

**PAPER FOR SUBMISSION TO THE HIGH-LEVEL PANEL  
ON THREATS, CHALLENGES AND CHANGE**

1. The EU is committed to effective multilateralism as a central element of its external action. In the European Security Strategy (Annex I), the EU has established as its objective the development of a stronger international society, well-functioning international institutions and a rules-based international order, within the fundamental framework of the UN Charter. It greatly welcomes the decision of Secretary-General Annan to establish a High-Level Panel on Threats, Challenges and Change. It looks forward to studying his recommendations towards a more effective system of collective security.
2. In the spirit of its commitment to effective multilateralism, and in accordance with the objectives of the European Security Strategy (ESS), and of its overall external policies, the EU presents the views in this paper for the attention of the High-Level Panel on Threats, Challenges and Change as a contribution to its work. EU member states may, in due course, submit their own contributions to the work of the Panel.
3. In the view of the EU, multilateral institutions can remain effective only if they adapt to changing conditions, so that they remain capable of mounting an effective response to new threats and challenges as they emerge. At the same time, they must persist in their efforts to address long-standing challenges, taking into account on-going economic and social change as well as lessons learnt. The multilateral system must also avail of the opportunities presented by new and developing forms of co-operation between states.
4. New challenges have emerged that threaten the security and well-being of the international community. In the European Security Strategy, the EU identified a number of these, in particular terrorism, the proliferation of weapons of mass destruction and the possibility these might be combined, as well as regional or ethnic conflicts, state failure and organised crime. The High-Level Panel will clearly have to address these threats and how the multilateral system can best confront them. If these challenges are not responded to adequately, they will present a threat to the multilateral system itself, as states will not place their trust in this system unless it shows itself capable of offering an effective response. The political will of all states to rely on multilateral responses to these challenges must be strengthened.

5. The EU recognises that none of the challenges can be tackled on its own, as they are often closely linked. They demand economic, political and legal instruments, as well as military instruments, and close co-operation between states as well as international organisations across a range of sectors. The UN is uniquely placed to provide the framework for such co-operation. A wide-ranging collective response is the best way to deal with complex, inter-connected threats. But multilateralism alone is no guarantee of an effective response: collective tools and collective will to use them must be built together. For its part, the EU, under the ESS, is determined to make effective use of the instruments available to it and to continue to pursue an active, coherent and capable approach to present-day threats and challenges. The UN Charter remains the basis for any legitimate response to threats to international peace and security. The EU will work closely with its international partners with a view, as a priority, to strengthening the UN and equipping it to fulfil its responsibilities and to act effectively.
6. Furthermore, most of the world's people are also deeply affected by other challenges, both familiar, such as poverty, hunger, lack of opportunity, denial of human rights, climate change, environmental degradation and debt, and new, such as HIV/AIDS and other infectious diseases. Globalisation and new technologies have increased trade and investment flows and created greater potential for development. While these have brought new opportunities and prosperity to many, others have failed to benefit, leading to frustration and perceived injustice.
7. The UN system has engaged intensively and achieved concrete progress on these issues in recent years. A comprehensive agenda has been established in the commitments contained in the Millennium Declaration and in the Millennium Development Goals derived therefrom, as well as in the outcomes of major conferences, such as the International Conference on Financing for Development and the World Summit on Sustainable Development, and the work programme contained in the Doha Ministerial Declaration. All members of the United Nations should fulfil their commitments and should follow up the global summits and conferences in an integrated and co-ordinated way.

8. The priority now is the implementation, at country level, of the outcomes of the summits and conferences to contribute to global stability, rather than the elaboration of new global norms and frameworks. An important impetus would thus be given towards a successful high-level review conference in 2005. The EU, for its part, will continue to meet its obligations in support of this multilateral agenda, including through the European Community's external action in the areas of development co-operation, assistance in democratisation and human rights, enhanced market access, particularly for the Least Developed Countries, and humanitarian assistance. The EU encourages the smooth and gradual integration of developing countries into the world economy, while developing and consolidating democracy and the rule of law, promoting respect for human rights and fundamental freedoms as well as good governance through human rights education and societal development and through the building of strong institutions.
  
