

**Human Security and Coherence within the EU:  
The Case of the 2006 UN Small Arms Conference**

---

**Javier Alcalde and Caroline Bouchard\***

---

**Introduction<sup>1</sup>**

In recent years, the EU has reiterated its commitment to play a greater global role and actively participate in international organizations. In particular, the EU has pledged to work toward the strengthening of the United Nations. The EU's influence on negotiations at the UN can be affected by the EU ability to “speak with one voice”, to demonstrate coherence.

---

\* Javier Alcalde is a PhD Candidate at the European University Institute at Florence, Italy.  
Caroline Bouchard is a PhD Candidate at the University of Edinburgh, UK.

<sup>1</sup> The authors would like to thank their interviewees, who were kind enough to share their experiences and knowledge, three anonymous reviewers, the editors and the coordinator of this Special Issue for their constructive comments. Caroline Bouchard wishes to thank UACES for supporting this research project. Javier Alcalde wishes to thank the Juan March Foundation.

Since the early 1990s, the UN has been increasingly active in the policy area of human security. The United Nations Development Programme (UNDP) first used the concept of human security in its 1994 Human Development Report. The report argued that the scope of global security should be expanded to include threats in seven areas: economic security, food security, health security, environmental security, personal security, community security and political security.<sup>2</sup> Human security was thus put forward to describe new security concerns and to emphasize the shift from a state concerned security to a people-centered approach to security.

The EU has presented itself as an important actor in the promotion of concrete actions on several human security issues, such as the prohibition of landmines and the current negotiation process on cluster bombs. This paper examines the coherence of the EU as an actor at the UN and whether coherence issues affected the EU's effectiveness in a specific case of human security negotiations:<sup>3</sup> the 2006 UN Small Arms Review Conference. The paper suggests that although the EU appeared to show some consistency (horizontal, vertical and institutional) the EU was unsuccessful at the Review Conference. To the EU, the NGOs and other actors' disappointment, the Review Conference failed to adopt a final document.

---

<sup>2</sup> The components of human security are defined as follows: economic security: an assured basic income, minimum job security, while the threats to economic security are rampant uncontrolled inflation, economic depression and financial crises; food security: questions of access often are in fact more important than simply "having enough to go around", the threats come therefore from unequal distribution, while obviously famine and starvation due to real food shortages are the worst case threats; health security: death and illness linked to poverty, unsafe and unclean environments, access to healthcare, and the problem of pandemics such as HIV/AIDS and infectious diseases; environment security: degradations of local and global ecosystems, one of the major challenges being access and cleanliness of water; personal security: against threats of sudden physical violence exercised by the state, by other states in war, or from other individuals from other groups due to ethnic tensions, also encompassing specific personal security of women against violence and exploitation, or of children against all forms of child abuse; community security to tackle threats such as intra-community strife, tensions, or hurtful practices directed against certain members of the community, such as women; political security against torture, political repression, ill treatments and disappearances. See UNDP 1994. On the concept of human security, see also Lodgaard 2000 and Paris 2001.

<sup>3</sup> The concept of effectiveness can be understood from different points of view. As it will be explained in the next section, the EU's effectiveness is considered as the achievement of the broader small arms and light weapons (SALW) policy objectives expressed in the various EU documents. The absence of agreement on a final document in the 2006 Review Conference will show that the EU has been unsuccessful.

The paper begins by proposing an analytical framework based on a multilevel game approach to explore the link between the coherence of the EU and its effectiveness at the Review Conference. It explores the ways in which a complex web of actors and institutions interact at three different levels: UN, EU and domestic. By using this analytical framework and various qualitative methods such as expert interviews, documentary analysis and participant observation, this paper aims to examine the factors which might have hindered the effectiveness of the EU at the 2006 Small Arms Review Conference. Finally, the paper discusses whether these factors are linked to problems of coherence within the EU.

### *1. The European Union at the 2006 Review Conference: achieving coherence in a multi-level game*

To grasp the factors that might have affected the EU effectiveness at the Review Conference and to identify if these factors are related to problems of coherence, our analytical approach takes into account not only the complex nature of the EU as an international actor, but also the ways in which a complex web of actors and institutions interact. In the next section, the paper suggests an analytical framework that uses different categories of the concept of coherence and a multilevel game approach to examine the factors affecting the effectiveness of the EU at the 2006 Small Arms Review Conference.

Effectiveness is a concept often used to discuss the EU's role in international affairs. Yet, it is rarely defined.<sup>4</sup> For the purpose of this paper, effectiveness will be defined as the EU ability to attain its objectives at the Review Conference. With regard to this UN conference, the EU had a clear objective: the EU wished the Review Conference to adopt "a forward looking and substantial outcome document".<sup>5</sup> The effectiveness of the EU will be thus evaluated on the basis of progress made towards this goal.

---

<sup>4</sup> For a discussion on the concept of the EU's effectiveness see Laatikainen and Smith 2006.

<sup>5</sup> See Statement on behalf of the EU, UN Conference to Review Progress Made and the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in all its aspects. New York, 26 June 2006.

### 1.1 *The Coherence of the EU in International Negotiations*<sup>6</sup>

The importance of “coherence” in EU foreign-policy making was recognized early on by the Member States. The Single European Act (SEA) emphasized the responsibility of the European Union to speak with one voice and to act with consistency and solidarity. The Treaty of Maastricht, with the creation of the Common Foreign and Security Policy (CFSP) and the position of the High Representative for the CFSP, aimed to address some of the EU’s coherence problems in its external affairs. The Treaty also accentuated the importance of consistency across the newly created pillars. Smith argues that the institutionalization of the EU’s competencies for its external relations has in fact created more uniform methods and solutions for the EU in dealing with external problems (Smith 2001: 192). In contrast, some observers claim that the nomination of the High Representative for CFSP and the creation of other CFSP institutions have not necessarily improved the EU’s coherence or for that matter its effectiveness. In reality these characteristics of the CFSP may slow down the process of responding effectively to crisis-situations and in some ways reduce the effectiveness of the EU’s external policy (Sjursen 2003: 37).

The literature on CFSP suggests that the EU is still struggling with problems of consistency and it remains sceptical about the capability of the EU to be a coherent actor.<sup>7</sup> Sjursen notes that the EU as a global actor suffers from coherence problems both vertically and horizontally. Problems of vertical coherence may occur when the foreign and security policies of individual Member States do not fit together with policies decided at EU level. On the other hand, problems of horizontal consistency are linked to the EU being involved in various external activities that are part of different pillars. If these activities are not consistent with each other and do not strengthen each other, then the EU may experience horizontal inconsistencies (Sjursen 2003: 37) As Nuttall rightly stresses “as long as the EU organises its affairs in separate Pillars, consistency will need to be managed” (Nuttall 2005: 96).

---

<sup>6</sup> The terms “coherence” and “consistency” will be used interchangeably in this paper. As Nuttall notes: “ ‘consistency’ is the officially preferred term in English, ‘coherence’ is used in French, and in many other European languages, and may well have a broader signification” (Nuttall 2005: 93).

<sup>7</sup> See, *inter alia*, Peterson and Sjursen 1998 and Bretherton and Vogler 2006.

