**Institut d'Etudes Européennes
et Internationales du Luxembourg**

**Luxembourg Institute for European
and International Studies**

EXECUTIVE SUMMARY

Conference on

How do We Make the UN and Multilateralism More Effective

13-14 September 2004
Washington D.C.

Abstract

The Luxembourg Group held a conference on ''Transatlantic Relations: How to Make the UN and Multilateralism More Effective?'' on 13 and 14 September 2004 in Washington D.C. This conference was the third in a series of three international colloquia on 'International Cooperation and Conflict in the Post-September 11 World'. In the framework of this project, two conferences have already been organised: ''Transatlantic Relations and the Challenges of Globalisation'' on 23 and 24 October 2003 in Schengen and ''Humanitarian Assistance in Armed Conflict'' on 17 and 18 May 2004 in Geneva.[1]

The Luxembourg Group is composed of the University of Luxembourg, the Graduate Institute of International Studies, Geneva (IUHEI) and the Center for Transatlantic Relations at Johns Hopkins SAIS, Washington D.C. (on behalf of the American Consortium on European Studies). This series of conferences is placed under the High Patronage of H.R.H. the Grand Duke Henri de Luxembourg, who initiated the project. The aim of the Luxembourg Group is four-fold:

- bringing academic research and analysis to bear on pressing issues of transatlantic relations
- contributing to renewed transatlantic dialogue
- initiating academic cooperation among the members of the newly founded Luxembourg Group

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[1] Reports on these two conference are also available on our website

- encouraging students and young scholars to undertake research on questions pertaining to transatlantic relations

Approximately 60 participants attended the third conference, including scholars, socio-economic actors and decision-makers from both Europe and the USA, among them more than 15 graduate students. In the course of four discussion sessions and on the basis of presentations, the conference dealt with the following topics:

(1) global economic challenges and their implications for international security

(2) the fight against terrorism and the nature and scope for renewed transatlantic multilateralism

(3) the fight against weapons proliferation and the case for multilateral cooperation

(4) how to cope with failing states and how to devise new strategies of state- and/or nation-building

There was wide agreement among the participants that the most urgent problems of our times are at once national and international threats which require a broad international consensus as well as national implementation and action. The transatlantic alliance is a privileged framework within which to confront these threats and devise adequate responses. One of the principal challenges is to come to a common definition of international threats, including environmental degradation, to make most effective use of 'best practices' and to determine common strategies. Another is how to enlarge the consensus on such definitions, practices and strategies to the international community at large. The main obstacle to closer transatlantic cooperation on security issues is more comprehensive information and intelligence sharing.

Disagreement revolved around the following questions:

i) is a 'common transatlantic homeland', e.g. in an analogy to the concept and practice of 'collective defence' as enshrined in Art. 5 of NATO, which was invoked for the first time on 12 September 2001?

ii) Have Europe and the USA different values and traditions and therefore different strategies of fighting terrorism and waging war?

iii) what is –or should be – the status of international law in relation to national anti-terrorist policies?

iii) what, if any, could be the future role of the UN and trans-regional organisations in conflict prevention, crisis management and peace-keeping missions?

I. Keynote Addresses

1. HRH Henri de Luxembourg

HRH insisted that the issue at stake is how to make multilateralism more effective, not to take it for granted or to undermine it. A more effective transatlantic multilateralism does not mean less USA, but more Europe. This is because Europe deserves to be seen as a global player that pursues at once more international security and more international justice. This twin objective

implies the need for a unified response to the new security threats that are common to Europe and the USA. Within the G8, NATO and the EU-USA relations, there is scope for a renewed shared commitment to such a response. The twin objective of more security and more justice also implies the strengthening of the role of the UN, which is a top European priority. The importance of the UN stems in fact from the change in the nature of international security. The threat of terrorism can strike at any time anywhere in the world. Therefore no single country can provide all the answers or responses. What is imperative and indispensable is more effective multilateralism, i.e. action-oriented and capable of delivering results.

The recent and current tensions between Europe and the USA are at least in part due to distorted perception of each other. Is the USA aware of Europe's actual contribution to common security, in Afghanistan or Bosnia? Are both Europe and the USA aware of the exceptional density of their commercial and financial ties, amounting to approximately 2.5 trillion US $ and encompassing millions of workers on both sides of the Atlantic. It is thus at least as fitting to speak of a transatlantic economy, as it is to speak of a transatlantic homeland. If international security and justice are in the interest of both Europe and the USA, then there is a clear case for breaking down some of the prevailing misconceptions and for devising common, multilateral strategies.

2. Secretary Tom Ridge, Department for Homeland Security

Secretary Ridge began his address by referring to the report of the 9/11 Commission. This report has further improved the understanding of global terrorism, in particular the need for enhanced transatlantic dialogue and for shared solutions and policies. The forthcoming Luxembourg Presidency of the EU is an important part of this common approach. Global terrorism requires a global response because it constitutes the new totalitarian threat posed by a new enemy, without flag or border but with the willingness to deploy WMDs. Such a multilateral problem calls for a multilateral approach, i.e. building bridges between partners and building fences against the enemy. Collective action with and through the EU can help reduce the common US and European vulnerability. There are many areas of common interest and action. First of all, the Container Security Initiative (CIS), aimed at reducing the risk of terrorist attacks by placing US agents in foreign ports. Secondly, Passenger Name Recognition (PNR), in order to identify wanted terrorists. Thirdly, the control of travel documents, including biometric information as part of the US Visit Programme.

