Peacekeeping and crisis management: a brief assessment of EU-UN cooperation

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ABSTRACT: The present short paper aims to add to the debate on the future of peacekeeping and crisis management in the current context of international relations. Starting from the premise that cooperation between the European Union and the United Nations (UN) for peace and security is a significant source of synergies between both organisations, the paper highlights the way in which the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) were built, summarising the applicable legal regime, especially following the entry into force of the Lisbon Treaty. By providing a review of the legal background to EU crisis management and assessing the EU's added value for UN-led efforts, the paper concludes that the Lisbon Treaty provisions provide the EU with the instruments necessary to assume a significant role in peacekeeping and crisis management. Although the EU's natural partner in the field of peacekeeping and crisis management is the UN, there is growing uncertainty regarding the strength of the ties between both organisations as multilateralism traverses a crisis seemingly unlike others in the past.

KEYWORDS: Peacekeeping – crisis management – EU-UN cooperation.

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1. Introduction

The present short paper provides an assessment of the European Union (EU) Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP) in the light of EU-UN cooperation for peacekeeping and crisis management.[1] First, the paper focuses on the different dimensions of peacekeeping and how the concept was developed by practical implementation, namely by the United Nations (UN). Second, a brief overview of EU crisis management is provided, adopting a legal perspective in historical terms, followed by an assessment of the EU's capabilities for peacekeeping and crisis management in view of the decades-long EU-UN cooperation. Finally, a small set of conclusions weighs the current context of international offering prospects for EU-UN cooperation for peacekeeping and crisis management, taking into account the current geopolitical context.

2. UN peacekeeping

The Charter of the United Nations does not explicitly mention peace operations as a concept, i.e., it does not contain any norm that deals specifically with them. Hence, peace operations were developed by the UN on a case-by-case basis and through their practical implementation. In addition, several International Relations and International Law Scholars have been contributing to the debate on peacekeeping and crisis management for many decades.[2] The classic or traditional peacekeeping operation model was based on three fundamental principles:[3]
- Consent of belligerents or parties to the conflict.
- Impartiality on the part of the peacekeeping force vis-à-vis the parties to the conflict.
- Minimal use of force in two senses: the strict sense, meaning the right to self-defence of peacekeeping forces; and the broad sense, meaning the use of force to fulfil the mandate of the operation.

The purpose of this type of operation was to assist the belligerents in creating the conditions that would lead, in the long term, to the resolution of the conflict, in terms that the parties themselves would formulate. Nonetheless, completing the stated objective rests on an often-fragile condition: the peacekeeping operation's activities depend upon the parties' consent. Such activities aim to create the conditions for a ceasefire and peace agreements to prevent not only a return of violence but also to create stability conditions so that this elaboration can occur. These objectives thus require, in addition to consent, a positive engagement and contribution by the parties in the conflict that then may offer guarantees of sustainable peace after the end of the international presence in the form of the peacekeeping operation.[4]

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[1] The present short paper develops and updates in part the author's previous research in the field of peacekeeping and crisis management. See Bruno Reynaud de Sousa, "A recuperação do 'Estado falhado' – uma análise de Direito Internacional e de Relações Internacionais". (PhD diss., Universidade Católica Portuguesa, 2015). Unpublished.

[2] See Bruno Reynaud de Sousa, "A recuperação do 'Estado falhado' – uma análise de Direito Internacional e de Relações Internacionais".

[3] UN, "United Nations Peacekeeping Operations: Principles and Guidelines", Peacekeeping Best Practices Section, Division of Policy, Evaluation and Training, Department of Peacekeeping Operations, United Nations Secretariat, 2008, 31-35.

[4] See James V. Arbuckle, *Military Forces in 21st Century Peace Operations – No job for a soldier?* (New York: Routledge, 2006), 92.

The implementation of traditional peacekeeping operations takes place between a ceasefire agreement and a political agreement whose objective is to create the necessary conditions for initiating a political dialogue between the parties, leading to an agreement of the exact nature. It is therefore assumed that the parties to the conflict share the political will to arrive at a peaceful solution. Assisting in the creation of the necessary conditions can imply actions ranging from simply monitoring the situation on the ground up, to the interposition between the parties to the conflict. The most common actions undertaken are: (a) the creation of buffer zones separating the belligerents; and (b) the supervision of the withdrawal of forces involved in the conflict and their disarmament. Worth noting is the fact that such activities do not necessarily require drawing up written agreements between the parties to the conflict. A final example is so-called monitoring missions that aim to observe the international situation with the parties' consent and to report all developments. Such missions may also aim, for example, at investigating alleged human rights violations or humanitarian crises. In practice, such actions are integrated in peacekeeping missions, mostly occurring after the conclusion of a ceasefire agreement, with a view to an impartial third-party role, ensuring compliance with the content of that agreement.