The purpose of this paper is to examine the EU's coherence in international negotiations on small arms and light weapons (SALW). The production and export of SALW remains within the competence of EU Member States. EU actions on small arms have to be agreed within the Common Foreign and Security Policy (CFSP) framework. Given that EU Member States remain in charge of foreign and security policy matters (unless they agree otherwise), the Commission has only a subsidiary role in international negotiations on CFSP issues. However, the Commission recently designed several development programmes to directly address the negative consequences of the proliferation of SALW. The response of the EU to the problem of SALW has now become a cross-pillar issue, thus having the potential to create consistency problems. This will be explored by using two broad categories of consistency as defined by Nuttall (2005). The first category is horizontal consistency (which includes institutional consistency). The second category is vertical consistency.

Horizontal consistency focuses on the various policies of the EU. These policies, though may have different objectives, should aim to be consistent with each other. To illustrate this category, Nuttall notes the example of existing problems of incoherence between the Common Agricultural Policy (CAP) and the EU's development policy. In the case of EU policy on SALW, consistency problems could potentially arise at least between two main policy areas: its security policy and its development policy. A particular subgroup of horizontal consistency is institutional consistency. Nuttall notes that this categorisation contains particular characteristics and may be seen as a separate category (Nuttall 2005: 99). However, in this paper, institutional consistency will be considered as part of the category of horizontal consistency. Institutional inconsistencies stem from the fact that external relations in the EU are managed by two different branches with different decision-making procedures and different approaches to solve the same issue. The question of "who is responsible for what" (the Commission or the Member States) in the EU external affairs is a key issue in this category. In the case of SALW, both the Member States under the Common Foreign and Security Policy (CFSP) and the Commission have pledged to combat their proliferation. As we will see, the approach taken by these two sets of actors is quite different. One should note, however, that in negotiations at the UN, the Member States remain the dominant players and the Commission's leeway to participate

in negotiations is dependent on their willingness, more particularly on the Member State holding the Presidency.

Vertical consistency refers to the coherence between the national policies of the Member States and the policies approved at the EU level. This type of consistency is usually difficult to manage, as it is the most politically delicate, especially in the case of CFSP policies. EU Member States remain the central players in this specific policy area, since the European Court of Justice has no jurisdiction in CFSP. Member States rarely have to face consequences if they do not follow the EU position. Nuttall points out that even with the introduction of CFSP instruments, such as joint actions and common strategies, the responsibility of the Member States to comply with the EU position is never absolute (Nuttall 2005: 117). Problems of vertical consistency regarding CFSP issues such as SALW touches upon the willingness of EU Member States to cooperate on foreign policy matters.

As the analysis of the 2006 SALW Review Conference will reveal, various problems of consistency emerged during the negotiations. We will suggest that, from a theoretical point of view, Nuttall's typology might need to be sophisticated to be helpful for our analysis. As shown by Figure 1, we argue that each category of coherence (vertical/horizontal) can be related to two aspects: aspects of policy content, but also aspects of representation, both between the different players (vertical) - Members States and EU institutions -, and also between the different policy areas (horizontal). In our case, the 'representation aspect' relates to the external representation of the EU as an actor in multilateral settings.

Figure 1. A typology of coherence problems

	<i>Content</i>	<i>Representation</i>
<i>Horizontal</i>	Conflicting priorities between policy areas and/or between different branches	Coordination problems between policy areas and/or between different branches.
<i>Vertical</i>	Conflicting priorities between Members States and EU priorities.	Coordination problems between EU Member States

Own elaboration, built from Nuttall's (2005) categories

In other words, EU Member States can act coherently or incoherently in multilateral settings regarding the content of their priorities, i.e. policy (in)coherence, but also of their

representation, i.e. coordination (in)coherence.<sup>8</sup> As we will see, in our empirical case, while the EU appeared to have a cohesive position regarding priorities at the beginning of the negotiations, this position gradually crumbled. Moreover, the national positions of the Member States in the end seemed to overshadow the position agreed at the EU level and created emerging problems of coordination vis-à-vis third parties.

### ***1.2 The EU in international negotiations: a multilevel game approach***

The study of the EU as an international actor has challenged theorists (Tonra and Christiansen 2004). The EU represents a double challenge for mainstream IR theories: it is neither a state, nor a typical intergovernmental organisation. Rational theories tend to assume that states are rational “unitary” actors with fixed preferences and the ability to adopt various strategies to achieve their preferred outcomes. Yet, it is difficult to consider the EU as a unitary actor in the international system, especially in the context of negotiations at the UN. First, the EU is not a member of the UN and the EU Member States remain the main players. Second, other EU actors, such as the Commission as well as different levels of decision-making, need to be considered to understand the behaviour of the EU as an actor at the UN (Farrell 2006: 33-36). As Elgström and Strömvik (2005) point out, EU actors involved in international negotiations have not only to consider the positions of other international actors, but also the bargaining process with the partners at the EU level as well as domestic negotiations. This reality has prompted a number of scholars to adopt a multilevel game approach based on a n-level game to study the EU as a global actor.

Scholars, such as Robert D. Putnam (1988), have argued that international agreements should be viewed as the product of a multilevel game. More specifically, Putnam argues that international negotiations should be decomposed into two different stages (a “two-level game”). The first stage consists of negotiations to achieve a provisional agreement at the international level (Level I). The second stage entails negotiations at the domestic level (Level II) within various groups about whether to accept, or ratify, the provi-

---

<sup>8</sup> It has to be noted that even if all cells have been presented for analytical purposes, the problems of *horizontal representation* are theoretically less likely to be present in multilateral forums, where the EU negotiators should have already done the horizontal coordination work at the EU level.

sional agreement. In this two-level game, each side is represented by a “chief negotiator”, or “chief of government”, who plays at two levels (Evans 1993: 399). Putnam’s approach implies that the two games are played simultaneously. Decisions taken at one level can have a direct effect on negotiations at the other level. Thus, strategies and outcomes at different levels of the game simultaneously affect one another. According to Putnam, the crucial link between international negotiations and domestic politics lies in the necessity of ratification; in order for negotiations to be successful, the chief negotiator must not only reach an agreement at the international level, but also assure that the agreement will be accepted, or ratified, at the domestic level. Furthermore, any modification added to the Level 1 agreement counts as a rejection of the agreement unless all the other parties to the agreement approved the modification. The multilevel game approach thus depicts diplomacy as “a process of strategic interactions in which actors simultaneously try to take into account of and, if possible, influence the expected reactions of other actors, both at home and abroad” (Moravcsik 1993: 15).

A number of studies have applied Putnam’s two-level game to the analysis of the EU’s external relations (Meunier 2000; Collinson 1999; Patterson 1997). In most of these analyses, the two-level game was adapted to become a three-level game. The three levels can be defined as follows: Level I remains the international level, or in our case the UN level. Level II becomes the European Union level, where negotiations mainly take place in EU institutions and involve various EU actors. Finally, the third level is the domestic level.

Collinson (1999) points out that the key EU negotiators at Level I are not always the same individuals playing at Level II and Level III. In addition, negotiations at Level I may involve more than one actor and each one may represent different interests (as in the case of the Member State holding the EU Presidency). This paper recognizes that the variation of negotiator does pose an analytical problem, but only if the dynamics of the three-level games are different from the two-level game. To overcome this obstacle, one must make sure that the links between the three levels of negotiations are still present. This paper suggests that officials from foreign ministries constitute the interface between the three levels of negotiations: they are part of their national delegation, they coordinate with their colleagues from the other EU Member States and they participate in the UN negotiating forum.

The multilevel game's approach in this paper will be used to examine the factors that might affect the EU's effectiveness, but also to explore potential problems of EU coherence at the Review Conference.