All of these initiatives require more information sharing on effective tools and 'best practices', in particular with respect to intelligence and data transfer. In turn, actual global use of such tools and practices requires international standards, not exclusively US or European standards. Only a multilateral approach can facilitate the definition and implementation of international standards. The objective is to reduce the common security threat while at the same time maintaining openness and hospitality, in total protection of privacy and personal liberty. One example is to introduce machine-readable passports that include encrypted biometric information, which is not an excessive burden on any individual country. Ultimately, the war on terrorism is less a war than a test of will and endurance, alliances and partnerships.

In response to a question about the decline in the number of foreign students in the wake of US anti-terrorist legislation, Secretary Ridge said that the 'American experience' is crucial in the fight against global terrorism. After some initial problems, there is now a student exchange visitor programme in place between universities, colleges and the Department for Homeland Security. For 300,000 admitted students, only 200 have been barred from entry into the USA. Asked about the privacy of collected data, in particular the danger of cracking data bases, he explained that the USA and the EU have agreed on two fundamental principles: who has access and to what purpose. In addition, the Department for Homeland Security has a privacy officer who checks the collection and use of data. Encrypted information is a further assurance of privacy and liberty. Finally, replying to a question on whether ID cards should be made compulsory in the USA, Secretary Ridge said that it is preferable to work with governors to ensure that drivers' licenses contain the same baseline information in order to provide reliable information across the USA.

II. Global Economic Challenges

1. John Cuddy: 'Doha's Future and Transatlantic Cooperation in WTO'

At the core in the relationship between terrorism and security, and development and trade lies poverty. The following three figures illustrate this evidence: 50, 950 and 9,000. US $50 billion is the annual global spending on development assistance. US $950 billion is the annual global military spending. US $9,000 billion was the value of world exports in 2003. Such a perspective is perhaps guilty of the charge of 'economism', but the nexus of jobs, growth and trade constitutes one of the central linkages ''both for the development of the global economy and for the individual who seeks personal development through interaction with the economy at the local level''. Trade can of course give rise to many potentially serious distributional and transitional effects. However, over the last 35 years, the weight of trade in global GDP has risen from about 8% to more than 25%; both trade in manufactured goods and world trade in total grew more rapidly than industrial production and world GDP respectively, making trade a clear engine of growth, both for countries with liberalised and less liberalised trade regimes.

To be sure, free trade is harmful to many individuals, but the cost of protection is prohibitive. This is equally true in the US, where each of the 2,300 jobs in the sugar industry is subsidised by US $800,000 per year, and in the EU, which has exported sugar worth US $1.4 billion, in violation of its WTO commitments. The social costs of agricultural subsidies are much higher yet, whether it is for consumers and taxpayers in OECD countries or for cotton farmers in Sub-Saharan Africa. The sole beneficiaries of subsidies are a small number of rich farmers in the USA and the EU. Other trade subsidies (steel, aluminium, etc.) benefit but big corporations and infringe on both national and international law. The 'Byrd amendment' in the USA goes as far as creating incentives for firms to demand protection; it has led to the distribution of over US $700 million in 2002-03 and could cost as much as US $2.35 billion in the period 2005-2009, according to the Congressional Budget Office.

The overriding objective of the Doha Round is, first of all, to facilitate trade by eliminating barriers and, secondly, to enhance development by redirecting part of the resources away from subsidies towards development assistance. In the face of entrenched support for protectionism around the world, only multilateral cooperation within the WTO and with the active

involvement of the UN can deliver this twin objective. The UN, if defined as its secretariat and its specialised agencies, has made decisive contributions to increased trade and enhanced development, e.g. through UNCTAD, which has helped developing countries coordinate their efforts and table their own proposals in the Uruguay Round of GATT. Developed countries have not always supported this activism and repeatedly attempted to undercut it within the WTO, which in turn met with the opposition of many developing countries, culminating in the failure of the WTO Cancún summit in September 2003.

Multilateralism is only ever effective if all countries take active part in all the multilateral fora. Nor can multilateralism be reduced to the secretariats of UNCTAD and the WTO. There are very successful instances of effective cooperation between different UN agencies, such as the Monterrey Conference on Financing Development in March 2002, when UNCTAD worked closely with the IMF, the World Bank, the WTO, the UNDP and the UN Secretariat General. Another example was the UN Conference on Least Developed Countries (LDCs) in May 2001, when there was large-scale cooperation between not only the Monterrey organisations but also the FAO, ILO, WHO, UNESCO, UNIDO, UNEP, UN-Habitat and a myriad of other UN or related institutions, reflecting the fact that the needs of LDCs exceed trade and encompass a wide array of other areas.

The crux of the matter is to agree on a common cause and to devise a strategy whereby the already existing resources, the good will and the capabilities of each agency are deployed in such a way as to maximise their specialisation, expertise and skills − in short their 'comparative advantage'. To turn the Doha Round into a success not only of trade but also of development is such a common cause. Following Joseph Stiglitz's argument, what that is required is to re-orient WTO negotiations towards the aim of social justice based on a different set of economic policies than the prevailing neo-liberal consensus. One of the main obstacles is the persistent failure to agree on economic analysis (that of UNCTAD and UNDP or that of the World Bank and the IMF).