9. In considering the broad range of threats and challenges that confront the international community, account should be taken of the deep concern that exists in the international community at the possible consequences for humankind of major changes in the earth's environment, and at the contribution made by the burning of fossil fuels to the warming of the atmosphere. Climate change threatens the achievement of the Millennium Development Goals and economic development, and could precipitate migration and challenges to security. Other problems linked to environmental degradation or unsustainable use of natural resources, including water stress and scarcity, deforestation, desertification and land degradation, can cause or contribute to the cause of conflicts. Addressing these issues effectively demands an effective multilateral approach, i.e. a collective willingness to design and implement the necessary policies and measures.
  
10. In the view of the European Union, none of these challenges can be addressed in isolation. The broad range of threats and challenges that are of concern to the international community should therefore be taken into account. The importance of broad economic and social development, and poverty reduction, in addressing the conditions of inequality and exclusion that fuel grievances, conflict and threats to security, and for successful post-conflict reconstruction, should be stressed, as should the importance of peace and security for economic and social development. In this respect, the Panel may consider means to enhance the financial strength of the multilateral system in order to deal effectively with the broad range of threats and challenges.

## **Societies and states at risk of instability**

11. Many of the most significant threats to, and breaches of, international peace and security in recent years have arisen from the subversion and collapse of state institutions, associated with bad governance, corruption and civil conflict, and the destabilising accumulation of small arms and light weapons.
12. The failure of state institutions has generally been associated with great human suffering, denial of fundamental freedoms, abuse of human rights and breaches of international humanitarian law. It has been associated with genocide, threatened or actual. In certain cases it has given rise to terrorism, and has facilitated organised crime, drug trafficking and trafficking in persons. It has led to regional instability, and to regional conflict.
13. In the view of the EU, the mechanism for the identification of situations of potential instability, and for engagement with the states in question in order to prevent conflict and major abuses of humanitarian law, is a critical question for the Panel to address. The role of the Secretary-General under Article 99 of the Charter already provides a framework for bringing situations of risk to the attention of the Security Council. The Panel might therefore assess the resources available to the Secretary-General that would allow early identification of states at risk of instability, including in the UN Secretariat itself, in the relevant Departments, the Funds and Programmes, Specialised Agencies and Offices. Information is also available from the Bretton Woods Institutions, individual member states and international organisations, as well as from non-governmental organisations. Resources adequate for the necessary co-ordination, consultation and analysis should be available to the UN Secretariat, and the Secretary-General should have the flexibility needed to deploy staff as necessary for that purpose.
14. In making its recommendations, the Panel should have regard to valuable recommendations already contained in the Report of the Panel on UN Peace Operations (Brahimi Report), and in particular the proposal for the establishment of an Information and Strategic Analysis Secretariat.

15. The prevention of conflict and instability requires respect for human rights and international humanitarian law. As internal conflicts are often linked with serious violations of human rights, the Panel might stress the importance of a better assessment of human rights situations. More use might be made of existing mechanisms such as the resources of the Office of the High Commissioner for Human Rights and the Special Rapporteurs of the Commission on Human Rights. A regular dialogue might be established between the HCHR, the Special Rapporteurs and the Security Council. In addition, new mechanisms might be devised such as the deployment of monitoring or verification missions.
16. The EU welcomes the appointment by the Secretary-General of a Special Adviser for the prevention of genocide to serve as an early warning instrument, and looks forward to the establishment of close and regular relations between the Special Adviser and the Security Council, the General Assembly and the Commission on Human Rights. It draws the Panel's attention to the importance of the International Criminal Court in ending impunity and therefore to the need for the widest possible ratification of and accession to the Rome Statute.
17. State sovereignty is a fundamental principle of international law, enshrined in the UN Charter. However, in the view of the EU, the well-demonstrated risks to the international community involved in the failure of state institutions, and in civil conflict, are such that they transcend the domestic jurisdiction of any one state. This has, in effect, been acknowledged in the practice of the Security Council itself, which has in recent years become seized of a number of situations arising from internal instability.
18. In addition, sovereign states have entered into treaties that have established a body of humanitarian and human rights law, and have thereby assumed a range of international obligations towards their own citizens as well as to those of other states; their respect for these obligations falls under international scrutiny.