## ***2. Case Study: The UN Small Arms Review Conference: A Missed Opportunity for the EU?***

Small arms and light weapons (SALW) are responsible for the majority of armed conflict deaths and are used in more than 40% of homicides in the world. In 2006 the estimated number of SALW in existence was around 640 millions (Small Arms Survey 2006). Following the sudden increase of the global arms trade after the end of the Cold War and their use in the internal conflicts in the 1990s in Rwanda, Somalia and in the Balkans, numerous states, international organizations and NGOs focused on the proliferation of SALW as the next human security issue to be addressed by the international community. At the UN, the adoption of a comprehensive ban of SALW was never considered as a realistic option. Small arms are used by armed forces and police forces around the world and are legally owned by civilians in many states. In the late 1990s the UN recognized that a much broader approach would be needed to effectively deal with the effects of this type of weapons. The EU became one of the most vocal actors to support UN initiatives to stem the proliferation of SALW.

The EU's involvement in this area can be explained by a number of factors. First, several EU Member States were (and still are) important exporters of small arms.<sup>9</sup> These states began to recognize that an increasing portion of their small arms production was being "recycled" and illegally sold on the global arms market and used in conflict areas (see Small Arms Survey 2003). In addition, systematic studies showed that large quantities of arms were smuggled through the EU and brokered by EU companies and individuals.<sup>10</sup> Second, EU activities in the areas of development assistance, humanitarian aid and con-

---

<sup>9</sup> In 1995 the EU accounted for 33% of the total arms export. See Eavis/Benson 1999: 89. Currently, at least 1,134 companies in 98 countries worldwide are involved in some aspect of the production of small arms and/or ammunition. The largest exporters of SALW by volume are the EU (e.g., Belgium, Germany, France, Italy and the UK) and the US. .

<sup>10</sup> See Saferworld 1998.

flict prevention were directly affected by the proliferation of small arms. In 1997, the EU took a first step to address the small arms issue by adopting a political declaration, the *Programme for Preventing and Combating Illicit Trafficking in Conventional Arms*. The Programme was followed by a series of other initiatives. In June 1998, the General Affairs Council formally adopted the *EU Code of Conduct on Arms Exports*, a document that is not legally binding. However, EU Member States agreed to apply the Code of Conduct and its common criteria when assessing application to export arms and to share information on export control policies.<sup>11</sup> A few months later, the first Joint Action on SALW (1999/34/CFSP) was approved by the Council of Ministers. It suggested objectives and measures to combat the destabilizing accumulation and spread of SALW and provided financial and technical assistance to specific actions in this field. In December 2000 the EU presented a *Plan of Action* on small arms to the UN General Assembly. The Plan of Action stated the EU's priorities with regard to national, regional and international initiatives on small arms. More importantly, the Plan also supported the elaboration of a legally binding agreement to restrict the production and trade in small arms.<sup>12</sup>

The EU's efforts to reach an international agreement on small arms were supported by the creation in 1998 of the International Action Network on Small Arms (IANSA), a global network of civil society organizations working to stop the proliferation and misuse of small arms and light weapons.<sup>13</sup> The EU and IANSA first collective effort was to focus on the promotion of a UN conference on small arms and introduction of stringent international commitments. However, several states, including the United States, were more apprehensive about the conclusion of international agreements on the regulation of the trade of small arms. These states privileged national or regional approaches over the adoption of global guidelines (Small Arms Survey 2006; Bondi 1999). These States actively lobbied for the UN conference to only focus on the *illicit*, and not the legal, trade of small arms.

---

<sup>11</sup> See European Union, *EU Code of Conduct on Arms Exports*, Council document 8675/2/98 Rev.2, Brussels, 8 June 1998. This Code stipulates that arms should not be sent to countries where there is a clear risk that they might be used for external aggression or internal repression.

<sup>12</sup> UN Document A/Conf.192/PC/21

<sup>13</sup> See [www.iansa.org](http://www.iansa.org)

Despite some unenthusiastic support from several UN members, the *United Nations Conference on the Illicit Trade of Small Arms and Light Weapons in All Aspects* opened in New York on 9 July 2001. A few weeks before the beginning of this Conference, the European Commission, with the support of the Swedish Presidency, published a report entitled *Small Arms and Light Weapons- The response of the European Union*. The report stated the EU's objectives for the UN Small Arms Conference which included the implementation of international exports controls and principles, the development of international instruments on marking and tracing and on arms brokering and the need to address the issues of civilian possession and transfer to non-state groups.

Negotiations were difficult at the 2001 Conference. The US refused to support an international agreement that would focus on the legal trade and manufacturing of SALW, regulate small arms transfer to non-state actors or prohibit civilian possession. The African bloc, the region most affected by the proliferation of small arms, also rejected to compromise on the issues of civilian possession and transfers to non-state actors. Negotiations concluded on the morning of 21 July. A politically (not legally) binding document, the *Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, was adopted by consensus later that same day. It suggested a broad set of measures to tackle the illicit trade of SALW. A Review Conference of the *Programme of Action* was also planned for 2006. Several international actors, including the EU welcomed the adoption of the *Programme of Action (PoA)*, but also insisted that stronger commitments and efforts were needed from the international community.<sup>14</sup> The Small Arms Review Conference would be a crucial opportunity for the European Union and the international community to reaffirm their commitment to stop the proliferation of SALW.

---

<sup>14</sup> In this sense, in its final statement the President of the Conference expressed his "disappointment over the Conference's inability to agree, due to the concerns of one state [the United States], on language recognizing the need to establish and maintain control over private ownership of these deadly weapons and the need for preventing sales of such arms to non-state group". See United Nations, Annex- Statement by the President of the Conference after the adoption of the Programme of Action to Prevent and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its aspects. *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects*, New York, 9-20 July 2001 (A/CONF.192/15)

In the next sections, the proposed analytical framework is used to examine the EU's coherence and effectiveness at the 2006 Small Arms Review Conference. All three levels of negotiations are analyzed to identify the factors that might have influenced the EU success during the negotiations. The paper focuses first on negotiations at the EU level (Level II) to explore the EU approach, which shaped negotiations at the UN (Level I). Finally, a discussion of some of the actors and the policy-making processes in the domestic arena (Level III) is also included.

- *Negotiations at the EU level*

Negotiations at the EU level prior to the 2006 Review Conference concentrated on achieving coherence in the different dimensions we have highlighted. Following the 2001 UN Small Arms Conference, the EU Member States and the Commission remained active on this issue. While the Commission continued to manage a number of initiatives in various part of the world, SALW was still considered by the Member States as a CFSP issue. At the EU level, the Council of Ministers and, more specifically, the Council of General Affairs and External Affairs and two of its working groups (COARM, the working group on conventional arms exports; and CODUN, responsible for the coordination between the EU Member States at the UN) remained the key players in this area.

In July 2002 the Council adopted a new Joint Action (2002/589/CFSP), which replaced the 1998 Joint Action. The new Joint Action had a geographical focus (Africa, Asia, Latin America and the Balkans) and several objectives: to combat the destabilizing spread of SALW and to reduce existing accumulation of SALW and their ammunitions in these regions. In the following year, the EU continued to strengthen its approach to SALW and strive towards vertical consistency by adopting a Common Position on the controls of arms brokering (2003/468/CFSP). The Common Position established a clear legal framework and requested from the EU Member States to adopt the necessary national measures to control arms brokering activities on their territory.