With the end of the Cold War period, the classical model of peacekeeping operations evolved into multi-functional operations. This model, described as second-generation, is opposed to the first in that it is implemented within the State itself – and not as an interposition between belligerents – and in a volatile environment that makes the function of interposition between belligerents ineffective, if not impossible. This model was thus conceptualised to respond to a new type of conflict that is not consistent with the traditional model of interstate conflicts: intra-state conflicts.[5] Examples of this type of conflict include, among many others, the cases of conflicts in Bosnia, Somalia, Rwanda and Sierra Leone during the 1990s.

In essence, the conditions that peacekeeping operations contingents began facing in the field were chiefly characterised by the absence of any agreement between the parties, in a context of ongoing internal (i.e., non-international) conflicts, with widespread violence likely to be directed against the peace contingent.[6] In this sense, the first note of multi-functionality relates to the fact that these long-term peacekeeping operations occur in a context in which violence is continuous, a highly volatile environment where conditions for an agreement to cease hostilities are non-existent.[7] This lack of agreement between the parties to the conflict means that the Security Council requires the requisite legitimacy to implement a traditional peacekeeping mission. The second note of multi-functionality is related to the tasks that make up this type of operation and that are more complex than the ones characterising the classic model. Such tasks may include: (i) the organisation and supervision of electoral processes; (ii) the provision of humanitarian aid; (iii)

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[5] See Boutros Boutros-Ghali, Report of the Secretary-General on the work of the Organization, "Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the occasion of the 50th anniversary of the UN", A/50/60-S/1995/1, 3 January 1995, par. 10. See Roland Dannreuther, *International Security: The Contemporary Agenda* (Cambridge: Polity, 2007), 60.

[6] See James V. Arbuckle, *op. cit.,* 21.

[7] See UN, "United Nations Peacekeeping Operations: Principles and Guidelines", Peacekeeping Best Practices Section, Division of Policy, Evaluation and Training, Department of Peacekeeping Operations, United Nations Secretariat, 2008, 37.

the protection of civilians; and (iv) the control of internal public order and state administrative structures.[8] It is important to note that these operations must be guided by the principles of consent, impartiality – in the sense of neutrality – and the minimum use of force, a fact that restricts this characteristic of the flexibility inherent to them, i.e., their multi-functionality.

Another ype of operation within multi-functional operations is peace enforcement operations. This concept is premised on the Security Council's measures under Chapter VII of the Charter, which empowers this UN body to:
- Qualify a given situation as a threat to peace or a breach of the peace (further to the occurrence of an armed attack);
- Implement provisional measures under Article 40 of the UN Charter;
- Implement economic measures (Article 41 of the UN Charter) such as arms embargoes; or, more recently, restrictions on the internal and external mobility of specific individuals; Or
- Choose to introduce military measures (Article 42 of the UN Charter).

In essence, the objective of the peacekeeping force is not to merely patrol buffer zones (traditional or classic model) but, in turn, to create security conditions that allow the implementation of a transitional administration to be led by the United Nations. In the end, launching a peace operation thus framed requires an extension of the so-called classical functions performed within the framework of the peacekeeping mission to encompass civil police activities and reconstruction of infrastructure and state institutions (administrative and political). Peace enforcement operations are thus aimed at imposing the will of the Security Council on the parties to a given conflict, with a distinctly interventionist bend, because they do not require their consent. The decision to invoke Article 42 of the UN Charter then needs to be upheld by the UN Member States, i.e., they must make available the necessary means for the Security Council to implement its resolution in practice.