19. The actual or threatened failure of state institutions, therefore, is a matter of concern to the entire international community. While the primary responsibility for preventing the failure of institutions lies with the sovereign governments in question, the EU believes that when governments are unwilling or unable to meet their responsibilities in this regard, the attendant risks can most effectively be addressed through early and determined multilateral engagement with the government or regime in question, initially on issues of governance, economic management and human rights, and then, should it prove necessary, through coercive means, including, as a last resort, the legitimate authorisation of military intervention. In cases where there is a serious risk of large-scale loss of life, ethnic cleansing, and acts amounting to genocide, the responsibility of the international community to intervene, in accordance with international law, to protect human life and dignity, security and peace, is particularly strong.
  
20. The Panel should also have regard to the increasing capacity and readiness of regional organisations to act in support of international peace and security. The UN should intensify its co-operation with such organisations, with a view to enhancing their capacity for crisis management in accordance with Chapter VIII of the UN Charter. The EU, for its part, stands ready to assist the UN in early warning and conflict prevention, as well as in responding rapidly to crisis situations. To that end, it is engaged, along with the UN Secretariat, in the implementation of the EU-UN Declaration on Co-operation in Crisis Management of September 2003. It is also ready to assist regional organisations to enhance their capacity. It has established an African Peace Facility and is engaged with the African Union on making it operational and is considering other possibilities to support regional organisations' efforts on peace and security.
  
21. There is much that can be done to improve the effectiveness of the humanitarian aid system, so as to ensure that resources are allocated equitably according to need and that the best protection and assistance reaches those who need it most when they need it most. In this regard, the European Union strongly supports the 'Good Humanitarian Donorship' initiative, which is promoting measures to reform the humanitarian system.

22. Recognising that an estimated forty percent of countries emerging from civil conflict – sixty percent in Africa - relapse into conflict within five years, the EU would welcome measures to strengthen the UN system's engagement in conflict prevention and peacebuilding, leading to enhanced cooperation between key departments within the UN Secretariat and intergovernmental bodies as well as to an effective allocation of resources amongst UN system actors. The EU is of the view that the current UN funding system whereby the regular and peacekeeping budgets are based on assessed contributions while the UN funds and programmes, and increasingly the specialised institutions, rely on voluntary contributions, is neither fair to donors nor capable of meeting the indispensable needs of prevention and peace-building. This is illustrated by inter alia recent funding problems encountered in mounting DDR programmes, post-conflict tribunals, human rights monitoring and assistance to refugees.
23. Small arms and light weapons constitute a major threat to human security. The Panel might call for international agreement on common controls to prevent irresponsible transfers of small arms, which exacerbate instability, conflict, repression or human rights abuses. It might also point to the importance of ensuring respect for all arms embargoes imposed by the Security Council.
24. Actions that the Security Council might take, in response to an actual or threatened crisis situation, and in the light of political, humanitarian and economic considerations, include, as appropriate, inter alia:

Calling attention of the authorities of the state in question to the risks in the current situation and to their obligations to its citizens;

The establishment, with the collaboration of the Secretariat, UN agencies and offices, regional organisations, the BWIs, the donor community and NGOs of an integrated plan for the reinforcement of institutions, the security system, and the promotion of economic and social development;

The mandating of a civilian mission to the country in question, under the leadership of a Special Representative of the Secretary-General, to work closely with the authorities of the state in question, as well as with the UN country team, in the implementation of such an integrated plan;

The imposition, where appropriate, of carefully targeted sanctions, aimed at changing the behaviour of the leadership, without harming the economic and social interests of the general population. Any arms embargo imposed should be strictly monitored and implemented, if necessary through vigorous engagement with the states in which illegally imported arms are manufactured or which they transit;

If warranted by ongoing security conditions and crisis management needs, the mandating of a rapid reaction force and/or a military peacekeeping mission.