---

Moreover, the PoA revealed that key issues, such as controlling arms transfers and arms marking and tracing, would require follow-up negotiation. See e.g. Greene 2002.

During its EU presidency in the second half of 2005 the UK, one of the most active actors on SALW, undertook several initiatives to address this issue at the EU level. First, with the *Control Arms* campaign and the British NGO *Saferworld*, the UK organized a meeting in Brussels in October 2005 to discuss an Arms Trade Treaty (ATT) with representatives from EU Member States, the European Commission and the European Parliament, as well as various European NGOs.<sup>15</sup> The ATT would create legally binding controls and international standards on arms trade. The ATT rapidly gained support among the EU Member States as it would introduce global standards similar to the EU Code of Conduct, thus ensuring that EU arms manufacturers would not be disadvantaged in the global market. By the end of 2005 the General Affairs Council supported the idea of an international treaty to establish common standards for the global trade in conventional arms.

Second, with the preparatory sessions of the Review Conference scheduled for the beginning of January 2006, the EU Member States, backed by the Commission, recognized the need to address vertical and, to a certain extent, horizontal coherence. The *EU Strategy to combat the Illicit Accumulation and the Trafficking of SALW and their Ammunitions* was adopted by the European Council on 15-16 December 2005. The Strategy, which is linked to the 2003 European Security Strategy, is presented as a guidance tool for all EU activities in the area of SALW. It highlights the need for an integrated approach to combat the illicit trade of SALW. It also outlines measures to be taken at the global level, but also within the EU. At the EU level, the Strategy's Action Plan calls for an effective response to the accumulation of SALW and for the establishment and development of the necessary structures within the EU to deal with the issue. This includes the strengthening of the Council Secretariat's capabilities to ensure a coherent application of the strategy by working in close cooperation with SALW experts from the Commission and Member States. The Strategy also promotes greater horizontal coordination and exchange of information between the Council's experts groups both geographical and thematic (CODUN, COARM, etc). Finally, the Strategy stresses the need to ensure consistency

---

<sup>15</sup> The global Control Arms Campaign was launched in 2003 by three UK-based NGOs: Oxfam, Amnesty International and IANSA to support the Arms Trade Treaty. The idea of an international Arms Trade Treaty was first put forward by a group of Nobel Peace Laureates in 1995 with the aim of limiting the spread and misuse of conventional arms, both light and heavy.

between the Council decisions in the CFSP framework and actions implemented by the Commission in the field of development aid.

With the adoption of its Strategy on small arms, the EU aimed not only to address coherence problems, but also to demonstrate that it could speak with one voice on this issue. Yet, the EU Strategy on SALW was the result of negotiations and compromises at the EU level. For instance, the Strategy was adopted “to combat illicit accumulation and trafficking of SALW and also their ammunition”. The fact that ammunitions were included in the title of the Strategy seems to indicate that certain states for which ammunition was a main concern must have pressed for this issue to become a priority for the EU. As the next section will show, Germany and France were part of these countries that called for action regarding the accumulation of ammunition. Furthermore, the EU Strategy supports the adoption of a legally binding instrument on marking and tracing. This clearly reflected the priorities of states such as the UK. The EU Strategy suggested that although the EU Member States agreed that the international community should act to tackle the proliferation of SALW, they had different priorities with regards to what measures should be adopted.

The EU Strategy on Small Arms gives a central role to the Council and the Member States in the campaign against the spread of SALW. Yet, it does acknowledge the role of another EU institution: the European Commission. Human security issues such as the production and trade of SALW do not generally fall into the competence of the Commission as they are considered CFSP issues. However, the Commission is responsible for the European Community actions in the field of humanitarian and development assistance, which are considered by many as intrinsic parts of human security. Following the 2001 Small Arms Conference, the Commission created several SALW-related programs using different lines of budget and the European Development Fund (EDF) to fund SALW related assistance in ACP (African, Caribbean and Pacific) countries and Overseas Countries and Territories (OCT). Furthermore in October 2004 the European Commission funded a wide-ranging research project on “Strengthening European Action on SALW and Explosive Remnants of War”. This study focused on some of the consistency problems of the EU SALW policy and was carried out by the UN Institute for Disarmament Research (UNIDIR). Although the research project was initiated before the adoption of the EU Strategy on SALW, it was only completed in June 2006. The study, which was

presented as complementing the EU Strategy, was mainly funded by the Commission, but it also received additional funding from the UK. While the report's aim was to offer suggestions on how the EU as a whole could become more effective in the area of SALW, it focused primarily, but not exclusively, on initiatives that could be carried out by the Commission. The final report of the study covered all SALW-related activities funded by the different institutional branches. It suggested that problems of (both content and representation) institutional consistency (mostly between the Council and the Commission) were inevitable and should be addressed by the EU.

Thus the UNIDIR report highlighted an important issue: EU SALW policy suffered from some consistency problems. In the years between the 2001 Small Arms Conference and the 2006 Review Conference, the Commission and the Member States had adopted different approaches regarding the small arms issue. As a recent opinion of the European Court of Justice (ECJ) demonstrates, the Commission centered the debate on SALW on its policy of development cooperation.<sup>16</sup> The Commission argued that the campaign against the proliferation of SALW had become an integral part of the policy of development cooperation and should fall within the scope of the competences conferred on the Community in that field. In contrast, the Member States argued that the campaign against the spread of SALW was an issue of disarmament and arms control. It should thus not fall within the Community's competences as the main aims of the EU policy on SALW are preserving peace and strengthening international security. At the opening of the Review Conference in June 2006 the debate between the Commission and the Member States on the EU SALW policy was still in progress.<sup>17</sup> With the adoption of a Strategy on small arms, the EU wished to address potential consistency problems. Yet, some of these consistency problems, both within the content and the representation dimensions would affect the EU's ability to be an effective actor at the Review Conference.

---

<sup>16</sup> See Opinion of AG Mengozzi in ECJ Case C-91/05, *Commission of the European Communities vs. Council of the European Union*, pending, 19 September 2007.

<sup>17</sup> In fact, the EU's agenda in the 2006 Review Conference was indeed a compromise between the Member States in order to ensure horizontal content coherence. This fact may have played a role in the development of the negotiations, as other main players at the conference may have been aware of this.

- *Negotiations at the UN level*

The Preparatory Committee of the Small Arms Review Conference met in New York in January 2006. At this Committee, the EU multiplied its efforts to convince other states to support the adoption of strong international commitments. The EU also presented its Strategy on SALW, which, in the framework of the PoA, supported the adoption of a legally binding international agreement on the tracing and marking of SALW, the creation of a group of experts on brokering, the strengthening of exports control and the inclusion of minimum common international criteria and guidelines for controls on SALW transfers. This EU strategy aimed not only to ensure that the EU security strategy and its development policy were consistent, but also to contribute to enhance the credibility of the EU as a policy advocate on the issue of SALW, i.e. the horizontal and vertical content dimensions (see fig. 1).

While the EU Strategy attempted to address issues of horizontal consistency, problems of coordination between the Member States emerged at the Preparatory Committee, i.e. vertical representation incoherence. Several EU Member States campaigned for the Review Conference to concentrate on specific issues, which reflected their national interests. For example, France and Germany emphasized the need to combat the illicit trade of ammunitions. At the same time, the Netherlands and the UK presented a working paper on the negative humanitarian and development impact of the illicit trade of SALW and recommended that the link between SALW and development should be clearly spelled out in the final document of the Conference. With EU Member States campaigning for different issues to be included in the final document, it became unclear which of these issues were considered the priorities for the EU and on which of them the EU would be willing to compromise.

