

EU Representation and Coordination within the United Nations

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ABSTRACT

Despite a weak common foreign policy and limitations on its power to act coherently and speak with one voice on the international stage, the EU has declared an intention to enhance its international status. Geo-strategic political and economic changes over the past decade have prompted a re-appraisal of the EU's external environment, and highlighted the need for a strategic response. Amid this changing external environment and a new dynamic in European integration processes, the EU re-affirmed its commitment to multilateralism.

The focus of this paper is the changing nature of EU multilateralism in the context of the Union's relations with the UN. How does the principle of multilateralism operate in the EU's actions at the UN? And, to what extent has the EU sought to extend its influence in the debate over UN reform? This paper examines the relationship between the EU and the UN, tracing the institutional relationships that currently operate to link the EU's different institutions to the multiple institutions that comprise the core UN system. The following sections will concentrate primarily upon the mechanisms for representation and coordination between the Council, the European Commission, and the six-month rotating presidency on the European side, and General Assembly, the Security Council, and the Economic and Social Council on the UN side

Key words: European Union, United Nations, multilateralism, international organisations, foreign policy, governance.

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Introduction

The European Union (EU) may be considered to have reached a high point in its evolution as a political community with the recent enlargement that created a union of twenty-five countries, stretching from the Iberian peninsula to the borders of Russia. This latest stage of European integration coincides with the expressed intention of the EU to play a more influential role in global affairs, seeking to overturn the long-held view of the Union as an undoubted *sui generis* political entity that is an economic giant and yet a political dwarf on the world stage. Despite the apparent difficulty associated with the lack of a common foreign policy and the limitations on its power to act coherently and speak with one voice on the international stage, the EU nevertheless has declared the collective will to enhance its international status.

Clearly, one way to preserve the EU's global economic dominance is by enhancing its political influence. But it is also true that external events have prompted the EU to act where otherwise it might have maintained a more reactive stance in international relations. Events such as the international war on terrorism and the US war against Iraq, growing political instability beyond the eastern borders of the EU, new security threats from nuclear and biological weapons, and the threat of infectious diseases have presented new challenges to the status quo. Geo-strategic political and economic changes over the past decade have prompted a re-appraisal of the EU's external environment, and highlighted the need for a strategic response. Amid this changing external environment and a new dynamic in European integration processes, the EU re-affirmed its commitment to multilateralism in the 2003 European Commission communication, 'The European Union and the United Nations: The Choice of Multilateralism', and the 2003 European Security Strategy.¹

The focus of this paper is the changing nature of EU multilateralism in the context of the Union's relations with the UN. How does the principle of multilateralism operate in the EU's actions at the UN? And, to what extent has the EU sought to extend its influence in the debate over UN reform? This paper examines the relationship between the EU and the UN, tracing the institutional relationships that currently operate to link the EU's different institutions to the multiple institutions that comprise the core UN system. The following sections will therefore concentrate primarily upon the mechanisms for representation and coordination between the

Council, the European Commission, and the six-month rotating presidency on the European side, and General Assembly, the Security Council, and the Economic and Social Council on the UN side.²

Why cooperate?

In the academic literature, there are several clear-cut reasons to explain inter-state cooperation: as instruments of policy; to advance national and general goals; and, to spread burdens and control risks, and to promote certain values (Foot, MacFarlane and Mastanduno, 2003; Abbott and Snidal, 2001). The European Union is constructing a role in the international system, represented through an identity as the conveyer of certain values and principles – a supporter of multilateralism, promoter of democracy and the rule of law, and the defender of a multilateral world order. Participation in the UN system is one way in which the EU seeks to promote these values and principles at the international and global level. What determines the rationale and nature of this participation in multilateral organisations?