25. In the view of the EU, it should remain for the Security Council, in accordance with its primary responsibility for the maintenance of international peace and security, to decide on the appropriate response to the risks in any situation that is brought to its attention, and to form a judgement on the appropriate course of action in any given situation. In doing so, the Security Council should have regard to the widely held view in the international community that the action should be carried out strictly in the interest of the affected population; that it should resort to military intervention only if, in its judgement, there are no other valid options; that the means should be proportional to the objective, taking into account the need to prevent a recurrence and to ensure the stability necessary for reconciliation and reconstruction; and that it should carefully weigh the consequences of action against the consequences of inaction.
26. Events have demonstrated that states at risk of instability require sustained engagement by the international community, to prevent the threatened instability or, as the case may be, to assist in post-conflict reconciliation and reconstruction. There is a clear need for a coordinated approach in which the UN institutions – the Security Council, the General Assembly and ECOSOC – as well as the Funds and Programmes, Specialized Agencies, the Bretton Woods Institutions and Member States would work closely across the whole cycle of conflict to ensure a smooth transition from conflict management and peacekeeping to long-term reconstruction until the danger of instability, or a return to conflict, has passed. The Panel may wish to consider options for ensuring such coordination, including entrusting the task to a Committee of the Whole (which could subsume any relevant sanctions committee) or the creation of a new political body which would work closely with the Security Council and ECOSOC to bridge the gap between security and development and ensure sustained political attention and financial support.

## **Terrorism**

27. The EU regards terrorism as one of the major threats to international peace and security. Terrorist acts concern the international community as a whole and terrorism will only be defeated through a comprehensive and co-operative response. The EU further recognises that the fight against terrorism must be conducted with full regard to the protection of human rights and fundamental freedoms. Security Council members expressed their concern over international terrorism in the Presidential Statement of 31 January 1992, and the Council later declared in resolutions that the suppression of terrorism was essential for the maintenance of international peace and security. Following the attacks of September 11th, the Security Council imposed extensive obligations on states aimed at the prevention of terrorist acts and the financing thereof, including becoming parties as soon as possible to the relevant international conventions, and established a Counter-Terrorism Committee to monitor compliance. It also recognised that many states would require assistance in order to meet their obligations. The Counter-Terrorism Committee is currently engaged in the important task of revitalising and strengthening its structures. The Security Council has already decided measures in this regard, including inter alia the authorisation of new expert executive capacity, which the EU supports. Regard must be had to the contribution that the General Assembly and ECOSOC can make to the fight against terrorism. The key role of the General Assembly as the forum for the negotiation of international conventions must be recognized.
28. UN action on terrorism is, in the view of the EU, already on the right track. The Panel's recommendations might therefore be directed towards ensuring that UN Security Council resolutions are made fully operational, that the relevant international conventions gain the widest possible adherence and that counter-terrorism co-ordination becomes an increasingly embedded part of UN activity, under the close supervision of the Security Council, through its Counter-Terrorism Committee, and with executive resources adequate to the task. It should also recommend the closest possible co-operation with regional and sub-regional organisations as well as all other international organisations relevant to counter-terrorism.

29. The Panel might stress the need to ensure that states are provided with the necessary technical assistance in meeting their obligations under the relevant conventions and Security Council resolutions. The EU, under its Declaration on Terrorism of 25 March 2004, is pledged to develop technical assistance strategies, and to ensure that counter-terrorism is a key element of political dialogue with third countries: their commitment in that regard will be an influencing factor in its relations with them.
30. A comprehensive approach is needed to understand the causes of terrorism, not in order to justify terrorist acts, but as an essential step in their elimination. The EU is finalising a study on the factors that contribute to support for, and recruitment to, terrorism. The Panel might recommend that these issues are closely examined and addressed.

### **Weapons of Mass Destruction**

31. The EU attaches paramount importance to compliance with treaties and agreements in the area of disarmament and non-proliferation. It recognises that the operation of the verification agencies established under these treaties must become more effective, and is committed to working with them and making best use of, and seeking improvements to, existing verification mechanisms and systems with a view to strengthening the agencies' capacity to carry out their assigned tasks and to promoting the universality of these systems. It will also support the establishment of additional verification instruments and, if necessary, the use of non-routine inspections under international control beyond facilities declared under existing treaty regimes.
32. The European Council in December 2003 established a comprehensive EU strategy against the proliferation of weapons of mass destruction (Annex II), an essential element of which is strengthening the role of the Security Council and enhancing its expertise in meeting the challenge of proliferation.