A slightly different approach characterised so-called peace-support operations. Although more prevalent in the North Atlantic Treaty Organisation (NATO) doctrine, this concept refers to a type of multi-functional peacekeeping operations that involve multi-layered actions combining a solid military component with a significant civilian component to ensure the stabilisation of the situation in the long term. Such operations were conceptualised to prepare the conditions for subsequent peacebuilding or nation-building operations, i.e., aimed at the complete reconstruction of the State in the post-conflict phase. Such a complex and long-term objective is only achievable through lasting peace. Thus, operations framed as a peacebuilding engagement must be equipped with a multi-national force that meets the conditions to deal with situations of breach of the peace (i.e., belligerents restart the conflict).[9]

3. EU crisis management

During the late 1990s and especially, during the early 2000s, the political will and the existing synergies between the EU and the UN were leveraged to expand the

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[8] See Carlos Branco, "O que são as operações de paz? Conceitos e taxionomia", in *Portugal e as Operações de Paz: uma visão multidimensional*, ed. Adriano Moreira (Lisbon: Fundação Mário Soares, 2010), 133-140.
[9] *Op. cit., ibid.*

scope of EU action in the framework of the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP), that later became the Common Security and Defence Policy (CSDP) with the entry into force of the Treaty of Lisbon in 2009.

The objectives of the CFSP were formulated in 1992 in the Maastricht Treaty – see Article J.1. and Article J.4. Subsequently, further amendments were introduced by the Treaty of Amsterdam (1997), most notably Article 17 TEU, which, in paragraph 2, explicitly referred to humanitarian and other missions. The Treaty of Nice (2001) amended Articles 17, 23/2, 24 and 25 by introducing Articles 27a to 27e, and Declaration No 1, which was annexed to the Treaty on Security and Defence Policy. The contrast with the Maastricht Treaty was evident with regard to the integration of the Western European Union (WEU) with the ESDP, as well as the creation of the Political and Security Committee (PSC/COPS).[10] Regarding the ESDP, the origins of this policy date to a Franco-British initiative embodied in the Declaration of Saint-Malo published in the framework of the bilateral France-UK summit of December 1998.[11] This summit was organised before the Cologne European Council and marked a historical change in the UK's stance regarding the so-called militarisation of the EU, given the historical refusal of the UK to consider debating any policy changes at EU-level that would lead to a path of increasing autonomy in military topics thereby overlapping with the role and mission of NATO.

As explained in further detail below, the foundations of the ESDP were laid at the Cologne European Council in June 1999. However, it was the Nice European Council in the same year that enshrined the ESDP (most notably the adoption of the amendments to Title V of the TEU), following which the Gothenburg European Council (June 2001) dealt with the prevention of violent conflicts and the improvement of both military and civilian capabilities. A final important step was adopted at the European Council of Laeken (December 2001), paving the way for the Union to carry out crisis management missions further to the decision to finalise a set of agreements between NATO and the EU to ensure access to military capabilities.

The operational aspect of the EU's foreign policy has been embodied in "*crisis management*" missions outside the territory of the EU. Such missions are always supported by civilian and military capabilities made available to the EU by the respective Member States (Article 42(3) TEU).[12] The concepts of (a) "*crisis*" and (b) "*crisis management*" has for many years been a source of controversy among academia. Other concepts, such as "*civilian crisis management*", can be an added source of inaccuracies since "*crisis management*" makes use of both civilian and military capabilities. Therefore, taking note of the doctrinal controversy, we highlight the EU's crisis management

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[10] See EU, Decision 2001/78/CFSP, OJ L27/1 of 30/01/2001, 22 January 2001. In addition, the Treaty of Lisbon (2007) made amendments, inter alia, to Article 42 (ex-Article 17 TEU) and Article 43 TEU.

[11] See United Kingdom and French Republic, "Joint Declaration issued at the British-French Summit", Saint-Malo, France, 3-4 December, 1998, accessed June 28, 2022, available at: http://consilium.europa.eu/uedocs/cmsUpload/French-British%20Summit%20Declaration,%20Saint-Malo,%201998%20-%20EN.pdf.

[12] See Article 42(1) TEU. For further reference see Manuel Medina Ortega, "The role of the European Union in post-conflict management", in *Armed conflicts, post-conflict management and reconstruction*, ed. Wladimir Brito and Jorge Pueyo Losa, I Luso-Spanish Meeting of Professors of Public International Law and International Relations (Santiago de Compostela: Scientia Iuridica - Andavira Editorial, 2011), 305-321.

model within the framework of the legal framework introduced by the Treaty of Lisbon, assuming that "*crisis management*" refers to international situations in States of the African continent, resulting from contexts of regional instability, or institutional fragility.