Foot, MacFarlane and Mastanduno (2003) identify a set of internal factors that determine the nature of participation in a multilateral organisation, including the preferences and power of interest groups, the nature of the government and the divisions within the governing executive. An important internal factor to impact upon strategies towards multilateralism is the political culture, embodied in the shared set of attitudes, beliefs, and world views, which ‘are so deeply ingrained and closely held that they have the potential to shape foreign policy decisively’ (Foot, MacFarlane and Mastanduno, 2003: 10). In the case of the United States, the political culture (a mix of respect for individual liberties combined with belief in the institutions of democracy) has the effect of producing ambiguous outcomes – so that the US tends towards either excessive support for multilateralism or opposition to it, fuelled by distrust of ‘big government’. In the European Union, the political culture is still evolving and there remain distinct differences across national political systems (witness the diversity represented by different models of capitalism and social welfare systems). However, certain broadly-defined shared values can be identified, and these have become embodied in the agreements between the EU and third countries – respect for human rights, democracy, and the rule of law. In fact, provisions and clauses covering these

requirements have become a recurring feature of EU agreements, and described by some analysts as a form of political conditionality in EU external relations.

It may be said that while the EU is very open to influence and lobbying, and the European Commission is accessible to all interest groups, most of the time access tends to be enjoyed by a small selection of more powerful and better-resourced groups. Economic interest groups, business associations, and Europe-wide groups are among those best placed to represent the interests of their members, and their target tends to be the multilateral organisations in the economic arena. Foreign policy with respect to multilateralism is largely confined to actors in the national political arena and the EU-level institutions. Since the EU polity is based on the division of decision-making between the national and European levels, so European activity with regard to UN multilateralism requires coordination among the member states, and between the national and supranational levels.

Countries can also define their strategy towards multilateral organisations in response to external factors. According to Foot, MacFarlane and Mastanduno (2003), the position of a state in the global distribution of power will be an important determinant of behaviour towards multilateral organisations. Of course, the precise strategy will be shaped by the relative power of a country (or a regional bloc) in the international system (the realist position). A dominant power may be strong enough not to need the protective framework of an international institution, as proved to be the case for the US decision to go to war against Iraq in the face of Security Council and international community opposition. However, less powerful states and those countries desirous of establishing a stronger position and greater influence will favour a multilateral framework. This is the case with the European Union, and recent policy statements suggest the intention to strengthen the multilateralist world order. The EU is also aiming to do this by establishing strategic partnerships with other countries and like-minded allies around the world.

Less obvious in the analytical framework offered by Foot, MacFarlane and Mastanduno, but still relevant, is the notion of the international organisation/multilateral organisation as the constraining force (or straitjacket) on the dominant power. Not surprisingly, perhaps, the Foot et al. analysis does not devote attention to this point since the target of analysis is the United States.

However, a significant motive of the EU is to balance the power of America. Having missed an opportunity to challenge the world's only superpower as it launched a war against Iraq, the only remaining possibility for the EU to control this dominant power lies in working within the multilateral framework. More generally, countries seek to shape the behaviour of multilateral organisations for a variety of reasons. The degree of success is determined in large measure by the extent of influence on outcomes. A strong, powerful country is able to use its power to secure particular outcomes or policy decisions from the international/multilateral organisation. Another possible option is to shape the agenda of the multilateral organisation. It is this particular capacity that is more relevant to the European Union in the UN framework. In the General Assembly, or through coordinated action by the two EU permanent members and the two non-permanent members of the Security Council, there is scope for the EU to shape the agenda of discussion within the global multilateral framework, to promote its values and ideas, and to foster the international norms that reflect the shared values of the EU political community.

