United Nations longest mission, after the end of the war building peace was compulsory and the European Union manifested its willing to help restoring peace in Kosovo. According to Abraham Veirheij “the EU has been the most important actor in Kosovo and has taken many of the responsibilities of the UN and NATO” (Verheij, 2010, P.3). The UN mission in Kosovo was to fairly administrate Kosovo, resolving the question concerning the status of Kosovo, helping Kosovo authorities to build institutions and conditions for a possible self-governance (Dulic, 2008, P.6). All these tasks became now the burden of the European Union which also has to implement its peace-building policy in Kosovo which today has helped a lot today for the European integration of Kosovo. Do the European Union and the United Nations succeed the peace-building mission in Kosovo? I argue that in term of security the United Nations and NATO have succeeded to secure the territory and administrate Kosovo. As for the European Union its 15 years of peace-building has helped to reboot the economy, build a modern police system as well as the government institutions with a more democratic

management. NATO with its military capacities focus on security, the United Nations and its civil administrative focus on peace and security {...} the European Union focuses on the civil economic perspective as well as its focus on peace and security through economic reconstruction (Narten, 2007, P.124).

In the field of human rights many scholars almost come to the same conclusion, failure as an outcome of the international interveners is more apparent in many literatures. This can be understood from the approach system that the international interveners used to settle the problem in Kosovo. In the previous section I argued that the approach used by the United Nations in Peacekeeping can sometimes be problematic and hinder the effectiveness of their mission. Indeed, there might not be enough time to study the field in a case of emergency but considering or even prioritizing bottom-up approach in peacekeeping as well as peace-building help to get the support of local citizens with an active support and cooperation, this might be a key of a successful mission. In their efforts to civilize conflict as well as promoting human rights, the European Union, NATO, OSCE and the United Nations failed to realize it (Dulic, 2008, P.8). The author considers that working in societies such as Kosovo a bottom up process will be helpful. The surveillance of the interaction of international organizations in Kosovo was not a priority for the United Nations either they do wrong or not they have been free in their mission. Narten argues that:

All international organizations involved in Kosovo enjoyed full legal immunity from prosecution for abuse or omission of their duties, thus violating the citizens' right to effective remedy and equal protection by law (Narten 2007, P.123).

In my opinion the United Nation failed to regulate and closely watch the work of some international organizations present on Kosovo soil. Meanwhile Northern

Kosovo citizen failed to openly denounce abuses because of a lack of confidence and misunderstanding with the European Union and United Nations representatives. The intervention in Kosovo is at a certain extent successful if we consider the positive contribution of the European Union in state building and economic as well as social development. The UNMIK and EULEX worked hand in hand with EULEX as a stakeholder with the fourth pillar which aimed for reconstruction and economic development.

### **5.5 Key Challenges in Peace-building**

Considered as natural partners of many scholars the United Nations and the European Union are facing many challenges in peace-building. As a senior actor the United Nations have earlier identified what peace-building mission is about, the European Union as a new actor considers peace-building as crisis management linked with economic and social development. But in my point of view the actors are complementary mainly in the long term run; perhaps this justifies the reason why the European Union always endeavor to engage in the area where the UN work on peace-building. The United Nations efforts in institutionalization of peace-building with the PBC and PBF have helped at a certain extent to align policies toward the coherence with regional organizations. I don't consider the differences in approach of peace-building as a problem between the United Nations and the European Union because they can be complementary.

Early warning system has been a strategy in modern peace-building policy it is also called preemptive peace-building which today need a particular focus because it can help for a sustainable peace. But the mechanisms still don't work perfectly for the effectiveness and quick response to a particular situation. Ana Juncos and Steven



Blockmans underscore some key challenges concerning the European Union, but in my opinion these points can be considered as the weakness of modern peace-building. The first point is the failure of the feedback time between the warning and the early response. They argue the European Union recently invested in the development of the early warning system but despite those fact failures still affect international response to hamper violent conflicts (Juncos & Blockmans, 2018, P.133). This argument has been further developed by George and Hole stating that the gap is caused by the passivity of policymakers to not taking seriously or even not acting effectively to some case in which severe ethnic or religious conflict, humanitarian disaster or flagrant human rights violations. This passivity also includes a low stake to consider one problem as a risk, not considering the fact that it can pose a great threat to a state's national interest. They further argue that early warning systems demand analysis and forecast to know which one is going to break out and when. Even if they have been warned earlier policymakers might be reluctant to give important credit the warning and take action, moreover with all kind of passivity adds the lack of acquaintance concerning efforts that should be triggered to stop the scale of a particular pathology (George and Hole, 1997, The warning Response Gap). Basically there is no tangible warning system that can be considered as reliable and be linked with an accurate response to deter a possible violence. Following the argument that prevention is better than managing consequences, I think that some basic rules should be settled for the warning system no matter how low is the stake of a possible outbreak of violence, it should be taken as a threat and actions should be carried out.