The framework of Article 43(1) TEU redirects to "*joint disarmament actions, humanitarian and evacuation missions, military advice and assistance missions, conflict prevention and peacekeeping tasks, tasks of combat forces for crisis management, including peacebuilding missions and stabilisation operations at the end of conflicts*". These different types of "*missions*" – the scope of which was extended by the Treaty of Lisbon (see Article 17 in the wording of the Treaty of Nice) – lead to the objectives that were defined during the meeting of the Council of Ministers of the Western European Union (WEU) in 1992 in Petersberg, Germany – the so-called "*Petersberg tasks*". These objectives were incorporated into the Treaty of Amsterdam (1997), in a process promoted by Finland and Sweden between 1996 and 1997, which would be continued in December 1998 by virtue of the bilateral Franco-British initiative, which resulted in the "Saint-Malo Joint Declaration". The WEU was created pursuant to the amendments to the Brussels Treaty of 1948 (see Protocol amending and supplementing the Brussels Treaty, signed in Paris on 23 October 1954), following the failure of the initiative to form the European Defence Community following the French Parliament's position of non-ratification of the Treaty establishing it. Curiously, Article V of the Brussels Treaty should be highlighted since it went further than Article 5 of the North Atlantic Treaty by binding States to provide all "*military and other aid*" at their disposal.[13] However, at the end of the 1990s, alongside the prospects of the Treaty of Amsterdam, a gradual integration of the WEU into CFSP took place – which, in the wording of the Maastricht Treaty, was an "*integral part*" of the development of the Union (see Article J.4 of the Maastricht Treaty). When the Treaty of Lisbon entered into force, the structures, and bodies of the CFSP and ESDP consolidated, and the integration process of the WEU was fully completed. The WEU was an international organisation dedicated to security and defence that was, in essence dismantled. It is undeniable that a good part of the WEU's institutional memory was lost, especially in view of the fact that Turkey was present in the WEU and the dispute between Turkey and Greece and Cyprus – which, even today, remains unresolved, with known consequences for EU-NATO relations – is certain.

To conclude the remarks regarding the Treaty of Lisbon, it should be noted that Article 42(7) TEU – which introduces the so-called "*mutual assistance clause*" – although corresponding to Article 5 of the Brussels Treaty cited, no longer contains the mention of military aid. Therefore, the wording is less intense than Article 5 of the Washington Treaty (in turn, less intense than Article 5 of the Brussels Treaty cited). The wording of Article 42(7) TEU allowed the so-called "*neutral*" EU members – an "*endangered species*" pursuant to the war in Ukraine – not to take part in any military obligations.

Regarding the implementation of peacekeeping operations, conflict prevention and the strengthening of international security in the face of international crises,

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[13] See Arie Blood and R. A. Wessel (eds.), *The Changing Functions of the Western European Union (WEU): Introduction and Basic Documents* (Dordrecht: Martinus Nijhoff Publishers, 1994), xi-xxx. See also Hanna Ojanen, "EU-NATO Relations after the Cold War", in *The Routledge Handbook of Transatlantic Securityand,* ed. Jussi Hanhimäki, Georges-Henri Soutou and Basil Germond (Oxon: Routledge, 2010), 180-193.

Article 43 TEU expanded the aforementioned "*Petersberg tasks*" in line with the review of the strategic document in 2008. In essence, new tasks were added to this list with the emphasis placed on the security of the Union, gathered under three types: (a) humanitarian and rescue tasks; (b) peacekeeping tasks; and (c) combat tasks in the framework of crisis management, including peace-making.[14] The exact content of each of the three types of tasks is not delineated.

In abstract terms, two different circumstances can be advanced from which the decision to set up an EU mission may result. One possibility is that the EU's decision to launch an operation follows a UN Security Council Resolution adopted under Chapter VII of the UN Charter. The UN can directly request the EU's assistance, rather than the EU deciding to respond collectively at the level of all the Member States to a generic appeal that the Security Council has made in the framework of a Resolution adopted under Chapter VII of the Charter. Another possibility is that the Council of the EU adopts the decision to launch an EU mission with reference to a formal request for assistance, or assistance, from a third State. Under Article 43(2) TEU, it will be for the Council of the EU to define both the objective and the scope of the mission, as well as the general aspects of the implementation of the mission. The subsequent coordination of the "*civilian and military aspects*" will be the responsibility of the High Representative of the Union, "*under the authority of the Council and in close and permanent contact with the Political and Security Committee*".