Negotiations were arduous as a number of states including the United States, Iran, Israel and Egypt refused to compromise on certain issues. There was a general agreement among states, including EU Member States, that the Review Conference should not renegotiate the existing Programme of Action, but rather complement or enhance the PoA and its implementation. However negotiations reached an impasse on issues such as civilian possession or transfer to non-state actors. Negotiations at the Preparatory Committee ended on 20 January without agreement on a final draft to forward to the Review Confer-

ence. The Chairman produced a conference room paper, but, to the EU's dismay, was unable to gain support for its incorporation into the final document; only texts of an organizational nature were adopted and forwarded to the officers of the Review Conference.

Six months later, the *2006 United Nations Conference to Review the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in all its Aspects* opened in New York on 26 June 2006. Even before the start of this Review Conference, there was some controversy. In the weeks preceding the Conference, the powerful American National Rifle Association (NRA) had launched a campaign of mass mailing to the UN to denounce "the UN attempts to deny the rights of Americans to guns ownership" (Hoge 2006). This campaign prompted the UN Secretary-General to reaffirm that the Review Conference would not negotiate a "global gun ban" or try to "deny law-abiding citizens their right to bear arms in accordance with their national law".<sup>18</sup> Nonetheless, spirits were high at the beginning of the Conference, as many international actors, including the EU, believed that the adoption of a strong outcome document would be beneficial to the work against the illicit trade of SALW.

At the Review Conference, the EU attempted to reaffirm that it had a coherent approach to tackle the spread of SALW. Transfer controls, marking and tracing, brokering regulations, ammunition and the integration of SALW measures into development assistance were all identified as EU priorities and several EU member states, including the UK, Germany and the Netherlands also made statements supporting the EU (vertical and horizontal) content priorities.<sup>19</sup> In contrast to the position of the EU, other states, including India and China expressed their reservations to negotiate on a number of issues. Furthermore, the US would not agree to negotiate any provisions restricting civilian possession or the legal trade of firearms inconsistent with US laws and practices. Ammunitions and the transfer to non-state actors were also established as "red lines" for the Americans.

---

<sup>18</sup> See <http://www.un.org/events/smallarms2006>

<sup>19</sup> These priorities are closely connected with the history of the process. On the one hand, there are issues which were not included in the 2001 Programme of Action, such as the civilian possession of SALW, transfers to non-state actors or global guidelines for national decisions on whether to authorize SALW transfers that also take certain criteria into account, such as the situation of human rights, the risk of conflict caused by weapons transfers, or possible negative consequences for the development of the country. On the other hand, from 2001 to 2006 several instruments had been negotiated, such as the one on marking and tracing, led by sev-

Formal negotiations on the draft final document were only initiated on 5 July as the High-level segment of the Conference overran the scheduled time. However, a number of informal meetings were held between 30 June and 7 July. A side-event entitled *EU Action in the Area of SALW* was also organized on 30 June to present a comprehensive overview of the EU's activities. Representatives from the Presidency, the Council Secretariat/Office of the High Representative for CFSP's Personal Representative on non-proliferation and the European Commission presented the EU SALW policy and the instruments put in place to achieve the objectives set out in the *EU Strategy*. While the EU wished to show institutional coherence not only by highlighting the different EU players involved on the SALW issue, but also by delineating the responsibilities of each institution, this side-event actually revealed that horizontal consistency had yet to be achieved, particularly on the dimension of representation. The participation of the Office of the Personal Representative of the High Representative on non-proliferation was a clear signal that curbing the proliferation of SALW remained first and foremost a CFSP issue. Yet, the presence of the European Commission also reflected another reality: a number of SALW related programmes under different EC budget lines are managed by the European Commission. The involvement of the European Parliament in the Review Conference was, however, quite limited. Members of the European Parliament were allowed to participate in the EU side-event, but only as part of the Presidency delegation. The delegation of the European Parliament also had a private meeting with the President of the Review Conference. This delegation presented its own priorities to the President, which in some aspects differed from the EU's priorities and were closer to the NGO community's vertical content concerns.<sup>20</sup> While this meeting had probably little impact on the negotiations, it emphasized the fact that the EU institutions were not speaking with a single voice. In other words, internal factors influenced European coordination. Following our theoretical proposal, the EU suffered from some coherence problems linked to the aspect of representation. The EU seemed to be represented by different negotiators.

---

eral EU member states and Europe-based NGOs. Regarding civil society priorities, all NGO officials interviewed point out that the PoA should be legally binding.

<sup>20</sup> Interview with R. Romeva, MEP Green Party, Leader of the Delegation of the European Parliament at the Review Conference, New York, 30.06.2007. Romeva had prepared the annual report of the European Union Code of Conduct on Arms Exports, a document approved by the European Parliament and interpreted as "very progressive" by the NGO officials.

While the EU Presidency (Austria in the first week and Finland in the second week) held a number of coordination meetings to achieve an EU common position on the key issues discussed at the Conference and organized two meetings between the EU and European NGOs attending the Conference, problems of coordination between the EU Member States resurfaced at the Review Conference. As soon as the negotiation phase began, several EU member states were pushing for their own priorities and even conducting negotiations without their other EU colleagues. France and Germany wanted the final document to include a reference to ammunitions and focused their efforts at the Review Conference on trying to reach a deal with the Americans on this specific issue. The UK advocated for specific issues, such as transfer control to be included in the outcome document. Together with the Netherlands, the UK also advocated for the link between fight against the spread of illicit SALW and sustainable development to be recognized. Furthermore, the British delegation attempted to persuade the American delegation to support the inclusion of other issues in the final document. However, these British initiatives were criticized by other EU member states as some of these states felt that the UK was too close to the US to advocate strict positions on some of the controversial issues. The UK also made several proposals and suggestions to the President of the Conference, especially on transfer controls, without consulting its EU partners. The fact that individual Member States fervently lobbied for their national priorities rather than the EU's more general objectives created a situation where the EU's willingness to compromise was eclipsed by EU Member States' inflexibility on certain issues.<sup>21</sup>

The Review Conference being based on consensus, many EU Member States realized that most of their efforts should be concentrated on convincing less enthusiastic states to support the adoption of a final document. Several authors have emphasized that institutional decision-making rules can shape negotiations at the international level (Jupille 1999; Depledge 2006; Buzan 1981). In the context of the Review Conference, the reluc-

---

<sup>21</sup> Apart from obvious problems of policy coordination, in the context of a negotiation with multiple actors and extremely limited time, the fact that there were different priorities among the European member states was also a content coherence problem. Even if theoretically their priorities were not mutually exclusive, the fact is that negotiators had to choose in which ones concentrate their efforts. As a matter of fact, they became competing policy proposals, which raised issues of vertical content incoherence.

tance of several states to negotiate on certain specific issues clearly had an effect on the EU. The inflexibility of the Americans regarding their “red lines” constituted a colossal obstacle for the EU. Negotiations were also complicated because the US delegation had to send to Washington the various versions of the draft outcome document produced during the negotiations. This considerably slowed down the bargaining process. Cuba, India and other countries, such as Iran and Pakistan also refused to negotiate on particular issues. Furthermore, two of the main SALW producers, China and Russia, used the consensus rule to maintain their positions on certain controversial issues without making much noise. The EU had therefore to work twice as hard: first, to achieve consensus with other UN partners and then to maintain a strong EU common position on all these issues.