Rather than enlarging the WTO Secretariat, it would perhaps be more effective to set up a task force similar to the conference on LDCs. This need not be 'politically' or 'institutionally' difficult, as the major organisations concerned (WTO, UNCTAD, World Bank, IMF, UNDP) are already cooperating within the technical assistance programme of the ''Integrated Framework'', a multi-agency, multi-donor programme which helps LDCs to integrate the global economy. This requires effective cooperation of individuals and governments. But the point is that effective multilateral cooperation already exists among the secretariats of different organisations and that it can be adapted and extended to the causes of social, human development for the ''five billion people living in poverty''.

Joseph Quinlan: 'Mars, Venus or Mercury – The Changing Geography of the Transatlantic Economy'

The rhetoric on trade deficits and on the dangers of out-sourcing is misleading because it tends to neglect at least three important facts. First of all, the total worth of global affiliate foreign sales is twice that of trade, i.e. US $18 trillion, which shows the competitiveness of globally operated companies that compete with the best on the ground. Japan and China may be emerging powers, but the future of US and European corporations still lies in the

transatlantic economy. Secondly, outsourcing to Mexico, India and China is not a one-way path but entails important job creation in the USA and in Europe. For instance, the USA enjoys a one-million workers' surplus through affiliate corporations.

Thirdly, in terms of FDI and portfolio flows, the USA is biggest debtor nation in the world. However, in terms of corporate earnings and profits, US affiliates have exhibited record earnings of approximately US $78 billion and their European counterparts record earnings of about US $47 billion, driven by FDI. The point is that FDI and trade are complements, not substitutes. Today, FDI drives trade: for US imports from Germany, 66% is related party trade (i.e. transactions between headquarters and affiliates) and so there is a win-win situation, not a win-loose situation. It is true that the current account deficit has been to the advantage of Europe. This is because there are simply not sufficient investment and savings in the USA, but the US fiscal expansion has been good for the world economy. Both the EU and USA have to recognize the depth of transatlantic economy and then leverage it across the world.

Paul Schonenberg: 'Transatlantic Economic Relations – A Corporate Perspective'

Transatlantic economic relations are not at risk, as economic exchanges between the USA and Europe represent 21% of the respective economies and involve 4 million workers on each side. The degree of integration makes it the single most important economic relation in the world. In terms of trade and cross-investment, transatlantic economic relations by far outweigh the US bilateral relations with India, China, etc. In the foreseeable future, there will be no change in the importance of these relations, which are built on historic roots and solid economic exchanges, but which are in need of nurture and protection. In terms of infrastructure regulation, legal protection, both Europe and the USA are business-friendly. But the following conditions have to be met if future success is to be forthcoming.

(1) internationally consistent standards and enforcement
(2) fair taxes and the possibility to repatriate profits
(3) flexible hiring for international (human) capital, including work permits for spouses

Outsourcing is a problem of perception and politics, but not of economics: it is a good thing because it provides jobs, including in countries that out-source, via affiliates. Equally, protectionism is not unreservedly embraced and promoted by the business community, but ultimately seen as an obstacle.

There are however some concerns for the future, especially in the context of the 'war on terror'. Companies want to make profit in a low-risk environment and the question is whether both the USA and Europe will continue to be low-risk, in fact least-risky environments. Other questions about the future of the transatlantic economic relations are as follows:

(1) is the USA too difficult to get into? Is immigration in danger of becoming too bureaucratic?
(2) the presence of US troops in Europe is important in terms of the contact between populations; this should be taken into account before deciding on whether to repatriate them
(3) the increasing role of business in promoting communication and personal links should be preserved and enhanced

Questions and Discussion

The questions and ensuing discussion focused on four issues:

- the US and European economic outlook
- the implications of EU integration and enlargement for the transatlantic economy
- the openness of the transatlantic economy vis-à-vis the rest of the world
- the possible integration of developed and developing countries and NGOs in a common framework

First of all, the economic outlook both in the USA and in Europe and the relation between politics and economics. There was wide agreement that the medium- and long-term perspective for the US economy raises major concerns (chief of all, pension and old-age benefits, investment, exchange rate adjustment and asset-securitisation). According to some, Europe needs to reform its labour-market regulations and ought not to impose a flat corporate tax rate across all EU members because of inefficiency as a result of stifled competition. Both the USA and the EU should implement the WTO agreement of May 2004 on abolishing agricultural and other protectionist subsidies. Whereas the European Commission has taken some steps in the right direction, the recent US Farm Bill is regressive in this respect.

The second issue is the implications of the EU integration and enlargement process for the transatlantic economy. Some US participants argued that the Euro has reduced consumer spending within the Eurozone due to higher consumer prices. This has had negative consequences for US corporations that operate in Europe. In addition, there are important US business interests in the UK. US corporations based in the UK trade with member-states of the Eurozone and incur increased costs that arise from exchange rate fluctuations between the British Pound and the Euro. The UK's accession to the Euro is therefore highly desirable from the point of view of US business. Other participants focused on the shift in the economic pattern in the wake of Eastern enlargement, with both manufacturing and services moving to Central and Eastern Europe. US corporations may have positioned themselves better than European corporations in the competition for market shares and profits in virtue of lower social protection, more flexible labour laws and higher labour mobility.

The third issue is the openness of the transatlantic economy vis-à-vis the rest of the world. Generally speaking, there should be as few tariffs and other barriers to trade as possible, except on arms sales. GM food and HIV medication are test cases for the capacity of transatlantic economy to integrate the rest of the world.