3.1. Focus: CSDP in the context of the Lisbon Treaty

Bearing in mind the changes introduced by the Treaty of Lisbon, it should be noted that CSDP maintained the ESDP's strictly intergovernmental character, with the unanimity rule in force, in addition to the fact that the actions that may be undertaken within the framework of the CSDP take place outside the Union. Moreover, the objectives of the missions seem to relate more to security than to defence (see Article 43 TEU), to which the guarantee is added that actions in the field of CSDP must remain within the framework of the UN Charter.

The Preamble of the Treaty of Lisbon affirms the aim of "*implementing a foreign and security policy including the gradual framing of a common defence policy which could lead to a common defence, in accordance with the provisions of Article 42, thereby strengthening the European identity and its independence, in order to promote peace, security and progress in Europe and the world.*". In the same regard, it is important to highlight Article 3 TEU, paragraph 1, which states that the EU "*shall aim to promote peace, its values and the well-being of its peoples*", stating in paragraph 5 that the EU shall contribute to peace and security, "*as well as to the strict observance and development of international law, including respect for the principles of the Charter of the United Nations.*"

Under Title V, Chapter I, TEU, on the Union's external action, reference is made to the fact that the EU's external action should aim to the consolidation and support for democracy, the rule of law, human rights and the principles of international law – see Article 21(2)(b) TEU – as well as the maintenance of peace, conflict prevention and the strengthening of international security, "*in accordance with the objectives and principles of the Charter of the United Nations*" – see Article 21(2)(c) TEU. Therefore, EU actions in peacekeeping, conflict prevention and strengthening international security fall within the framework of the CFSP and its operational

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[14] See Carlos Branco, "O que são as operações de paz? Conceitos e taxionomia", 135-136.

component CSDP. Previously, pursuant to the Nice Summit (2000), ESDP was established with the objective of affording the EU autonomous capabilities to enable it to cope with international crises through a collective Union response.

As per the wording of Article 42 TEU, as set out in the Treaty of Lisbon, the CSDP retains the intergovernmental character, and the unanimity rule applies to the adoption of decisions. Similarly, it is apparent from Article 42 TEU that while the reference to respect for the "*principles of the Charter of the United Nations*" is certain, the emphasis seems to be on the fulfilment of objectives linked to the security of the Union (cf. Article 43(1) TEU). In addition to the operational capability within the framework of CSDP, it is essential to underline the role of development cooperation within the EU framework in conflict prevention, also undertaken "*in accordance with the principles and objectives of the Union's external action*" (see Article 208 TFEU, former Art. 177 TEC).

Historically, the role of the European Commission in development cooperation should also be highlighted, with targeted support for different areas, ranging from the eradication of extreme poverty and hunger to aid for environmental sustainability.[15] A key example was the creation of the "*African Peace Facility*" in 2003, an instrument that ended up being crucial to support key African Union (AU) peacekeeping missions (notably the AMIS I mission for Somalia in 2004), also being the basis for enhanced cooperation between the EU and the AU. The most visible outcome of closer EU-AU cooperation was the 2005 EU Strategy for Africa, and subsequently the joint strategy following the 2nd EU-Africa Summit of 2007, during the third Portuguese Presidency of the EU. A final example is the "*Instrument for Stability*" created in 2006, a financial instrument aimed at financing development cooperation actions, among others, carried out by the EU in partnership with third countries, either in the face of "*crisis or emerging crisis situations*" or in the face of other types of situations that occur under "*conditions of stability*".[16]

3.2. EU capabilities for crisis management

As referred to in Article 42(1) TEU, the EU has, within the framework of the CSDP, an "*operational capability supported by civilian and military means*". In 2004, at the Council of the EU meeting, the process of giving the EU a semblance of military capabilities began with the draft initiative to create the EU Battlegroups.[17] The aim

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[15] See EU, "Joint statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the Commission on the European Union's development policy: 'The European Consensus'", published in OJ C 46, 24.02.2006.

[16] See Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability, published in OJ L 327, 24.11.2006, 12006. The "Instrument for Stability" aims to provide "a response to situations ofand urgency, of crisis or emerging crisis, to situations that pose a threat to democracy, public order, protection human rights and fundamental freedoms or the intrinsic and extrinsic security of persons, or situations that could escalate into armed conflict or seriously destabilise the third country or countries concerned." – See, ibid., Article 3(1). See "Decision No 3/2003 of the ACP-EC Council of Ministers of 11 December 2003 on the use of the resources of the allocation of the 9th European Development Fund for long-term development for the establishment of a facility to support peace in Africa," published in OJ L 345/108, 31.12.2003. See EU, "Conclusions of the General Affairs and External Relations Council of 22 March," Brussels, 2004.