The second problem is related to the cooperation with other international organizations; the United Nations and the European Union are well committed to

effective multilateralism and manage to work with other regional organizations as well as nongovernmental organizations. Juncos and Blockmans argue that despite the joint initiative to improve communication and coordination the synergy still has not been forthcoming mainly on the field. In other word their approaches are different and brings gap on the field (Juncas & Blockmans, 2018, P.134). Peace-building actors today are trying to develop their approach in order to more flexible and be able to facilitate the integration, coordination and complementarities with other partners. The third challenge deals with creating a coalition between the civilian and military instruments. They argue that the coordination between civil and military has been difficult in conflict areas. The main idea is to have mixture of civilian and military working for an effective peace-building. The EU has been developing a concept of civil-military cooperation and coordination called (CIMIC and CMCO) (Juncas & Blockmans, 2018). This development comes up with the European Union Comprehensive approach which includes different EU actors interacting through formal and informal channels. There is a challenge for the actors concerned with the comprehensive approach to work coherently. Reporting back to institutions constituencies is difficult (Faleg, 2018, P.36, 37). The last challenge that has been underscored concerns “ensuring local ownership and the sustainability of reforms”. The main idea is an effective integration of affected communities into conflict prevention and peace-building. Grassroots peace builder have been more successful than external actors, in this context local ownership played an important role. Therefore there is a need to include or even take into consideration within their policy the role and outcome that local owners can bring in peace-building (Juncos & Blockmans, 2018). Peace-building at the grassroots level engages activists and civil society they help in building political, social, and environmental and justice integrity.

They easily lay the contact and trust with citizens and call them into participation and action for instance disarmament, or developing the culture of non-violence.

## **5.6 Conclusion**

The United Nations is the most experienced actor in peace-building among international organizations. Its capacity of intervening in term of military and civilians largely pass the other actors capacity. Despite its capacity and experience the UN still need to cooperate with regional organizations, its collaboration with those actors allows analyzing and underscoring successes and failures in peace-building. The European Union as a recent actor in peace-building has a different approach of peace-building with parameters that actually take time for their realization. But it is comprehensible if for an actor that is looking for a sustainable peace. The EU and the UN approach of peace-building knows some challenges, basically there is not a reliable warning system that helps to prevent violent conflicts. There is not a reliable clue to assess a risk of scaling of a dispute or violation of human rights. Peace-building at the grassroots should be taken into consideration because most of the local dwellers don't usually listen to foreigners so the stake of success is low. Actors at the grassroots level can't fully succeed in case of reconstruction and integration without the help of some international organizations for instance UNICEF or OXFAM.

## **Chapter 6**

# **EU-UN AND THE DEVELOPMENT OF HUMAN RIGHTS**

### **6.1 Introduction**

Regimes do not come in a vacuum; they have some reasons and sources of their existence. The establishment of international organizations can be dated back to a "recent past" the 1919 with the creation of the League of Nations. International organizations did not develop that much till the post-World War 2 with the creation of the UN and their objective to achieve a better world, the 1948 Universal Declaration of Human Rights led to the modern development of international law and the creation of international regimes. Many scholars give the explanation the holocaust and the Nazi treatment of human beings motivated innovations in human rights and their institutions which today give international law a legal stand to face challenges of the development of human rights. Before the World War II, human rights were not really considered at the international level, but today there is no denial that people have rights and obligations under international law.

Human rights are first of all domestic issues, but the treatment of the citizens by their state has been gradually abusive, it is true that citizens are the only one that can force the state to respect their rights, but globalization comes with another vision of human rights, hence the need of internationalizing human rights for a better monitoring of state behavior toward citizens. In this section I will focus on the development of

international law and human rights putting particular attention on the participation of the EU and the UN actions, the second point will be a discussion over the relativism and the universalism of human right regimes mainly the one of the EU and UN. The third point will be a focus on the obligations of the European Union toward United Nations treaties and conventions under international law, in that section customary and treaty will be the focus. The fourth and last point in this chapter will deal with the interaction between the EU and UN in the field of human rights.

## **6.2 Development of International Human Rights Law**

Using the liberal approach to explain the existence of many human rights regimes, I argue that we should agree first that the Universal Declaration of Human Rights and its covenants needed what I can call a "system of decentralization" which also demand a process for acceptance by Nation-States but it can also be considered as a way to strengthen international human rights law. The system of decentralization has also taken into consideration the social and cultural realities in different zones for instance in Africa including the virtues and values of African traditions into the African Charter. But in the Middle East complex realities hinder the development of international human rights law. In Europe there is a more comprehensive development of human rights law because of the EU commitment to develop and promote human rights and democracy which became the cornerstone of its external policies. The clauses of the United Nations Charter composed the guiding lines of the EU cited in its preamble of its founding treaty of Rome in 1957. Indeed, for the effectiveness of the Universal Declaration there was a need to establish institutions with shared rules, practice and norms through which governments can join and participate in the development of human rights. This is perhaps what Emilie Hafner-Burton states in these terms " in six decades the international community has built a

vast network of legal instruments designed to turn these goals into practice" (Hafner-Burton, 2011, P.1).

Moreover for the development of international human right law, the necessity for a legal binding international law and judiciary system on states was compulsory but still demands a more comprehensive explanation for the plurality of human rights regimes. Alejandro Anaya gives an explanation about existence of many human rights regimes. He argues that:

The international instruments containing human rights norms are numerous and very diverse, as are the decision-making and implementing bodies. It is possible and, in fact, necessary to regroup the different norms and decision-making and implementing bodies according to certain criteria related to a particular aspect or affinity” (Alejandro Anaya, 2017, P.174).

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This explains the need of the organization in different regimes because of the numerous and diverse norms that should be regulated. That diversification includes categories of rights and groups. Within those categories I can mention: cultural

rights, political rights, economic rights and civil rights. As for the group rights I can include minority's rights, local indigenes' rights, women or migrants rights.