Finally, the question is how to bring together developed, developing countries and global and national civil society into one common framework to make development strategies and policies more effective. One way to achieve this is to increase budget and technical cooperation through the WTO secretariat. But there was disagreement on the extent to which increased WTO coordination would help investment in developing countries. The reason is that the bulk of technical cooperation is effectively in the hands of bilateral (EU and US) development agencies and private initiative. Neither is party to the WTO. Moreover, it is not clear how the civil society can participate in this process, unless there are elected representative. This in turn raises the issue of how to involve elected parliamentarians who, after all, make the law.

III. The Fight Against Terrorism

1. Asa Hutchinson: 'The Fight Against Terrorism – A U.S. Perspective'

According to the US Under-Secretary for Border and Transportation Security at the Department for Homeland Security, there are two prerequisites to the fight against terror: first, maintaining and strengthening the transatlantic alliance and, secondly, being mindful about the history of terrorism, in particular the hijacking of passenger airplanes in the 1970s and 1980s and the 1993 attack on the World Trade Center. This history illustrates that terrorism is a past, present and future threat to all countries in the international system. The only way to confront this threat is to engage in international cooperation to secure borders without becoming isolated from the rest of the world.

More specifically, there are a number of issues for transatlantic homeland security cooperation. Standards and levels of cooperation in aviation need to be replicated in the area of maritime security, especially the use of technology and information-sharing regarding visa applications and shipping contents. The aim is to pinpoint the loci of concrete threats to the ports of entry. Passport control is another area of cooperation. Biometric checks in Singapore have reduced, not increased, the delay in processing passengers at the international airport, from 40 seconds per persons to about 25 seconds. However, iris scans and fingerprints require international standards in order to be applied as widely as possible, in a spirit of security and passenger comfort. The transatlantic alliance has taken a lead in this process but more advances are needed if major terrorist attacks are to be averted.

2. Gijs de Vries: 'The Fight Against Terrorism – A European Perspective'

The EU Coordinator for Counter-terrorism stressed that Europe and the EU share more important commonalities than they are divided by differences on an issue as sensitive as that of the fight against terrorism. Both are founded on two great revolutions that have established liberty, democracy, human dignity and the protective rule of law. Liberty and democracy is what terrorists seek to attack, notably the liberty of freedom from fear and the democratic prerogative of peaceful disagreement. Such disagreement, rather than questioning the depth of the transatlantic alliance, is a mark of the democratic spirit shared by the Europeans and the Americans. Even if there have been some transatlantic tensions as a result of underestimating the implications of 9/11 or the European contribution to the war on terror, there is a still a wave of sympathy. Moreover, the events of 11 March 2004 in Spain have strengthened, not weakened, the European resolve to continue the fight against terrorism.

Concretely, a number of steps have been taken. Both the EU Summit in March and in June 2004 confirmed the creation of a centre for intelligence in Brussels, in an attempt to coordinate intelligence gathering and analysis between all out- and inward-looking agencies (i.e. intelligence and security services) from the EU member-states. There has also been agreement on the agenda for counter-terrorism for the next three EU presidencies, with a clear timetable in order to measure progress. Ratifying the proposed EU constitutional treaty would be of crucial help in this fight. The constitution would facilitate the policy-making process through Qualified Majority Voting and therefore shorter delays in decision-making. It would also enhance human rights protection by making the charter of fundamental rights legally

binding and by integrating the European Convention of Human Rights. Both are indispensable to retaining popular support in the fight against terror. However, a number of obstacles remain, notably the implementation process of EU decisions at the national level. While a common EU framework is emerging, the operational level (intelligence, arrest, judicial process) remains a national competence.

The EU's counter-terrorism agenda features four priorities:

(1) financing terrorism, namely the need to integrate the various actors and dimensions in order to tackle the problem effectively (finance, justice and foreign ministries in order to address money-laundering, law-enforcement and external relations)

(2) reinforcing civil protection in order to mitigate as much as possible the consequences of a WMD attack

(3) protecting critical infrastructure across the transatlantic space

(4) taking into account the external dimension, among other things, promoting the universal ratification of all 12 UN resolutions on terrorism, strengthening maritime security cooperation, banning chemical weapons proliferation and improving coordination with the IAEA

There remain many important challenges in the fight against terrorism which can only be met by cooperating with partners, especially the USA, on crucial issues such as border control, transport security and intelligence.

3. Eugene Pentimonti: 'The Fight Against Terrorism – A Corporate Perspective'

The shipping business in particular and the transport industry in general view terrorism not as a simple problem with simple solutions, but as a complex question that requires a multi-layered solution by way of a continuous international process. The main challenge for suppliers and customers alike is how to ensure security in the context of the openness of the market place. Security has become the main risk in the corporate world, which potentially threatens the essence of the transport sector – the openness of the market and of the chain between suppliers and customers. Unlike other sectors of the economy, the infrastructure of the transport industry is so important that government initiatives are welcome by the corporate world, not only by the aviation industry but gradually also by shipping industry. The need for more coast guards and tighter customs controls has long since been recognised.

One of the major concerns in the transport sector with respect to enhanced security protection is productivity: increased screening of cargo potentially entails very costly delays and thereby diminishes productivity. Interestingly, the new regulations, for instance the mandatory 24-hour notice of cargo content prior to shipping and the automatic screening of customs which it has entailed, have dramatically improved productivity, in virtue of enhanced coordination and planning. So technology is a solution which everyone accepts. This has been greatly helped by the mutual trust between the government and the industry on issues like information provision from shippers for security assessment through automatic targeting systems that concern the provenance of goods, etc.