[17] See Gustav Lindstrom, "Enter the EU Battlegroups", *Institute for Security Studies*, vol. 97, Chaillot Papers, February 2007, 13. See EU, "Conclusions of the General Affairs and External Relations Council of 22 March," Brussels, 2004.

of providing the Union with a military capability already went back to the objectives set at the European Council Summit in Helsinki in 1999, when the Member States developed the "*Helsinki Headline Goal 2003*", which, in general terms, consisted of a short-term plan to provide the EU with a military rapid reaction capability. This objective was, therefore, beyond the civil police objectives set in 2000.

The first EU military operation was Operation Concordia in Macedonia (2003). However, it was not fully "*autonomous*", as it had recourse to NATO support under the Berlin Plus arrangements, which set out the terms of EU access to NATO capabilities.[18] Indeed, the Helsinki document laid the political foundations on which the EU's first autonomous military operation was built: Operation Artemis. This operation was authorised by the European Council following Security Council Resolution 1484 (2003), and the engagement in the Democratic Republic of the Congo (DRC) ran from June to September 2003. Highlighting the good cooperation between the EU and the UN, the decision-making process on the Union side was preceded by an express request to the EU by the then UN Secretary-General, Kofi Annan.[19] Operation Artemis was composed of a contingent of about fifteen hundred personnel, with a mandate under Chapter VII of the Charter of the United Nations and adequate means to pursue it.[20]

Crucially, the added value of Operation Artemis was that the EU military presence in the DRC theatre of operations allowed the UN the time it needed to reconfigure its contingent and mission – MONUC – given that the EU contingent ensured that the necessary security conditions were maintained. The positive results of Operation Artemis generated synergies within the EU for the political willingness to develop a new concept beyond that of a simple version of '*rapid reaction*" capability. Consensus thus emerged on the need to afford the EU a more complex and demanding capability: an effective and permanent "*rapid reaction*" capability.[21]

In this vein, the EU Defence Ministers took the decision to create the EU Battlegroups in November 2004. These were military units created from the matrix adopted for the contingent of the "*Artemis*" operation, which could be either of a national nature – in which case the contingent was formed by forces made available by a single Member State – or of a multi-national nature. More specifically, the ability of Battlegroups to undertake missions in scenarios of ongoing violence was taken into account, and two models of operation were foreseen:[22] (1) within the framework of a "*bridging operation*"; or (2) as a "*stand-by operation*").[23] The first model

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[18] See Volker Heise and Peter Schmidt, "NATO and EU: Reversing Berlin-Plus?", in *A hybrid relationship: transatlantic security cooperation beyond NATO*, ed. Peter Schmidt (Frankfurt am Main, New York: Peter Lang Publishing, 2008), 295-301.

[19] See UN, Security Council Resolution 1484 (2003), S/RES/1484 (30 May 2003). See EU, Council Joint Action 2003/423/CFSP of 5 June 2003 on the European Union military operation in the Democratic Republic of the Congo, published in OJ L 143, 11.6.2003, 50-52. See EU, Council Decision 2003/432/CFSP of 12 June 2003 on the launch of the European Union military operation in the Democratic Republic of the Congo, published in OJ L 147, 14.6.2003, 42.

[20] See UN, Security Council Resolution 1484, S/RES/1484, 30 May 2003.

[21] See EU Security and Defence Core Documents, "The battlegroups concept – UK/France/Germany food for thought paper (10/02/2004)", *Chaillot Papers*, no. 75, (2005): 10.

[22] See Gustav Lindstrom, *cit.*, 10. See UN, Security Council Resolution 1493, S/RES/1493, 28 July 2003.

[23] Strictly speaking, some identify three types of operation: "bridging operations"; "initial entry rapid response operations"; "stand-alone operations" – see Gustav Lindstrom, "Enter the EU Battlegroups", 18-19. Qualifying the EU-led "Artemis" operation and the "EUFOR RD Congo"

configures a mission aimed at an immediate and short-term intervention in order to stabilise a situation of "*crisis*" and allow another International Organisation – namely the UN – to prepare, or mobilise, an autonomous mission, in the medium to long term, in the same theatre of operations. In these terms, the EU presence will therefore remain on the ground, pending the mobilisation of the following (UN, by hypothesis) mission. In contrast, the configuration of the Battlegroup's commitment as a "*reserve force*" is aimed at providing support to a UN mission already underway, and the EU contingent can be activated in case of the need to evacuate other forces that are at risk.