Anaya goes further with a more specific explanation that justifies the existence of the regimes in regional zones. He defends that the common way of dismantling international human rights regime or to form the components is in accordance to the international organizations they come from and in which groups of existing norms and bodies are interested in (Anaya, 2017). That's why today we have different regimes of human rights with the Universal regime; the Inter American regime, the African regime, and the European regime. If today the international treaties as well as customary international law are considered as being the backbone of today's international human rights law, regional organizations and nongovernmental organizations can be considered as the heart of international human rights law because without them it will be basically very difficult to implement and control the development of human rights.

The International Bill of Human Rights is composed of five basic human rights treaties put forward by the United Nations in order to assure human rights of mankind. The International Bill of Human Rights include: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights with its Optional Protocol. The European Union dedicated itself to promote and protect all human rights as well as fundamental freedoms as suggested in the Universal Declaration of Human Rights and its complementary conventions. The European Union recognizes that the primary obligation concerning human rights resides on its internal legal decision. This underlines the challenges of the development of human rights in

Europe. The European Union member states ratified UN treaties and Covenants and few member states signed the second optional protocol of the United Nations. Hence some developments need to be made by the European Union since the EU law fails to recognize and reflect member states obligations as in the United Nations Human rights Treaties, denial of individual's basic rights (OHCHR, Regional Office For Europe, P.21). Individuals have been facing the denial of their basic rights, and recently with tensions that are developing in Europe mainly in France with people facing their denial of basic rights.

### **6.3 Universality versus Relativity**

I firstly argue that the UN regime is the senior of the regional human right regimes. The hierarchy between the European Union and the United Nations in terms of human rights can be set through their jurisdiction. In that context the UN jurisdiction is at the top and should be accepted by other regional organizations.

The term universal is broad and complex applied in the area of human rights studies. Indeed, human rights apply to everyone by the virtue that they born human this makes human rights universal and inalienable, I can say for instance the Universal Declarations of Human Rights applies to every human being. When it comes to enforcement, the greatest challenge to the universality is cultural relativism; because states have the right to implement rights in their territory in way it goes with their values and believes. For instance when I take the case of the EU regime they can undermine international rights in order to protect; for example something that goes against their value, it can be within countries or regional area. Hence it can be discriminatory but also a violation of human rights, hence implementing a low criterion of human rights and weakening the universal system. A moral liberal



approach will say that some moral values are universal for instance when it comes to mutual respect and tolerance. Liberals develop a more admissible view of cultural relativism stating that each and every culture has its autonomy and it is not obligatory to adopt something against its cultural value. Donnelly argues that "the fact of cultural relativity and the doctrine of methodological cultural relativism are important antidotes to misplaced universalism" (Donnelly, 2006, P.19). This statement shows clearly that cultural relativism challenges the universality of human rights; this debate is more present today in North Africa and the Middle East which today prone an Islamist democracy. I think this should not be considered as an obstacle for the development of human rights because the liberal thought and democracy of the Western World is not the only solution regarding human rights application. In my opinion it should rather be considered as another area in which human rights should get important focus and consideration by taking into account the cultural and religious realities of the Western World.

Flavia Saldanha comes up with a more convincing explanation she defends that despite the fact that these regional regimes have been inspired and guided by the universal declaration of human rights, they represent a threat to "universal standards which the international community has long fought" (Saldanha, 2016, P.51). I can say that the regional regimes can be a problem for the effectiveness of the universal regime because there no mechanism to coerce them to apply the norms as it supposed to be therefore they become one of the problems for the effectiveness of the UN regime.

The universal regime is relatively weak because till now there is not a body that can coerce the United States to stop torture and mistreatment in its prisons for instance

the Guantanamo Bay, the US also is not engaged in most judicial area of regime. Condemning criminality and atrocities have known progress but limited to civil and political rights. Meanwhile in Europe with the influence of the ICMEU on the European congress established a supranational court.

In the scholar debate some are pro-universalist others are not, for instance Rosalin Higgins believes in the universality of human rights. According to her the problem of culture and political system:

This is a point advanced by states and liberal scholars anxious the not to impose the western view of things on others...I believe profoundly in the universality of human spirit. Individuals everywhere want the same essential things: to have sufficient food and shelter; to be able to speak freely (Higgins, P.96, 97).

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Higgins view represents a Universalist human rights approach with no consideration of culture, religion, color or origin. In the other hand, scholars like Donnelly might be considering another approach to the issue with the concept of "relative universality" of human rights which can be considered as more or less flexible. In my opinion either they are relative or universal both regimes matter and are interconnected even if it is complex. But still the Universal regime has more power and international jurisdiction the regional one. In terms of hierarchy the UN system is above all the regional system and takes pre-eminence on them.

## 6.4 The Covenants and Treaties

The question concerning the freedom given to the regional regimes also can be a focus point to study the relation and hierarchy between the EU system and the Universal system. The power that the Universal system and international law have on the regional system can pass the barriers of the regional regimes and can have effects on the implementation of treaties within the EU member states. But still there can be voluntary acceptance of EU member states on some treaties that they don't want to take effect on their territory. Still it is important to notice that the EC is not part of the United Nations and the binding effect of the UN Security Council under international law is addressed to the UN member states.