The one question that is contentious is how to extend technological progress across the whole sector. But there is wide agreement among the business community that safety and environmental concerns are far more important than profits. The costs of enhanced security has so far been borne to a large extent by the federal government, which is responsible for coast guards, customs, and all policing activities. The industry has covered the costs for vessel and port security in the wake of signing the IMO agreement and without so far charging customers. The total costs for the shipping industry amounts to approximately US $6 billion. In the overall interest of security and efficiency, mutual cooperation, not competition, is the only solution, and there has been corporate commitment to this double objective since the beginning.

Questions and Discussion

The questions and the discussion centred on

- the pros and cons of using biometric information
- the potential role of the UN
- the possible contribution of the insurance sector vis-à-vis the present and future threat of terrorism
- the origins of some of the tensions within the transatlantic alliance

First of all, the use of biometric information is not an end in itself, but a means to check on identity, which, when false or impossible to establish, raises legitimate suspicion. Identity confirmation not only reduces risk but, on account of improved technology, also marks a real progress vis-à-vis the pre-9/11 situation, because broad categories to determine identity (e.g. background, etc.) have been replaced by personalised, precise data, which avoids generalisation. In terms of who should have the responsibility and who might have the legitimacy to establish international standards and the protection of civil rights, some argued that it could be entrusted to already existing international bodies like the ICAO for proposals concerning the aviation industry and for passports. But there are not as yet any commonly accepted norms. Nor is there any straightforward solution to the question of privacy, whether to allow law-enforcement agencies from one country to consult data from law-enforcement agencies from another countries or how to determine and regulate access to EU-wide databases by member-states and non-member-states like the USA.

Secondly, the role of the UN in the fight against terror is important, and the EU is committed to ratifying and implementing all 12 UN anti-terrorism resolutions which have been approved since 9/11. The UN could also help third countries in the global fight against terrorism by providing logistics, technical and financial assistance. It can also act as a guardian of international human rights. Thirdly, on the potential role of insurance companies in providing insurance against the continuous threat of terrorism, it was said that terrorist acts can in principle be considered as insurable. However, the question is what part of the risk are insurance companies prepared to take on. Governments have accepted to accept a certain portion of insurance liabilities, e.g. port terminal activities, but so far purchasable insurance is not very comprehensive.

Finally, the main contentious issue between Europe and the USA is the question of information-sharing, which is already proving very difficult at the national level. Interpol,

which will in future deal with stolen passports, might be a useful mechanism to address some of these problems. But there are also underlying disagreements on issues such as how to deal with failed and failing states, how to tackle poverty and how to resolve particular conflicts. But there is wide agreement on the tough security questions at stake. Ultimately, the USA and Europe have approached these questions from their respective historical backgrounds. While for the USA the real issue has been international security, terrorism and other threats to national security have been part and parcel of European reality in the last 30 years, which explains the higher level of preparedness for catastrophic terrorism in Europe. The key to a successful transatlantic fight against terrorism is to overcome older perspectives and to introduce the notion of 'societal security' and cooperative possibilities. Both are urgently needed given the nature and the scope of the threat, including to bio-security. This would constitute a wholly new dimension of transatlantic relations, well beyond the case of the transport sector.

IV. Fighting Weapons Proliferation

1. Jon Wolfsthal: 'Stopping the Proliferation of Nuclear Weapons'

Any strategy to prevent the proliferation of nuclear weapons to terrorists or failed and failing states can only be effective if it is based on a broad multinational consensus. Recent success stories include the former USSR and Libya, but North Korea and Iran remain a case in point for the limits of a unilateral approach. The current North Korean crisis could spark a wider movement in Asia that might include Taiwan and Japan. Nuclear capabilities in Iran might trigger a hostile response from both Saudi Arabia and Egypt. In this light, the challenge is whether the international community can create, first of all, a synthesis on the basis of real compliance, hard action and intelligence cooperation and, secondly, a broader framework (possibly of a contractual kind). Terrorist networks raise the additional question of how to prevent the purchase or theft of nuclear material.

There is a general lack of security not only on the territory of the former Soviet Union but also around nuclear reactors elsewhere in the world. One way to tackle this problem is to consider all nuclear material that can be turned into nuclear weapons, including nuclear power reactors. Experience from cases as varied as those of Iran, Brazil, the USA and Russia shows that no discriminatory regime is likely to be effective. There is a clear need for universal standards which apply evenly to all states, corporations and individuals. At the same time, there is an equal need for more public exercises preparing for the emergency of an attack on nuclear facilities. Some of the central aspects of such exercises are detection capabilities, communication of intelligence, etc.

Elisa Harris: 'Controlling Chemical Weapons Proliferation'

The ambition of controlling chemical weapons proliferation should be not only to put an end to all proliferation activities, but also to roll back existing weapons programmes. The nature of the problem and the status of chemical weapons proliferation can be described as follows. The threat from chemical weapons stems primarily from national state actors, namely governments, not from terrorists. There is also an indirect threat from secondary proliferation,

i.e. possible spill-over effects from chemical weapons to other threats. The threat from national governments' weapons programmes has not simply increased since the end of the Cold War, it has also evolved: while the number of countries and the amount of chemical weapons has dropped in absolute terms, the quality of chemical weapons has become more sophisticated and there has been an expertise spill over. So the problem is not so much the 40,000 tons of weaponised chemical material in Russia as the spread of knowledge and expertise related to high-tech weapons. There is as yet no evidence that any terrorist network has chemical weapons capabilities, neither in Afghanistan nor anywhere else. Arrests of terrorist suspects across the world have not revealed any hard evidence, except for some incidents like ricin and cyanide. Terrorists will continue to rely on low-level chemical products or on side effects from attacks, e.g. the release of toxic chemicals following an attack on plants, not on high-level chemical weapons.