The EU's military operation "*EUFOR*" in Chad and the Central African Republic should be highlighted as it exemplifies the operational complementarity between the EU and the UN. In fact, the EU's mission was crucial in enabling the subsequent launch of the UN's MINURCAT mission. In line with EU law, the EU's Joint Action 2007/677/CFSP and Decision 2008/101/CFSP were preceded by UN Security Council Resolution 1778 (2007), which expressly referred to previous contacts between the EU and the UN.

Overall, one of the UN's main operational limitations is the need for more time to react rapidly in the face of urgency. In contrast, the EU has the comparative advantage of being able to define the means needed to react in urgency quickly, as well as the ability to coordinate them more effectively in a theatre of operations in the form of a CSDP mission. Nevertheless, the difficulties in terms of logistical capacities are common to the UN and the EU, adding to differences in procedures, which hinder better cooperation in practice.[24]

To conclude the present point, an effective security and defence policy must assume a credible economic and financial basis and the EU realised this a decade ago.[25] However, a reluctance to increase defence spending to higher levels decisively was present for years until 2023, when the situation was decisively reversed. Secondly, it requires capabilities not only for civilians but also military.

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operation as "bridging operations", see Bastian Giegerich, *European military crisis management: connecting ambition and reality*, IISS Adelphi Paper no. 397 (London: Routledge, 2008).

[24] See, UN, "Global field support strategy", Report of the Secretary-General, A/64/633. 26 January 2010, 9, § 7.

[25] See EU, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Towards a more competitive and efficient defence and security sector, COM(2013) 542 final, 24 July 2013, 5-19. See EU, "Opinion of the European Economic and Social Committee on the need for a European defence industry: industrial, innovative and social aspects (own-initiative opinion)", Doc. No. CESE 1590/2012 - CCMI/100, 11 July 2012. Concerning the creation of a European Defence Equipment Market, two important Directives dealing with the subject should be mentioned: Directive 2009/43/EC of 6 May 2009 (simplifying transfers of defence-related products within the Community); and Directive 2009/81/EC of 13 July 2009 (coordinating procedures for the award of specific contracts in the fields of defence and security). See EU, Directive 2009/43/EC of the European Parliament and of the Council on simplifying the conditions for transfers of defence-related products within the Community, OJ L 146, 10.6.2009, 1-36 (6 May 2009); See EU, Commission Directive 2012/47/EU amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products Text with EEA relevance , OJ L 31, 31.01.2013, 43-74 (14 December 2012); EU, Directive 2009/81/EC of the European Parliament and of the Council on the coordination of procedures for the award of specific works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC, OJ L 216, 20.8.2009, 76-136 (13 July 2009); see also Decree-Law no. 104/2011, of 6 October 2011, published in the *Diário da República*, 1st series, no. 192.

In particular, concerning military capabilities, it is true that EU action appears to face a twofold challenge as a result of the framework mentioned above, of: (i) budgetary constraints at the level of the Member States of the Union: and (ii) the challenge of developing and maintaining new capabilities. It should be borne in mind that responding to this twofold challenge is not contrary to the aim of actively contributing to maintaining international peace and security – remember the role of development cooperation. Historically, there have been initiatives to strengthen cooperation within the EU on military capabilities. In this respect, the '*Franco-British agreement*' should be highlighted as an example of pragmatism in this area, together with the cooperation initiative of Poland, France and Germany, known as the "*Weimar Triangl*e".[26] In this regard, 2022 was a game-changing year, the Russian invasion of Ukraine serving as a wake-up call that led to policy decisions going against the long-held belief that cutting defence spending was an inconsequential measure in addressing national budgetary difficulties.

4. The potential for EU-UN cooperation: lessons from the past

The affinities between the EU and the UN are widely recognised. Cooperation between the Commission of the EU and the UN is particularly relevant concerning the African continent, and interinstitutional cooperation between the two organisations on development aid and cooperation on peacekeeping dates back more than two decades. The primacy of the UN Security Council in international peace and security is recognised by the European Security Strategy (2003), which states as a priority for the EU to strengthen the UN and its capabilities. At present, the EU's Strategic Compass (2022) highlights "*a new joint set of priorities for EU-UN cooperation (2022-2024)*" as well as the goal to "*intensify trilateral EU-AU-UN cooperation*".