In article 1(3) of the UN Charter it is stated that one of the three objectives of the UN is to promote and encourage respect for human rights and fundamental freedom without any distinction.(UN Charter, Article 1(3)) Therefore the UN treaties on human rights are part of international customary law. Among the obligations that the Universal system has on the EU system one can mention customary international law treaties in which human rights treaties are part in. The treaty bodies of the UN ensure the multilateral implementation of recognized human rights in regional systems and states should apply those treaties for the effectiveness of human rights. According to the European office, " basic rights of the human constitute obligations held by each state towards every other state and their breach gives rise to a right on any state to invoke the responsibility of the violating party" (Regional Office for Europe, P.23). This can be considered as a mechanism of commitment of state once they accept those treaties. The exception is when state agrees through a treaty that some rules of customary law do not have effect between them.

Concerning the human rights obligations of the European Union I think particular attention need to be made when one considers the EU as enjoying legal personality. Indeed, there are legal grounds on which the European Union is bound to comply with the United Nations human rights standards when it comes to consider international legal obligations. In this context comes the importance of international customary law and international treaty. This point is a subject on the scholarly debate over the status of human rights in customary international law. Are international organizations having legal obligations in international law? Are they legal participants? It is important to identify first which kind of international organization the EU is part of. The EU is an intergovernmental organization which means that states are the main actors in that organizations so I come to the conclusion that the European Union has a legal stand in international law and should be held responsible of any act against international law in this case it should be treated as a subject not an object of IL. The International Court of Justice (ICJ) states that “rules concerning basic rights concerning mankind in international law are erga omnes” (Ahmed and Butler, 2006, P.779). This statement makes basic human rights to be the concern of all state and have legal standing in international law. The Court of First Instance (CFI) considers also the obligation of protecting human rights becomes a rule of Jus Cogens in International Law (Ahmed and Butler, 2006, P.780). Another approach to customary international law considers that as far as human rights have become part of customary international law, the European Union is under the obligation to ensure that they are guaranteed (OHCHR, Regional Office for Europe, P.23).

When it comes to international treaties, one can debate concerning the point either it is law or not. I argue that treaties are source of international law in that sense they constitute the existence of international law. International human rights treaties of the

United Nations have not been ratified by the European Union. So one can come to the conclusion that the UN human rights treaties do not directly bound to the European Union. But there can be an evaluation of the conformity of acts concerning the European Union and the European Commission organs with the provisions of the European Convention on Human Rights concerning the responsibility of the member states (Ahmed and Butler, 2006, P.783).

Another cumbersome point is the article 351 of the treaty on the functioning of the European Union in which member states transfers the power for performing some obligations to EU. The provisions of the charter have binding effect on the community in the area governed by the charter of the UN (ROFE, P.24). The EU has the most developed human rights system compared to the one of the UN, there might be some obligations as normal for control and monitoring, but the EU is far developed in human rights and the protection of those rights are at the heart of EU's daily activities. In 2000 the EU adopted a charter of fundamental rights which includes: political and civil rights as well as economic and social rights.

There are many other aspects of obligations that are not covered in this paper, for instance states are holding as responsible for the breaches done by nongovernmental organizations, obligations on states under international law, according priority to the UN charter. But states are the primary responsible for their obligation of implementing UN charter and treaties on human rights.

### **6.5 Interaction of the UN Bodies and the EU Bodies**

The United Nation's regime has been the first regime of human rights, it has been an example for the regional regimes, and from this we can see the first difference between them which is the universal character of the UN regime and the regional

character of the of the European Union. Therefore, the UN system covers a large body from different continents and developed management mechanisms to safeguard human rights, as for the European system jurisdiction covers a regional area of 28 state members may be this what explains its development in terms of law and human rights. The previous section dealt with possible responsibility of the European Union responsibility of UN treaties and convention under international law giving an overview of international human rights law. In this section I will try to discuss the interaction or even the way of collaboration of EU bodies with the United Nation's human right treaties. Despite their characteristics I think one can analyze the different interaction of these regimes to understand how they work in practice.

Compared to other regional organizations the European Union has the most developed human rights regime and has gotten recent updates on modern rights such as data protection and transparent administration. The EU Charter on fundamental rights is the set of the fundamental rights of people living in the European Union, it is composed of political, civil, economic as well as social and rights. The charter is based on the international conventions that the European Union state members are part of such as the European convention on human rights. What I consider as strength of this charter is the fact that it is binding on all member states of the EU. The implementation of these rights is monitored under a system of national human rights institutions (ENNHRI, 2019, P.1). So how do the national human rights institutions work with international bodies such as UN? One of the monitoring systems of the United Nations Human Rights Council is reporting. Indeed the UNHRC demands periodic reports of the situation concerning the right of the citizen, court decisions in every country. The national human right institutions report to the United Nations human right bodies; as well as the regional bodies within Europe (ENNHRI, 2019,

P.5). This system helps in monitoring the institutions behavior, and have a close look on complain of individuals concerning human rights violation. The European Union has a court which individuals can bring claim for trial.

The United Nations have over the years been in partnership with the European Union for the development and protection of human rights. The High Commission of Human Right has been the body that check lacks in the EU human right system, important development have been undertaken by the two actors. In terms of accountability, the United Nations and the European Union work in progress on law and institutions enforcement for the protection of women, persons with handicaps and victims of torture. The Office of High Commission of Human Rights and the EU worked on discrimination comply with international human rights law, EU-HCHR focus on the Roma framework to fight segregation and discrimination. There have been improvements concerning compliance with international human rights standards of the European Union institutions the HCHR help for the integration of a rights based approach in their development. (HCHR, P.286). The EU supports the office of the High Commissioner for Human Rights with its member states attached to the signature and ratification and application of international human rights instruments by third countries that already have partnership with those countries.