The most appropriate way to deal with the threat arising from chemical weapons is to pursue a multi-pronged strategy of stopping and rolling back programmes by way of sanctions, export stops, intelligence and, as a last resort, the use of force. Chemical weapons are a national as well as an international problem that requires international consensus and national action. The chemical weapons convention (CWC) has gone a long way towards addressing the problem. In seven years, the number of signatories has increased from 84 to 164 countries. 12 states, which are party to the convention, have closed down a total of 64 production facilities and there have been as many as 1,800 inspections. But some threats remain. First of all, there are still chemical weapons programmes, either on the part of countries bound by the convention and other international treaties (e.g. Iran, Russia, China, India and Pakistan) or on the part of countries outside treaties (e.g. Myanmar and Israel). Secondly, some assessment has been entirely mistaken, for instances in the cases of Iraq and Libya. So there is a clear need to engage in comprehensive information-sharing regarding programmes and proliferation.

The best way to achieve this is to persuade those countries which are party to the convention to implement the provisions and to bring all other countries into the fold of the existing treaties and conventions. More specifically, it is crucial to hold both the USA and Russia accountable for their commitments to destroy chemical weapons within a 5-year deadline and thereby to honour their pledges to countries that have provided financial support, e.g. Germany to Russia. There is also a danger of misnaming some chemicals as non-lethal (such as the gas deployed in the Moscow Theatre Siege of 2002) and to allow for new programmes of chemicals that transgress the international norms, standards and rules as set out in the CWC.

3. Gregory Koblentz: 'Controlling Biological Weapons Proliferation'

A stop to all biological weapons proliferation would the most desirable outcome of international cooperation, but in the foreseeable future control is more realistic. Similar to nuclear and chemical weapons, there is the 1972 convention on biological weapons proliferation, which stipulates the prohibition of production, acquisition and use of such weapons. However, contrary to nuclear weapons, there is no effective verification and no agency like the IAEA. At the same time, the number of states suspected of engaging in the production and the proliferation of biological weapons has tripled. A large part of these countries are party to the convention and as a result are in violation of their commitments, e.g.

Russia and Libya in the 1990s. There are also several important questions that require answers if production and proliferation are to stop. First of all, how was it possible for a group to use lethal gas on the Tokyo underground network? Secondly, why have the perpetrators of the anthrax attacks after 9/11 in the USA never been identified? Thirdly, how to distinguish between the interest and the actual capabilities in deploying biological weapons, e.g. in the case of a terrorist network like Al Qaeda? Finally, what are the skills and resources needed to exploit technological innovations and who is in a position to acquire them?

The single biggest problem in controlling biological weapons proliferation is the multi-use of biological applications, both civilian and military. Most vaccines or pesticides can at the same time be deadly viruses or deadly substances. Countries in potential material breach of the 1972 convention like Iraq, South Africa and Russia are all using legal technologies and purport to pursue legitimate civilian aims. The point is that export controls and multi-lateral initiatives are seriously undermined by dual-use. There is a premium on using biological (rather than chemical or nuclear) weapons because of the nature and scope of dual-use and because of the blurred distinction between defensive or offensive activities. This differs from dual-use in the case of nuclear energy, where there is a clearer qualitative difference between civilian and military use. What is more, the secrecy of biological innovation and production makes control even more difficult. Possible multi-use further complicates intelligence gathering and assessment. The overwhelming part of intelligence successes comes from human sources, e.g. defectors. But such information and intelligence can be highly unreliable, leading either to under-estimation (e.g. former USSR) or to over-estimation (e.g. Iraq).

Another serious problem is the fact that some countries like the USA under the Bush Administration have not only rejected multilateral treaties but also resumed research and development activities in the field of biological weapons. The risks involved in this strategy are to some extent illustrated by the SARS outbreak in Asia in 2003, which was a natural outbreak but which can be taken to foreshadow a terrorist or state-induced outbreak. The transatlantic alliance is crucial to successful control of the production and proliferation of biological weapons. The EU has already undertaken a number of important initiatives on verification techniques, detection and prevention (e.g. R&D). However, such and similar initiatives require adaptation if they are to be used for inspection purposes. The USA has put up US $10 billion to this end, but the EU is still short of US $3 billion.

Questions and Discussion

The questions and the discussion focused on the following 4 aspects:

- the present and future of nuclear arms control
- the interaction between state and non-state actors
- special cases like South Korea, China, India and Pakistan
- the role of multilateral organisations like the UN, the G8 and the EU

First of all, the main challenge to controlling and stopping nuclear, chemical and biological weapons proliferation is the increasing complexity of technological innovation and production, chief of all the distinction between lethal and non-lethal material for either civilian or military use. This increased complexity makes reliable intelligence, comprehensive information-sharing and effective verification even more difficult and important. In response

to the question whether the paradigm of nuclear weapons control could not be extended to chemical weapons, it was said that the nature of the problem is different, in the sense that that chemical weapons require much larger quantities and chemical industry facilities are far more numerous than nuclear plants. As for terrorist use of chemical weapons, it seems that in the absence of direct assistance from national programmes and scientists, terrorists are more likely to resort to commercially available, low-level chemicals or to target chemical industry facilities, rather than acquiring high-level chemical weapons.