Looking at the origins of EU-UN cooperation, the early 2000s are most relevant. In 2001, at the Gothenburg European Council, the decision was taken to strengthen the EU-UN cooperation in three critical areas – namely "*conflict prevention*"; "*civilian and military elements of crisis management*"; "*Balkan, Middle East and Africa aspects*" – and the "*EU Programme for the Prevention of Violent Conflicts*" has been adopted. This initiative was followed by the two joint EU-UN declarations, firstly in 2003 during the Italian Presidency of the EU; and secondly in 2007 during the German Presidency of the EU.

Regarding military capabilities, a vital step was taken with the introduction by the Treaty of Lisbon of the mechanism of "*permanent structured cooperation*" as foreseen in Article 42(6) TEU and Article 46 TEU, as well as Protocol No 10 annexed to the Treaty of Lisbon and with a view, above all, to development of new military capabilities by EU Member States. The war in Ukraine has exposed the need to adopt solutions to bridging existing gaps in military capabilities by adopting initiatives aimed at consolidating the European arms industry.

While the need for EU Member States to overcome the twofold challenge of military capabilities is certain, it is no less certain that current EU strategic documents fully account for the current context of international relations. Crucially, the way the US strategically positions itself vis-à-vis the Asia-Pacific region, and the end of the intervention in Afghanistan still pose the question of

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[26] See Kai-Olaf Lang and Daniela Schwarzer, "Consolidating the Weimar Triangle: European Policy Functions of German-Polish-French Cooperation", *SWP Comments*, No. 30 (2011): 1-8.

ascertaining if the EU has sufficiently defined a set of common strategic objectives it intends to collectively pursue. Concurrently, the corresponding military capabilities deemed to be necessary and appropriate to meet those objectives, defined at the level of all twenty-seven Member States of the Union, need to be developed jointly (i.e., in a coordinated manner at the EU level).

Overall, the EU and the UN operate on the basis that multilateralism is effective. Nevertheless, acting in a multilateral manner has implied over the past two decades the presence of both organisations in the same international contexts. Moreover, both the EU and the UN operate alongside local actors and regional international organisations such as the AU. As the geopolitical landscape changes at different latitudes, a close EU-UN cooperation therefore projects the message that those actors are not excluded from processes that most concern them.

Conclusion

The present short paper highlighted the way in which the CFSP and the CSDP were built, summarising the applicable legal regime especially following the entry into force of the Lisbon Treaty. It is undeniable that the Lisbon Treaty provisions provide the EU with the instruments necessary to assume a significant role in peacekeeping and crisis management. The Union's natural partner in this field is the UN. However, as multilateralism traverses a crisis seemingly unlike others in the past, one could question what the future holds for peacekeeping and crisis management.

The EU showed remarkable unity in the face of the conflict in Ukraine. Moreover, this crisis in Europe revitalised the transatlantic bond with the US, whose relations with the EU have never been stronger – a complete contrast with the early 2000s. A direct consequence thereof is the clear and present strengthening of EU-NATO relations, as highlighted by the EU-NATO joint declaration of 2022. Crucially, the so-called "neutral" EU member states are now reduced to Ireland and Austria, as Sweden and Finland decided to join NATO. The question then remains what changes in policy will Sweden decide, given the leading role it played in many peacekeeping and crisis management engagements in Africa, and the changes in perceptions of Sweden in third countries at different latitudes.

For the past decade, multilateralism has been strained in the face of the conflicts in Libya, Syria and Yemen, and the EU has sustained the impacts thereof while being the target of criticism. Moreover, old contexts of violence persist unresolved at different latitudes in the face of decades of constant attention at UN and EU levels. As NATO is set to become the key transatlantic political-diplomatic forum for security and defence matters, one could question what consequences will result for the internal EU debate on such matters. In addition, certain policy changes that will be produced could have the negative externality of less intense EU-UN relations, with consequences in the field of EU-style crisis management.

Over the decades-long period of cooperation, both the EU and the UN have cooperated on the basis that multilateralism is effective. In the current context of international relations, multilateralism is increasingly fragile, both in the wake of the conflict in Ukraine and heightened tensions between the US and China. With a UN in crisis mode, as the reactions to the assumption of the UN Security Council's rotating presidency by Russia showed, the future of the principled endeavour that is peacekeeping hangs in the balance – as does the future of the post-1945 International Order.