The most significant example of the participation of the European Union in the UN works is, in my opinion, EU's support for the UN human rights reform in 2005. The High Level Panel has given some important results and changes in term of institutions; the EU's ambassadors to the UN agreed that the European Union should contribute into making the United Nations more effective; the question on sovereignty as a state's right as well a responsibility to protect people (Knudsen,

2005, P.8). The Human Rights Council has been established and the EU expectation is that the HRC to increase the role in protecting and promoting human rights as well as increasing the credibility and effectiveness of the council (Knudsen, 2005, P.12). The European Union is a human rights actor and is committed to promote human rights oversea. The EU special representatives engaged in a cross regional alliance with the United States which has a selection of the third world countries, member states of the EU and the civil society to address some case like the attack on universality of human rights, promoting human rights based policies, addressing key international as well as domestic challenges on human rights, democracy and development (EU Annual Report, 2018, P.3). Another way of supporting the United Nations human rights system is EU's participation in different high level activities to support and promote human rights. Indeed the European Union strengthens cooperation with the UN, engages into supporting multilateral rules based system and strategic meetings with the United Nations secretary General (EU Annual Report, 2018, P.10).

## **6.6 Conclusion**

The 1948 Universal Declaration of Human Rights and other documents that constitute the United Nation's Bill of Rights have settled the modern development of international law. The European Union Charter of Fundamental Rights defines the scope of European law. Still, the European Union is bound by some international obligations under customary international law concerning the control of the behavior of its member states which makes the EU bound to the United Nations conventions on human rights. The interaction between regional and universal bodies of human rights helps for the monitoring, protecting as well as promoting human rights around the world. The EU commitment to support the UN system of human rights is being



done through different level, the oversea missions concerns the protection of women and children rights, participation on humanitarian intervention, implementation of mechanisms as well as fair governance and democracy. At the domestic level, I think, some adjustments need to be made concerning basic rights of individuals, the case of migrants, and people with disabilities.

## Chapter 7

### CONCLUSIONS

The proliferation of inter-organizations played a crucial role in international relations. The 1990's have been rich in development concerning the cooperation between regional and global organizations. Many theorists debated over the nature and function of international organizations in the legal system. But the conclusion that we have to underscore is at the end of the day states are always likely to pursue their interests through supranational entities. This perhaps explain the relationship between the United Nations and the European Union; even if many literature described their relationship as being asymmetrical in the sense that the EU gain less in their partnership, force is to admit that they are interdependent and this is the effect of globalization.

However findings come to the conclusion that the relationship between the EU and the UN is normal, and are beneficial as the results can be considered as a positive sum game. What I can retain from this is the fact that however differences they have in their thinking concerning peacekeeping, peace-building and human rights; EU and UN must work together to face new challenges. However, the European Union can be considered as the most successful regional organizations and a model of political and economic integration. In that sense the European Union has the force if I can say so or soft power to attract a possible cooperation with the United Nations.

More than two decades of engagement in security interventions, this study manage to assess the European Union interventions in peacekeeping in collaboration with the United Nations, but also taking into consideration the aspect of peace-building and human rights that are aspects that every inter-governmental organization focuses for development and improvement of peoples' life. It explores the effectiveness of institutionalism to analyze the partnership in peacekeeping by using four countries as case study (Bosnia and Herzegovina, Chad, Congo and Kosovo). This study applies neoliberal institutionalism for the theoretical framework. A particular description of what constitute inter-organizational cooperation and why they cooperate are described by Stein (2008) and Wheeler (P.2).

The literature review presents different perceptions of the relation of the European Union and the United Nations. But I classify them into two categories, the first category is descriptive and second one is asymmetrical conception. The term is more explained by Womack (2016) and a more comprehensive approach that I consider perhaps suitable by Keohane (1988). As far as peacekeeping is concerned the time scope of this study allow me to chronologically assess the development in the field, the problems and what has been improved; the data show that there are problems in the peacekeeping missions. There is long process for the European Union to adopt its troops and institutions to peacekeeping, compared to the one of the United Nations so it is normal to have this imbalance. The process of the integration of EU under the auspice of UN is called "shared experience" by institutionalism; this is one of the justifications of EU-UN relationship.

The results of the EU-UN missions in peacekeeping can be assessed as following: some missions have known successful outcomes, others have basically been failures

caused either by the type of mandate given, logistics, no data or acquaintance of the field or lack of a good military training. When UN engages in peacekeeping, the expectation is restoring peace, but in some cases it is chaotic than the optimistic expectation. The failure in the case of Bosnia and Herzegovina is due to the type of mandate given by the United Nations Security Council. The resolution has not given enough measures or even the mandate has not been robust to stop escalating violence in Srebrenica, prior to the genocide in Bosnia there was the case in Rwanda that results in a bloody footage. As Jan Eliasson underscores it “The United Nations has acknowledged its responsibility for failing to protect the people who sought shelter and relief in Srebrenica” (Eliasson, 2015). In this context the European Union served as a backup intervener. The UN appreciated EU’s decision to involve, the CSDP combined with the UNPTF have been helpful to rebuild Bosnia police and institutions in a European standard (Torun, 2016).