Secondly, with respect to the interaction between state and non-state actors, some panellists argued that corporations from Germany, France, Italy and the USA only became cooperative when it was revealed that they had helped build up Iraq's chemical weapons capability. The same is true for some states, which have been reluctant to disclose the nature and extent of their cooperation with 'rogue states'. However, any effective control or end to weapons proliferation requires not only a multilateral approach but also the active involvement of national governments and companies and transnational actors like global corporations and global civil society.

Thirdly, there are a number of special cases like South Korea, China, India and Pakistan. Recent reports on South Korea's alleged nuclear weapons programme are not altogether surprising, as South Korea's capacity to build nuclear weapons capabilities is well-known. However, it has also been assumed that, like about 40 countries, it had so far chosen no to go ahead with the production of nuclear weapons. In fact, South Korea has signed and implemented the additional protocol and declaration, also known as the 1993+2 process, the most comprehensive nuclear inspection process. What has caused surprise is, first of all, the timing of these reports in the context of the multilateral talks with North Korea and, secondly, the source of these reports, whether rogue scientists or state-orchestrated. The question of whether to lift the arms embargo on China, which is in place since the events of 1989, is to a large extent a function of US asymmetrical interest vis-à-vis China and Taiwan. With respect to India and Pakistan, it was argued that some European countries enjoy better relations with them than the USA. This should help address some of the questions that need to be resolved. However, the basic problem is that there is a general tendency to share information about what is not sold, but not about what is sold.

This in turn raises the crucial question about how to share sensitive information as part of a multilateral framework and, concomitantly, what the role of multilateral organisations can be. There are two fundamentally different approaches, either the US focus on 'who' ('good' or 'bad' guys) or the European focus on 'what' (which capabilities). According to some participants, these two dimensions cannot be separated from one another. The question then is how to combine them and what 'division of labour' between institutions is most effective for detection and verification purposes. The IAEA is generally thought of to be best at pinpointing problems. Political will is always a critical component in any strategy, but action is possible even before superpowers get involved. The UN resolution 1540 creates obligations and responsibilities, which could be implemented. The EU has been pushing for more advances, in particular the High Representative for Common Foreign and Security Policy, Javier Solana. The G8 has also exhibited positive trends. More widely, there is a need for a comprehensive public education process involving the media, universities, health care systems, governments, corporations as well as global and national civil society.

V. Coping with Failing States

1. William Zartman: 'Conflict Prevention and Reconstruction – An International Financial Institution Perspective'

According to Professor Zartman, the UN is a place, not a thing; it does not act itself, but countries act in the name of the UN or, more accurately, the members of the UN Security Council (SC) exercise power by authorising action. This is because the UN is a creature of the great powers. The UN defends and furthers – or should defend and further – the interests of its member-states. Moreover, as a multilateral organisation, it should adjust to the interests of the international community of states. There is a crisis of multilateralism because there is disagreement over the nature and the threshold for collective action: what is best accomplished collectively and how best to protect us from the unilateral actions of tyrants? Should a majority in the SC decide such questions? Could the formal authorisation to take action be decided by a smaller majority than the active majority in the SC?

Secondly, the notion of sovereignty needs to be reconfigured. Sovereignty should be thought of as responsibility, and no longer as the right or duty to intervene in small states. Responsibility means responsibility for welfare, on the part the sovereign state itself or, if a state fails to assume this responsibility, on the part of other sovereign states. So there should be a shift from the right to intervene towards the responsibility to protect. In this context, it is important to realise that state failure is a gradual process, not a definite condition. The timing of any intervention is complex because it could occur when a state is failing, when it is failed or when it has collapsed. There are however some measures and tools which can be deployed for UN-authorised action. One such measure is early prevention of state failure or collapse, by assessing the standards and performance of core sovereign functions of any state. These functions include

(a) democratisation (promotion of democracy and rule of law, e.g. free and fair elections)
(b) ethnic relations (minority community rights, guidelines on population displacement, etc.)
(c) absence of corruption
(d) human rights
(e) fiscal responsibility

The main problem is that there is no consensus in international law on these core sovereign functions. As a result, there is no legal responsibility to help enforce norms and standards. This absence of clarity calls for multilateral initiatives and coalitions capable of effectively assuming the 'responsibility to protect'. Among the principal challenges, there is the question of how to deal with early or late conflict prevention and how to manage post-conflict situations. One way is to pursue parallel communication and dialogue between different actors and friendly nations, especially in cases where UN cannot act. Mediation and direct intervention are further options with which to save states under pressure from imminent conflict. Deposing egregious leaders and changing regimes cannot be excluded a priori.

2. Esther Brimmer: 'Security – Military Measures, Prevention and Intervention'

Military action can never be an end in itself, but only ever a means to something else. One way to think about military action as a means to an end is prevention, which can encompass the threat of the use of force, the deployment of forces, so-called 'trip-wire' mechanisms and the actual use of force to implement existing UN resolutions or assist humanitarian actions. Prevention thus construed can take the form of rapid intervention to forestall the collapse of states, which would have been a possible course of action in Rwanda prior to the 1994 genocide. The NATO rapid reaction force is an example of this sort of use of military action. The EU is also moving in this direction and it is entirely conceivable to develop closer cooperation between trans-regional organisations like the EU and NATO for similar purposes.