During the Review Conference, the EU was criticized by other states for spending too much time on trying to coordinate the EU position and not enough talking to other potential allies, including several African and Asian states. This fact suggests that coherence issues are more complex than what the literature tends to consider, showing the need to refine the theoretical categories in this field. In this sense, it seems that the efforts to achieve (internal) consistency within the EU member states could have prevented the EU to effectively negotiate with potential allies in the negotiations.

Indeed, this fact was seen as particularly problematic as these are the most affected regions by the scourge of SALW. In fact, most African and Asian countries supported proposals for stronger regulations. However, these states, lacking the necessary political weight and resources, were not in a position to impose their preferences and crucially needed the EU to support their initiatives. Furthermore, the EU was not able to clearly convey their priorities to these potential allies. For example, the EU failed to convince key partners to recognize the link between development assistance and the adoption of international measures on SALW. Indeed, several developing countries vetoed any mention of this link in the final document. A number of states from the Non-Aligned Movement, including India and Indonesia and the Caribbean States, raised concerns about the idea of conditionality on development aid and about resources from the donor countries being diverted from development to small arms projects. The link between development aid and measures on SALW had been identified as a central EU priority at the beginning of the Conference. However, during the negotiations, it was only truly championed by a small group of EU Member States, including the UK and the Netherlands. The EU initiatives to

create new funds to specifically deal with the proliferation of SALW were thus unnoticed or misinterpreted by the developing countries. The EU's approach to SALW aimed to achieve horizontal content consistency between the EU policy, especially between its security and development policy. The EU wished to export this notion of horizontal coherence to developing countries. Yet, it failed to do so in an effective manner. This objective was not clearly explained to the EU's partners during the negotiation, which diminished the EU's leverage.

With a few hours of negotiations left at the Review Conference, EU Member States recognized that their efforts should be concentrated on convincing other states to support the final (weak) document rather than pushing for more stringent commitments. Nevertheless, the content consistency problem of several EU Member States having different priorities did not allow them to act effectively. With the deadline of 6pm rapidly approaching, it became clear that no consensus could be reached on an outcome document. Some delegations hoped that the Review Conference would be extended for a few hours in order to find a similar agreement as the one reached at the first SALW Conference in 2001. However, around 5.30pm, the President of the Review Conference, Ambassador Kariyawasam, began the procedures to close the conference and adopted a procedural document; hence the final outcome document stated that "the Conference was not able to agree to conclude a final document".<sup>22</sup>

Many national delegations and NGOs representatives were disappointed by the lack of result of the Conference; some states even described the Conference as a failure. Ambassador Kariyawasam in its closing remarks said that a consensus on the final document had been "within grasp". He believed that despite the lack of consensus on a final document, the Review Conference had been successful in attracting the interest of the international community. In its final statement at the Conference, Finland on behalf of the EU, stated that the "conference has been a missed opportunity to make a real difference in our common fight against the scourge of illicit small arms and light weapons".

- *Negotiations at the domestic level*

---

<sup>22</sup> See Doc. A/CONF.192/2006/RC/9.

At the Review Conference, the issues of transfer controls, marking and tracing, brokering regulations, ammunition and the integration of small arms measures into development assistance were all identified as EU priorities. Yet, during the negotiations in New York, a number of EU Member States opted to focus only partially on these priorities as a whole. This created some content consistency problems. The analysis of the domestic level can reveal why some states chose to concentrate on some priorities rather than on others. A comprehensive multilevel analysis of negotiations at the Review Conference would require looking at the domestic politics of 25 EU Member States. However, due to lack of space, the analysis will concentrate on three EU Member States: the United Kingdom, France and Germany. Not only are these states dominant in the CFSP framework and major SALW exporters, but they were also central players at the Review Conference.

Since the late 1990s, issues of arms exports, brokering and transparency have dominated the debate on SALW within EU Member States. This was primarily fuelled by the publication of studies showing that large quantities of arms were smuggled through the EU and brokered by EU companies and individuals. According to a study undertaken by the NGO Saferworld in 1998, France and the UK, along with Belgium, were the EU most implicated countries in the illicit trade of SALW in the region of Sub-Saharan Africa (Saferworld 1998). The study revealed that arms manufactured in France and in the UK were used in Sudan. French manufactured arms also found their way to Rwanda and the Democratic Republic of Congo.

In France, control over arms exports, including SALW exports came to the forefront of domestic politics with the “Quiles” Commission. This Commission was established in 1998 to investigate the role of France in Rwanda between 1990 and 1994. The Commission was set up following strong pressure from French civil society, including NGOs, members of the media and the academic community. The Commission strongly criticised the lack of transparency regarding French arms exports including SALW exports (McNulty 2000). Following the publication of the Commission’s report, the French government adopted several measures to enhance the transparency of arms exports, including the publication of a report to the Parliament identifying measures taken by the government to control arms exports and supplying statistics on arms orders and deliveries. In 2002 the French government also adopted stricter regulations that require brokers operat-

ing in France to be registered and keep records of their activities. The French government's priority regarding strengthening control over arms exports and brokering was again strongly voiced at the EU level.

In contrast, Germany has been described as the most transparent SALW exporter in the European Union (Small Arms Survey 2006). SALW exports remain a sensitive issue in German domestic politics. Germany has often been regarded as a front-runner in applying strong control over small arms exports. This can be explained by the Germany's "constitutional and political-cultural legacy as a defeated aggressor in the Second World War" which meant that "the reconstruction of an arms industry, let alone an export-based industry, was viewed with great apprehension both domestically and amongst its neighbours" (Holm 2006: 226). Germany early on encouraged other EU Member States and the EU to adopt stronger transparency measures on arms exports.

Since the adoption of its Strategy on Small Arms, the EU has reaffirmed the necessity to have an integrated approach regarding SALW. One of the EU priorities at the Review Conference was the integration of SALW measures into development assistance. This priority was principally championed by the UK. As early as July 2000, the British Government established the Global Conflict Prevention Pool, which included a strategy on SALW. This pool was managed jointly by the Foreign and Commonwealth Office, the Department for International Development and the Ministry of Defence. The British SALW strategy aimed to coordinate existing programmes managed by the three departments under a single set of objectives and resources. It also included support for partnership with UN agencies and civil society organisations. In addition to the SALW strategy, the British government adopted in 2002 the Export Control Act, which introduced a strong revision of its export control legislation. Within its policy on SALW, the UK aimed to achieve content horizontal consistency. Having already addressed these issues at the domestic level, the UK was in a better position to carry on this idea at the EU level.

The question of SALW ammunition was also identified as an EU priority. In Germany, this issue had become particularly challenging. The end of the Cold War saw more than one million of SALW, ammunition and explosives decommissioned in Germany. The massive amount of ammunition accumulated on German soil became problematic. First, stockpiles of ammunition posed potentially significant security risks for population close to ammunition depots. Second, the German authorities were also concerned by the risks of

leakage from these stockpiles, which could lead to illicit trafficking to criminal and terrorist groups. The issue of ammunition became a central priority for the German government. It attempted to convince both its EU partners and the states participating to the Review Conference of the urgent need to address the illicit trade in SALW ammunition.