In the case of Congo there was no peace to keep since the militia was still being hostile toward the interveners and the populations. Once again the United Nations failed to provide a robust mandate to protect civilians. Moreover, there has been a lack of military capabilities to give a robust report to protect civilians, the case of Uruguayan MONUC troop that abdicated and endangered the civilians in Bunia (Homan, 2007). The EU’s intervention in Congo through the IEMF allowed MONUC get back on its feet and retake Bunia. This is one of the rapidest deployments from EU and the lesson that should be underscored is a success in deployment.

The peacekeeping mission in Chad has been among the most complex mission for the EU and UN in Africa. The failure of the mission can be resumed to short time

frame of the mission, the vast area of the Chadian desert and a lack of logistics to respond actively. The EU'S had problems to deploy its troops, EUFOR blue helmets have not been allowed by the Chadian to take part of the intervention (Oxfam International, 2008). Here comes another justification of why EU and UN cooperate; indeed there is the need of the legalization of the European Union Forces for intervention. That is what institutionalism calls legitimacy transfer, to authorize the presence of another intervener by the United Nations in the context of this study field of peace-building and humanitarian crisis. Another aspect to consider is their work on their peace-building policies in order to be coherent and facilitate cooperation (Gourlay, 2009).

As far as peace-building is concern, there is still a gap that need to a particular focus because fixing it will help to stop at the very early stage escalating problems. The modern peace-building system use to pay attention on early warning response system, but this system has a problem since policymakers do not take seriously some case or fail to note the stake of a possible break of violence (George & Hole, 1997).The European Union has problem of communication with other international organizations (Juncos & Blockmans, 2018). This explains the misunderstanding of the EU's troops in Chad during the 2007 crisis. The other basic problem is mixing military forces and civilians in peace-building missions (Juncos & Blockman, 2018). This explains in one hand the UN peacekeeping mission in Mali, today the EU developed CIMIC and CMCO for a more effective peace-building. The United Nations General Secretary announces that the UN is making peacekeeping more flexible by focusing on civilians for the effectiveness of their mandate (Guterres, 2019). The data showed different aspect from what some theorists consider as not normal. Indeed there is basic difference in their vision of peace-building; the EU's

peace-building institutions are framed in a way to build “stable liberal state” (Richmond & Kappler, 2011).

As for the United Nations the approach is focus on security and politics more than development and institutions (Call & Kallin, 2015). Still the EU and UN cooperate in peace-building the first reason that I consider as valuable in this partnership institution building. The EU engage in the United Nations peace-building architecture help the UN to revisit its peace-building policies and revitalize them to address challenges in the future.

The most remarkable aspect of the European is its commitment on the promotion and protection of human rights and democracy. In order to understand the EU’s relation with the UN in human rights system I tried to closely look the recent development in human rights with the EU system of human rights and the one of the UN. I also analyzed the European Union Obligations towards the United Nations human rights treaties and covenants. The data show that the regional human rights system help to facilitate the process through which state accept to commit themselves to the universal body treaties and covenant even if it takes time (Hafner & Burton, 2011). When it comes to compare the UN system and the EU system, it is obvious that the UN system is more powerful and more important than the one of the European Union. They don’t have the same characteristics UN system is global and give more freedom than the one of the EU which is regional and governed with the EU law. Both of them are important and can interact through international law.

The mission in Chad is considered as uncompleted according to Oxfam International. The strategic and operational planning of EUFOR was hampered by the divergences

concerning the mandate of the EU peacekeeping troops; it is like working together and thinking differently. (Tardy, 2009). Once again the EU troops backed up UN forces in Chad to allow protecting civilians even if the mission has known some difficulties. I will summarize the peacekeeping missions of the EU-UN as being partly successful because at least it helped to end conflict and protect civilians. Partly unsuccessful and this joins my first hypothesis, because the mandates given by the UN Security Council, the lack of logistics and institutions divergences affected missions on the ground.

Peace-building on the other hand is a wide area that today every international organization is interested. The European Union uses to engage where the United Nations engage to support UN in peace-building and human rights. It is weird for some academician to consider a possible partnership between these two organizations since they do not have the same approach or definition of peace-building. The data showed different aspect from what some theorists consider universal body treaties and covenant even if it takes time (Hafner & Burton, 2011). When it comes to compare the UN system and the EU system, it is obvious that the UN system is more powerful and more important than the one of the European Union. They don't have the same characteristics UN system is global and give more freedom than the one of the EU which is regional and governed with the EU law. Both of them are important and can interact through international law.

The EU has the most developed human rights system. An international responsibility comes from the breach of international obligation. When it comes to the participation into international organizations, the EU participates through the EC (European Community) which is a subject of international law (Cannizzaro, 2002). The

independence of the European Community allows the EC to build relations through customary and treaty international rules (Cannizzaro2002).

The United Nations and European Union relationship is a large and complex area of study. This topic on peacekeeping, peace-building and human rights still has a room to go, because EU-UN have a long way of cooperation as far as international legal politics are concerned. The EU within its relation with the United Nations has gained visibility and capacity building of its institutions, experience and developed military capabilities. The United Nations so far gained the possibility to revisit and rebuilding of its peacekeeping and peace-building approach for more effective interventions, but still has a problem to give proper mandate.