33. The Security Council has long recognised that the proliferation of all weapons of mass destruction constitutes a threat to international peace and security. Accordingly, in the view of the EU, the Council should assume a greater role in co-ordinating and monitoring non-proliferation measures and their implementation, working in conjunction with the relevant international organisations active in the field. The EU therefore welcomes the adoption by the Security Council on 28 April 2004 of Resolution 1540 on weapons of mass destruction. Some states may need assistance in implementing this Resolution.
34. The Panel might take account in its report of the consequences for the multilateral system of the fact that certain states have not acceded to the Nuclear Non-Proliferation Treaty (NPT). Even if such states do not themselves engage in proliferation activities, their actual or suspected possession of nuclear weapons carries the clear risk that others in their regions will establish nuclear weapons programmes of their own, leading to an arms race and regional instability. The Panel might also take account of the serious consequences of non-compliance with the Treaty's provisions by states parties to the Treaty, which risk undermining non-proliferation and disarmament efforts. Account should also be taken of the mutually reinforcing nature of non-proliferation and disarmament.

### **Transnational Organised Crime**

35. The activities of transnational criminal groups, particularly in the areas of international trafficking in drugs, weapons and human beings, as well as illegal immigration, are a threat to international stability and are often linked with, or benefit from, failing or failed states. These activities, and the incomes derived from them, contribute to the weakening of state structures. The UN should strengthen its efforts to address these threats. The adoption of the UN Convention against Transnational Organised Crime and its Protocols and of the UN Convention against Corruption, have been important milestones. States and UN bodies (UNODC, Commission on Crime Prevention and Criminal Justice) should co-operate towards its early and universal implementation.

### **Common assessment of threat**

36. The EU reaffirms that the provisions of the UN Charter regarding the use of force remain valid.
37. The EU also recognises the potentially devastating threat posed to UN member states by modern terrorism, and by weapons of mass destruction in the hands of non-state actors. The threat is devastating both to states targeted and to those where they are allowed to operate. Military action may in certain circumstances - such as when a state is unwilling or unable to deal with the threat posed by a non-state actor on its territory - be required to meet the threat effectively. In this context, the EU is of the view that military action going beyond the lawful exercise of the right to self-defence should be taken on the basis of Security Council decisions. The Security Council, however, must be prepared to make a rapid assessment of any threat brought to its attention and, if necessary, to act quickly and decisively in order to neutralise it. Strong engagement by the Council on terrorism and weapons of mass destruction, as recommended above, and the expertise thereby commanded, would confer on it an additional strong measure of authority in demanding compliance with obligations, and of respect for its collective decisions.
38. The EU holds the view that massive violations of human rights and genocide represent a threat to international peace and security and that the use of force may be needed to prevent or to halt them. The Security Council should assume its responsibility in this regard. The EU believes that there is a need to clarify the international principles that would authorise, in exceptional circumstances, outside intervention in the territory of a sovereign country to prevent a humanitarian catastrophe.

### **Institutional issues**

39. The EU recognises the need to strengthen the institutions of the UN. In addressing this part of its mandate, the High-Level Panel might take as its starting point the commitments contained in Section VIII of the Millennium Declaration, on which progress has so far been uneven. The EU, for its part, reaffirms these commitments.

40. The EU believes that the reform programme for the revitalisation of the General Assembly advanced by the President of the General Assembly should be given the widest possible support. Implementation of Resolution 126/58 is essential to ensure inter alia that the General Assembly employs efficient working methods and has an agenda which is manageable, based on conceptual clarity in its treatment of issues and is responsive to matters of genuine international concern.
41. The EU regrets that efforts to achieve a comprehensive reform of the Security Council have not so far proved successful, and in this regard also, reaffirms the commitment undertaken in Section VIII of the Millennium Declaration.
42. The policy areas that fall within the competence of the Economic and Social Council are crucially important in creating the conditions for a prosperous, stable and secure world. The Panel may therefore wish to consider how ECOSOC might be strengthened the better to fulfil its role, and may also wish to consider the need for increased interaction between the Security Council, the General Assembly and ECOSOC in ensuring a comprehensive and coherent approach to building peace, security and development.
43. The EU draws the Panel's attention to the importance of strengthening the momentum and direction of the UN Funds, Programmes and Specialised Agencies, with a view to securing greater coherence, co-ordination, complementarity and a clearer division of labour between them at the country level. It also underlines the importance of establishing a clearer division of labour, greater coherence, co-ordination and complementarity between the different Funds and Programmes and the Bretton Woods Institutions. Improvements in this direction would enhance their capacity to address the challenge of meeting the Millennium Goals, and would also make them more useful instruments of the international community in addressing the threats and challenges that confront states at risk of instability.

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