Civilian ownership also became a central issue in domestic debates on SALW. In 1997, following the killing of children and a teacher in Dunblane Scotland by a lone gunman in March 1996, the British government banned the private ownership of handguns. In 2002, following the shooting of students and staff in a high school, the German parliament also introduced stronger regulations with regard to civilian firearm possession.

An analysis of domestic politics in the UK, France and Germany also reveal that national NGO campaigns in these three states successfully pressed their government to address the issue of SALW both at the domestic, EU and the international level. From its creation, IANSA developed a close connection with several EU countries, but particularly with the UK. Indeed, the funding provided by the British Department for International Development supported the activities of the network during its first years of operation. IANSA headquarters and most of its biggest and more influential members, including Amnesty International, OXFAM and Saferworld, are based in London and Oxford. Having its headquarters in the EU, IANSA intensively lobbied, first, EU Member States - particularly the UK - and, second, EU institutions to get the EU to adopt a strong unified position on SALW. In this sense, European NGOs also recognized that achieving horizontal and vertical consistency within the EU was crucial.<sup>23</sup>

Furthermore, in March 2004, the British Foreign Secretary, Jack Straw, announced that the UK would support the idea of an international treaty on the arms trade. In all its initiatives regarding the Arms Trade Treaty, the UK was supported by IANSA and the Control Arms Campaign. Again, the UK with the help of various European NGOs took

---

<sup>23</sup> It has to be noted that in the coordination meetings between EU and European NGOs, the number of NGO representatives was bigger than the group of EU diplomats. At these meetings NGOs made clear the need for the EU to achieve consistency in order to be successful in the Review Conference. However, if the NGOs were pushing the EU member states to spend more political capital opposing reluctant countries (particularly the US), some countries, such as the UK, made clear that they were not willing to do it. In this sense, the adoption of a more flexible, rather than a pre-fixed, negotiation strategy which aimed to find compromises with both the US and promoters of strong SALW control separately, and then aimed to broaden the

up this initiative at the EU level and convinced its EU partners of the need for the EU to support an international treaty on arms trade. The Control Arms campaign gained momentum when the EU member states supported the ATT during the European Council in October 2005. While the ATT was not formally discussed at the Review Conference, it was nevertheless envisaged by the EU as the next step to be taken by the international community to address the SALW issue.

### Conclusion

The EU has been one of the most committed actors in the fight against the proliferation of SALW. Negotiations at the 2006 Review Conference focused on multiple complex issues, including civil ownership, trade arms controls, transfers to non-state actors and development assistance. At the start of the Review Conference, the EU Member States showed a united front and campaigned for the adoption of strong international commitments on these issues.<sup>24</sup> However, the EU was ineffective in its efforts to convince other states to support the reinforcement of the UN *Programme of Action*. This paper suggests that several factors linked to the multilevel nature of decision-making in the EU, especially in international negotiations, affected the effectiveness and the consistency of the EU at the Review Conference. In particular, problems of vertical and horizontal content coherence, but also vertical representation coherence have been identified.

Hence the lack of consistency in the EU camp may have affected the success and the leadership of the EU at the Review Conference. Austria and Finland, which held the EU Presidency during the negotiations, attempted to enhance the coherence of the EU and tried to display some type of formal leadership. However, the effective leadership was mostly exerted by the UK, arguably the most active state during the Review Conference. The EU's lack of leadership might also stem from other EU member states, including France and Germany, pursuing their own priorities (reflecting domestic interests) rather than the EU position. This resulted in a situation where "in attempts to take stronger po-

---

common ground, might have been more successful in reaching the EU's objectives. We thank an anonymous reviewer for this suggestion.

sitions on a number of themes, several EU member states spoke on behalf of their individual governments, rather than allowing the moderate joint EU statements to represent them” (Buchanan 2006) and influenced the EU’s capacity to exert clear leadership in the negotiations. However, given the inflexible position of some reluctant countries in this conference, it could be argued that even if all the EU representatives had effectively developed their common agreed agenda, the final consensus in this conference would have been extremely difficult to achieve.

In any case, institutional consistency problems at the EU level have become important features of the EU action on SALW, which can affect the EU effectiveness in international negotiations on this issue. From a vertical coherence point of view, it remains unclear whether and for how long the fight against the proliferation of SALW will remain outside the Community’s competence. As a recent opinion of the European Court of Justice (ECJ) demonstrate, the Commission as well as the European Parliament are increasingly arguing that the campaign against the proliferation of SALW has become an integral part of the policy development cooperation and should fall within the scope of the competences conferred on the Community in that field. Moreover, our analysis shows a controversial role of the European Parliament (EP). On the one hand, its active work can foster negotiations and agreements. On the other hand, due to divergence with the frequently lighter common EU position, giving more voice to the EP could be interpreted as leading to further fragmentation of representation, which can undermine thus coherence.

External factors may have also fostered, in some sense, the coherence of the EU. The involvement of NGOs at the domestic level is one of them. Indeed, the EU Member States were urged by NGOs and IANSA to adopt a cohesive position on SALW. From the end of the 1990s, European NGOs intensively and successfully lobbied several key EU member states to adopt stricter regulations regarding SALW, not only at the domestic level, but also at the EU level. Between 2001 and 2006, the EU adopted more than a dozen agreements addressing the issue of SALW, including a series of Joint Actions, an EU Code of Conduct, an EU Plan of Action and the EU Strategy on SALW. The EU Member States also used European NGOs to raise awareness on this issue and gained public

---

<sup>24</sup> Indeed, compared to other CFSP issues (e.g. the recent events connected to the independence of Kosovo), the EU member states have a comparatively comprehensive approach to the SALW area.

lic support for their embrace of “humanitarian values”. Yet, during the Review Conference, the NGOs’ insistence on the EU being a cohesive and coordinated actor was not sustained. The NGO community’s approach to the EU consisted on relying on specific EU Member States to defend their position rather than support the EU as a collective actor. For example, the UK was perceived as the natural ally by part of the NGO community. Moreover, other national NGOs attempted to influence their national counterparts, including France, Germany or other countries, such as Japan or Brazil.<sup>25</sup>

The decision-making procedures during the Review Conference and the management of the negotiations also created obstacles for the EU. First, the bargaining phase was extremely short: formal negotiations on the draft final document were only initiated during the second week. This fact was aggravated by a weak position of the president of the Conference, Ambassador Kariyawasam from Sri Lanka. On the one hand, the Ambassador had to deal with the strong demands of the EU and NGOs. On the other hand, he also had to manage the reluctance of powerful states to negotiate on several issues on the table. These facts created difficulties for the EU, who was trying to act as a coordinated and coherent actor. The multilevel nature of the EU as an international actor meant that it would have needed both time and flexibility on the part of other actors to not only maintain its coherence, but also to be successful during the negotiations. In the end, only an effective and coherent EU will increase the chance of producing effective initiatives to tackle human security issues, such as the spread of SALW.

In this analysis, we have sophisticated the categories proposed by Nuttall in order to account for different problems both on content and on action/coordination among the actors. By doing so, we have been able to identify concrete coherence issues in this case of EU foreign policy. On the one hand, due to pillar competition (e.g. the SALW case brought to the Court of Justice by the Commission on the grounds of violation of its competence). On the other hand, on the content dimension, different policy priorities in a complicated negotiation bargaining become competing proposals. Further work remains to be done on the internal and external factors that affect the member states coherence in

---

<sup>25</sup> In this sense, we should remind that the NGOs had legitimate reasons to work with national governments. On the one hand, given that not all NGOs had the same objectives it could be reasonable for them to work with the government closest to their priorities. On the other hand, some NGOs in this field have strong links (also economical) with their national governments. This could also explain the fact that they chose national governments as their primary target.

multilateral settings. In this sense, a comparison with other cases of EU negotiations of human security issues in the UN context could be particularly fruitful.