## REFERENCES

- Aemlia. P. (2014) *The Implementation of Police Reform in Bosnia and Herzegovina: Analyzing UN and EU Efforts*, International Journal of Security & Development, 3(1): 4.
- Ahmed. T. & Butler. J. (2006). *The European Union and Human Rights: An International Law Perspective*. The European Journal of International Law Vol. 17 no.4.
- Anaya. M. A. (2017) *International Human Rights Regimes: a matrix of analysis and classification*, SUR 25 - v.14 n.25.
- Bernath. C & Pearson. N.(2003).*Assessment of the Interim Emergency Multinational Force (IEMF) and Second Report on the UN Organization Mission in the Democratic Republic of the Congo, MONUC: Mandate to succeed*. Refugees International Washington DC.
- Brantner. F & Gowan. R. (2009). *Complex Engagement: the EU and the UN system*. Published by Knud Erik Jorgensen (ed) 2009, The European Union and International Organizations.
- Boutros Boutros. G.(1992). *An Agenda For Peace: Preventive Diplomacy, Peacemaking and Peacekeeping*. Report of the Secretary General. A/47/277. S/24111. 17 June 1992.

Call. C. T. & Kollin. K. (2015). *The United Nations Approach to Peacebuilding*.

School of International Service, 2015.

Council of the European Union, 2007, *Joint Statement on UN-EU cooperation in crisis management*. June 2007, available at

[www.europarl.europa.eu/meetdocs/2004\\_2009/.../dv/170/.../170707eu-unstat\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/.../dv/170/.../170707eu-unstat_en.pdf)

Cannizarro. E. (2002). *The European Union as an actor in International Relations*:

Kluwer Law International. Printed in Netherlands.

Donelly. J, (2006), *The relative Universality of Human Rights (Revised)*, University of Denver graduate school of international studies, *Human Rights Quarterly*.

Donelly. J, (1986), *International Human Rights: A Regime Analysis*; *International Organization*, Vol. 40, No. 3 (Summer, 1986), pp. 599-642, Published by: The MIT Press.

Dulic. D. (2008). *Peace Building and Human Security: Kosovo Case*. Third Annual Conference on Human Security, Terrorism and Organized Crime in the Western Balkan Region, organized by the HUMSEC project in Belgrade, 2-4 October.

Eliasson J. (2015). UN Security Council Meeting on the situation in Bosnia and Herzegovina. Available

at <https://www.un.org/press/en/2015/dsgsm886.doc.htm>

EU European Security and Defence policy, EULEX Kosovo. *EU Rule of Law Mission in Kosovo*. EULEX/6 2009.

*EU Annual Report on Human Rights and Democracy 2018*.

ENNHRI. (2019). *Implementation of the EU Charter of Fundamental Rights*.

Activities of National Human Rights Institutions.

Fassbender. B. (2004). *The Better People of the United Nations. Europe's practice and the United Nations*. The European Union Journal Of International Law, Vol. 15, No 5.

Faleg. G. (2018). *Preventing and Responding to Conflict: Developing EU CIVILIAN CAPabilities for a sustainable peace*. Report on EU comprehensive approach to conflict prevention and peacebuilding.

Gourlay. C. (2009). *EU–UN Cooperation in Peacebuilding Partners in Practice?* UNIDIR United Nations Institute for Disarmament Research Geneva, Switzerland.

Guterres. A. (2019). High Level Meeting on Peacekeeping Performance. December 2019.

George. A. & Holl. J. (1997). *The Warning-Response Problem and Missed Opportunities in Preventive Diplomacy*. A Report to the Carnegie

Commission on PREVENTING DEADLY CONFLICT Carnegie  
Corporation of New York.

Group for Legal and Political Studies. (2015). *ROCK AND RULE: Dancing with  
EULEX*. Forum 2015 - KFOS operational project.

HCHR IN THE: *UNITED NATIONS HUMAN RIGHTS REPORT 2018*. Published by  
the UN Human Rights Office Switzerland.

Henderson. Conway. W.(2010). *Understanding international law*, Wiley Blackwell,  
Ltd, Publication 2010. Making the world safer/Peacekeeping.

Helfer. R. L, 2002, *Over legalizing human Rights: international relations theory and  
the commonwealth Caribbean backlash against human rights regimes*,  
Columbia law review Vol 102.

Higgins. R, *Problems and Process: Responding to individual needs: Human Rights'*.

Homan. K. (2007). *Operation Artemis in the Democratic Republic of Congo*.  
Netherlands Institutions of International Relations.

Hafner. B. E, 2011, *International regimes for human rights*, school of international  
relations and pacific studies, Laboratory on international law and regulation.

Hasenclever, Mayer, Rittberger *Theories of international relations*.

<https://stabilityjournal.org/articles/10.5334/sta.db/print/>

Juncos. A. E. & Blockmans. S. (2018). *The EU's role in conflict prevention and peacebuilding: four key challenges*. Published by Informa UK Limited, trading as Taylor & Francis Group.

Joint EU-UN Press statement on Crisis Management 2019-2021

*Joint Declaration on UN-EU cooperation in crisis management* New York September 2003, 12510/03 (Presse 266) available at: [europa.eu/rapid/press-release\\_PRES-03-266\\_en.pdf](http://europa.eu/rapid/press-release_PRES-03-266_en.pdf)

Keohane. R and Martin. L. (Summer, 1995) *The promise of institutionalist theory*, International Security, Vol. 20, No. 1.

Keohan. R. (1988). *Soviet-American Dialogue in the Social Sciences: Research Workshop on interdependence among Nations*, Washington DC The National Academies press.