Broadly speaking, any multilateral framework for the use of military force should take into account the following two aspects. First of all, a just cause that justifies the resort to force (*ius ad bellum*), e.g. a humanitarian threat. Secondly, a just conduct in war (*ius in bello*), including the humane treatment of prisoners and the impact of the use of force on civilians. In this context, four issues stand out:

(1) the shared responsibility in any multilateral approach
    a. can one state act preventively on behalf of another state or other states?
    b. do more resources imply an enhanced responsibility to act?

(2) the legality of the use of force: from the point of view of legality, who can authorise the use of force?
    a. the UN SC?
    b. NATO?
    c. the EU?
    d. the OSCE?
    e. The West African Union?

(3) the legitimacy of the use of force:
    a. are humanitarian interventions legal and legitimate?
    b. can legitimacy be determined *ex ante* or only *ex post*?

(4) the efficacy of the use of force: how to attain the ends of any given intervention quicker and better?

A study by the German Marshall Fund suggests that the legitimacy of the use of force is enhanced by a multilateral approach. For example, there would be broad popular support for the use of force if there were a UN mandate for troops in Iraq. Similarly, NATO and the EU are seen to be more legitimate than any single country.

Multilateralism can be made more effective in the framework of the transatlantic alliance. The rule of law and the respect for human rights and law enforcement at home are crucial aspect in order to act with credibility and effectiveness abroad. On this account, the transatlantic disagreement on Darfur is a disaster in terms of conflict prevention and crisis management. If the UN fails to act (due to wielding of veto power or lack of determination), then the principles which should prevail are, first of all, the prevention of conflicts, not pre-emption,

and, secondly, the responsibility to protect, rather than the right to intervene. Neither principle excludes the actual use of military force to impose existing UN resolutions. But both ensure that the use of force is a last resort and that it is not an end in itself, but a means to prevent or manage a conflict.

3. Mark Suzman: 'Democracy Assistance and Nation Building'

From an operational perspective, issues of political will and procedures are critical. The point is that we still do not really know what to do with failing, failed and collapsed states. This is because state failure or collapse is frequently the result of long-running domestic disputes without any immediate relation to the wider international context. This is not to say that democracy assistance is a separate aspect of nation building; much rather, it is − or should be − an inherent dimension of nation building.

Operationality raises at least five issues:

(1) security:
   a. not only how and when to intervene militarily
   b. but also how to achieve and maintain security within the country of intervention
   c. 'blue helmets' are not the only tool; regional and bilateral initiatives are also emerging

(2) locally driven and owned plans for reconstruction and recovery
   a. the common framework for reconstruction and development must be domestic, not externally imposed
   b. this is superior both to multilateral and bi- or unilateral approaches

(3) there is a need for significant international support
   a. neutral arbiters like UNDP
   b. sectoral expertise provided by the World Bank
   c. the crucial question is how to combine and coordinate these different aspects and levels of action

(4) the provision of funds, both short- and long-term

(5) the necessary and sufficient scale and scope of assistance
   a. the perennial mistake to underestimate both, as highlighted by the experience in Afghanistan and Iraq
   b. a 10-year framework is minimum
   c. there are some success stories: Mozambique has seen a 3rd successive democratic election, double-digit growth, steady, regular international assistance of about US $ 1 billion every year

More specifically, how appropriate is democracy assistance? What is role of nation building? There is a clear and significant correlation between poverty and conflict, which means that democracy is necessary but not sufficient. When, what kind and how is democracy assistance to be provided? Democracy assistance can take the form of concrete help with elections (e.g. voters' lists, sustainable structures, operational and logistical issues). But, more importantly, it should also encompass the building and sustaining of a long process of state reform (including the judiciary and extra-governmental structures), which takes a minimum of 5-7 years and is a long, drawn-out route, with inevitable mistakes. The point is that any exclusive focus on

elections is misguided because elections can only be successful if they mark the end-point of a process of nation-(state-)building.

Questions and Discussion

The questions and the discussion centred on the following four aspects:

- the usefulness of the 'just war' criteria
- the relation between the UN SC and trans-regional organisations
- the USA and international law
- the question of Iraq

First of all, it was said that both the classical doctrine of state sovereignty and self-determination and the new doctrine of responsibility to protect protection have their own specific problems. Moreover, in the 1990s, the threat of sanctions or military interventions lacked credibility. Taken together, these two problems warrant the use of other criteria, like just cause, military action as a last resort and just conduct in war.

Secondly, it is conceivable and desirable to involve trans-regional organisations in conflict prevention, crisis management and peacekeeping missions. However, the UN SC should continue to wield supreme sway, in the sense of a forum where to start engaging the international community. It is important to maintain the primacy of the UN SC as a means of protection from regional hegemony. But it is equally important that regional organisations are given a genuine role as if they echo UN standards.

Thirdly, asked about whether the USA is in breach of international law, some panellists said that this is an open question, while others firmly denied it, arguing that international law is ambiguous about military intervention and that existing UN resolutions justified a recourse to military action in Iraq.

Finally, there was a fundamental disagreement on Iraq. In relation to a question about when the Western perception of Iraq changed and why, some panellists asserted that this is part of history and does not fall within the purview of the conference. Others argued that there could be no defence of the Iraqi regime prior to the US-led occupation. Iraq was perhaps not a failing, failed or collapsed state under Saddam Hussein but certainly autocratic, totalitarian and failed in terms of the core sovereign functions, e.g. humanitarian responsibility vis-à-vis its own populations. It was also said that no state in the world is a perfect democracy, but only ever in a process of democratisation, which requires close supervision. Equally, the perception of Iraq changed when the USA reconsidered their policy regarding the Middle East. Europe was simply very slow to follow this change in perception.

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