## References

- Biting the Bullet and IANSA 2006, Reviewing Action on Small Arms 2006- Assessing the First Five Years of the UN Programme of Action, London/ Biting the Bullet and IANSA.
- Bretherton, Charlotte/Vogler, John 2006: *The European Union as a Global Actor* (2<sup>nd</sup> ed.), London and New York/Routledge.
- Bondi, Loretta 1999: U.S. Policy on Small Arms and Light Weapons, *Naval War College Review*, Vol.59, no.1, Issue 1, 119-140.
- Buchanan, Cate 2006: The UN Review Conference on small arms control: Two steps backwards? Available at [www.hdcentre.org](http://www.hdcentre.org). Accessed on 03/05/07
- Buzan, Barry 1983: Negotiations by Consensus: Developments in Technique at the United Nations Conference on the Law of the Sea, *The American Journal of International Law*, vol.75, no.2, 324-348
- Collinson, Sarah 1999: "Issue-systems", "multilevel games" and the analysis of the EU's external commercial and associated policies: a research agenda, *Journal of European Public Policy*, Vol. 6, No.2, 206-224.
- Depledge, Joanna 2006: The Opposite of Learning: Ossification in the Climate Change Regime, *Global Environmental Politics*, vol 6, no.1, 8-13.
- Elgström, Ole/Strömvik, Maria. The European Union as an international negotiator in Elgström, Ole/ Jönsson Christer (eds.): *European Union Negotiations. Processes, Network and Institutions*, London/Routledge, 117-129.
- Eavis, Paul/Benson, William 1999: *The European Union and the Light Weapons Trade* in Boutwell J./ Klare M.T. (eds.) *Light Weapons and Civil Conflict*, Lanham, MD/Rowman and Littlefield, 89-100.
- Evans, Peter 1993: Building an Integrative Approach to International and Domestic Politics, in: Evans, Peter et al. (eds.), *Double-Edged Diplomacy- International Bargaining and Domestic Politics*, Berkeley/ University of California Press.
- Farrell, Mary 2006: EU Representation and Coordination within the United Nations, in Laatikainen, Katie V/Smith, Karen E. (eds.), *Intersecting Multilateralism: The European Union at the United Nations*, London/ Palgrave, 33-36.
- European Commission, *Small Arms and Light Weapons- The response of the European Union*, Luxembourg: Office for Official Publications of the European Communities, 2001.

- European Union, European Union Programme for Preventing and Combating Illicit Trafficking in Conventional Arms 9057/97 DG E- CFSP IV, 26 June 1997.
- European Union, EU Code of Conduct on Arms Exports, Council document 8675/2/98 Rev.2, Brussels, 8 June 1998.
- European Union, Joint Action of 17 December 1998 adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons, 1999/34/CFSP, Official Journal of the European Communities, L 9, 15 Jan 1999, 1-5.
- European Union, Council Joint Action of 12 July on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP, 2002/589/CFSP, Official Journal L 191, 19/07/2002, 1-4.
- European Union, Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering. Official Journal of the European Union, L 156/79, 25.6.2003.
- European Union, EU Strategy to combat the illicit accumulation and the trafficking of small arms and light weapons and their ammunition, Adopted by the European Council on 15-16 December 2005.
- Foreign and Commonwealth Office, Department of Trade and Industry, Department for International Development and Ministry of Defence, United Kingdom Strategic Export Control- Annual Report 2003, June 2004, Cm 6173.
- Greene, Owen 2002: The 2001 UN Conference: A Useful Step Forward? SAIS Review, vol.XXII, no.1, 195-201.
- Hoge, Warren 2006: With Caveats, US Backs Session at the UN on Curtailing Illegal Arms, The New York Times, June 28 2006.
- Holm, Kyrre 2006: Europeanising Export Controls: The Impact of the European Union Code of Conduct on Arms Exports in Belgium, Germany and Italy, European Security, vol.15, no.2, 213-234.
- Jupille, Joseph 1999: The European Union and International Outcomes, International Organization, vol.53, No.2, 409-425.
- Laatikainen, Katie V/Smith, Karen E. (eds.), *Intersecting Multilateralism: The European Union at the United Nations*, London/ Palgrave
- Lodgaard, Sverre 2000: *Human Security. Concept and Operationalization*, Geneva/Expert Seminar on Human Rights and Peace.
- McNulty, Mel 2000: French arms, war and genocide in Rwanda, *Crime, Law and Social Change*, vol.33, nos.1-2, 105-129.
- Meunier, Sophie 2000: What Single Voice? The European Institutions and EU-US Trade Negotiations, *International Organization*, Vol. 54, No.1, 103-135.

- Moravcsik, Andrew 1993: Introduction: International Bargaining and Domestic Theories of International Bargaining, in: Evans, Peter et al. (eds.), *Double-Edged Diplomacy- International Bargaining and Domestic Politics*, Berkeley/ University of California Press.
- Nuttall, Simon 2005: Coherence and Consistency, in: Hill, Christopher/Smith, Michael (eds.): *International Relations and the European Union*, Oxford/ Oxford University Press, 91-112.
- Paris, Roland 2001: "Human Security: Paradigm Shift or Hot Air?", *International Security*, Vol. 26, No. 2., 87-102.
- Patterson, Lee Ann 1997: Agricultural policy reform in the European Community: a three-level game analysis, *International Organization*, Vol. 51, No.1, 1997, 135-165.
- Peterson, John/Sjursen, Helene (eds.) 1998: *A Common Foreign Policy for Europe? Competing Visions of the CFSP*. London/New York: Routledge
- Putnam, Robert D. 1988: Diplomacy and domestic politics: the logic of two-level games, *International Organization*, Vol. 42, No. 3, 427-460.
- Rittberger, Volker, 1983: Global Conference Diplomacy and International Policy-Making: The Case of UN-Sponsored World Conferences, *European Journal of Political Research*, Vol. 11, No.2, 167-182.
- Saferworld 1998: *Undermining Development: The European Trade with the Horn of Africa and Central Africa*, London/Saferworld.
- Sjursen, Helene 2003: Understanding the common foreign and security policy. Analytical building blocks, in: Knodt, Michèle/Princen, Sebastiaan (eds.), *Understanding the European Union's External Relations*, London and New York/Routledge, 35-53.
- Small Arm Survey 2003: *Small Arms Survey 2003 – Development Denied*, Oxford/Oxford University Press.
- Small Arm Survey 2006: *Small Arms Survey 2006 – Unfinished Business*, Oxford/Oxford University Press.
- Smith, Michael E. 2001: The Quest for Coherence: Institutional Dilemmas of External Action from Maastricht to Amsterdam, in: Stone Sweet, Alec et al. (eds.), *The Institutionalization of Europe*, Oxford/Oxford University Press, 171-193.
- Tonra Ben/Christiansen Thomas 2004: The Study of EU foreign policy: between international relations and European studies, in: Tonra, Ben /Christiansen, Thomas (eds.), *Rethinking European Foreign Policy*, Manchester/Manchester University Press, 1-9.
- United Nations Development Program (UNDP) 1994: *Human Development Report 1994*, New York/United Nations.