Knudsen. M. (2005). *THE EU, THE UN AND EFFECTIVE MULTILATERALISM: The case of UN reform*.

Krasner. D. S. (1982). *Structural Causes and Regime Consequences: Regimes as Intervening Variables*. International Organization, Vol. 36, No. 2, International Regimes (Spring, 1982).

Marchesi.D. (2012) *The Weak Link: EU-UN cooperation and effective multilateralism in the mediterranean and the middle east*. Inaugural

dissertation zur Erlangung des Doktorgrades, Thesis defended in Köln on 20 November 2012 Promotion on 14 December 2012. GGI Analysis 3/2011, Brussels: Global Governance Institute.

Major. C. (2008). *EU-UN cooperation in military crisis management: the experience of EUFORD RD Congo in 2006*. The European Institute for security studies

Moravcsik. A, 1997, *Taking preferences seriously: a liberal theory of international politics*. International Organization 51, 4, Autumn 1997, pp. 513–53 Published by The IO Foundation and the Massachusetts Institute of Technology.

Novosselof. A.(2012).*UN-EU cooperation in the field of peacekeeping: Challenges and prospects*, Global Governance Institute, Paper N°4

Natorski. M. (2011). *The European Union Peacebuilding Approach: Governance and Practices of the Instrument for Stability*. Peace Research Institute Frankfurt (PRIF).

Narten. J. (2007). *In Need of Self-Reflection: Peacebuilding in Post-War Kosovo from a Systems Analytical Perspective*. The Whitehead Journal of Diplomacy and International Relations.

O'Neill. W & Lyth. A. (2001) *The international human rights system*, Norwegian center of human rights.

Oxfam International Briefing paper 119. (2008). Mission incomplete: *Why Civilians Remains at Risk in Eastern Chad*.

OHCHR. Regional Office For Europe. *THE EUROPEAN UNION AND INTERNATIONAL HUMAN RIGHTS LAW*.

Padurariu. A. (2014) . *The Implementation of Police Reform in Bosnia and Herzegovina: Analysing UN and EU Efforts. Stability*. International Journal of Security and Development.

Richmond. O. & Bjorkdahl. A. & Kappler. S. (2011). *The emerging EU peacebuilding framework: confirming or transcending liberal peacebuilding?* Cambridge Review of International Affairs.

Pavarotti. V. (2018). *EU must constructively engage in the UN treaty for business and human rights*. <https://www.cidse.org/2018/10/04/eu-must-constructively-engage-in-the-un-treaty-for-business-and-human-rights/>

Report of the UN Secretary General On the United Nations Interim Administration in Koso S/1999/779.

Stein. Arthur. A. 2008, *Neoliberal Institutionalism*, In The Oxford Handbook on International Relations, PP.201-221. Edited by Christian Reus Smit and Duncan Snidal. New York: Oxford University Press, 2008.

Spernbauer. M, 2010, *EULEX Kosovo: The Difficult Deployment and Challenging Implementation of the Most Comprehensive Civilian EU Operation to Date*.  
CLEER (5/2010).

Saldanha. K. F, 2016, *Between global consensus and local deviation: a critical approach on the universality of human rights, regional human rights systems and cultural diversity*, Revista de Investigações Constitucionais, Curitiba, vol. 3, n. 1, p. 43-58, jan./apr. 2016.

Tardy. T, 2009. *UN-EU relations in military crisis management: institutionalization and key constraints*, in Studia Diplomacia the Brussels Journal of international relations Vol. LXII, 2009.

Torun. Z. (2016) *Strengths and Weakness of the European Union Police in Bosnia-Herzegovina*. Vrasya Etudleri.

UN Security Council Resolution 1244, 1999, Para.10 available at  
<https://peacemaker.un.org/kosovo-resolution1244>

UN Security Council Resolution 1778, 2007.

UN Security Council Resolution 1035, December 21, 1995.

UN Security Council Resolution S/RES/1279.

UN Security Council Resolution S/RES/1484 (2003).



UN Security Council Resolution 1778, 2007.

UN Regional Information Center for Western Europe (UNRIC 2007). *How the European Union and the United Nations Cooperate*. Published by the Liaison Office in Germany.

UN Security Council Open debate. Available at:

<https://www.permanentrepresentations.nl/documents/speeches/2018/12/06/security-council-open-debate-cooperation-between-the-un-and-regional-and-sub-regional-organizations-in-maintaining-international-peace-and-security>

UNRIC. (2007). *How the European Union and the United Nations cooperate*. UN Campus Hermann-Ehlers-Strabe 10 53113 Bonn.

UN human rights Office of High Commissioner/ Europe Regional Office, *The European Union and international Human Rights law*.

UN (2004) *A More Secured World Our Shared Responsibility*. Report of the High-level Panel on Threats, Challenges and Change.

Viotti and Kauppi, 2012, *International Relations Theory*, Pearson education Inc, 2012.

Verheij. A. M. (2010). *European Union peacebuilding in Kosovo An analysis of dealing with peacebuilding paradoxes and engagement with civil society*.

Thesis for the Masters Programme “Conflicts, Territories and Identities”

Radboud University Nijmegen, 2010.

Wheeler Nicholas J : *Transcript: Theories of International relations-Liberalism.*

Wouters. J. & Ruys. T. (2005). *The European Union, the United Nations and crisis management.* Institute for International Law, working paper No 80.

Womack. B. (2016). *Asymmetry and International Relationships:* New York:  
Cambridge University Press.