Intergovernmentalism and supranationality

While the recent interest in multilateralism provides a good reason for examining how the EU is represented at the United Nations, there is also the empirical question of how two quite different organisations interact in practice.³ The UN is an intergovernmental organisation of independent states, where the principle of respect for national sovereignty was contained in the UN Charter and continues to be reflected in its decision-making. While blocs and groups are active within UN politics, only states have the right to vote within main bodies of the UN. For instance, there are official regional groups that elect states to UN bodies and organs with limited membership: the EU-15 (through 2004) plus Malta are members of the Western Europe and Other Group (WEOG),⁴ while the eight Central and East European countries belong to the Eastern Europe Group (EEG)⁵ and Cyprus is in the Asian Group. There are also unofficial caucusing groups, such as the Group of 77 (developing countries), the Organisation of the Islamic Conference (OIC), the Non-Aligned Movement, or the Nordic Group,⁶ but individual states are still overwhelmingly the primary actors in the UN system. It is within the UN framework that the individuality of the membership comes to the fore, since it is countries rather than regional organisations or groups that have the voting power.

In contrast, the EU combines both supranationality and intergovernmentalism in a community of states that has agreed to balance national sovereignty with supranational decision-making in some policy areas, and where Community (that is, supranational) law takes precedence over the national legal order. European integration has evolved institutionally since the 1957 Treaty of Rome, which created the European Economic Community, the most important of the three European Communities.⁷ In this evolution, politics played its part, as did the legal order, and often the two interacted to create a dynamic process of integration.

The European Union officially came into being on 1 November 1993, when the Maastricht Treaty entered into force and encompassed the European Communities. The Maastricht Treaty created a Union composed of three pillars or policy areas, with different decision making rules associated with each: the European Community, Common Foreign and Security Policy (CFSP), and Justice and Home Affairs.⁸ The Community pillar contains amendments to the treaties of the three original European Communities, all established in the 1950s. The second and third pillars have roots in frameworks for intergovernmental cooperation among the EC member states, established in the 1970s. The Maastricht Treaty on European Union has since been revised twice, with the 1999 Amsterdam Treaty and the 2003 Nice Treaty.

In the EU's Community pillar, the main decision-making bodies are the Council of Ministers, the European Commission, and the directly-elected European Parliament (EP). The European Council, composed of the heads of state or government, does not have a formal decision-making role in the EC pillar but has increasingly become the main arena in which decisions are ultimately endorsed or even settled. Every six months, a different member state assumes the Council presidency, and is in charge of running the Union and managing its business. Most, but not all, EC legislation is proposed by the European Commission, passed by the Council by qualified majority vote, and approved by the European Parliament. Legislation is binding on the member states. The European Court of Justice (ECJ) interprets Community law. The European Community has legal personality, and can thus conclude agreements with other international actors.⁹ The Community pillar is thus clearly supranational to a great extent.

Pillar two, the CFSP's institutional structure as set up under the Maastricht Treaty, is slightly different. The European Council sets the broad guidelines; the Council of foreign ministers takes decisions to implement them. The Council's work with respect to CFSP items is prepared by the Political and Security Committee (composed of ambassadors to the PSC). The PSC relies on the work of European Correspondents (foreign ministry officials) and CFSP working groups. The European Commission is fully associated with CFSP but does not have voting rights. The Parliament is informed of CFSP issues, and can make recommendations, but its views do not have to be incorporated into CFSP decisions. The CFSP does not fall under ECJ jurisdiction. Virtually all CFSP decisions are taken unanimously. The intergovernmental nature of the second pillar is thus obvious.

These complex institutional arrangements influence EU-UN relations. The perennial issue for the EU is how to speak with one voice in the global forum, and to channel the political forces that have so successfully blended intergovernmentalism and supranationalism within Europe onto this global stage, where intergovernmentalism predominates. All the EU member states are members of the United Nations in their own right, and each has one vote in the General Assembly. Together, the EU-25 represents thirteen per cent of the UN membership and is therefore a powerful voting bloc when they are united. Because candidate and neighbouring states often associate themselves with the European Union statements and resolutions in the General Assembly, there is an additional dozen or so countries that increase the influence of the EU over the General Assembly. The Security Council is the most powerful organ within the UN system; membership is comprised of five permanent and ten non-permanent members, and each of the five permanent members holds a veto. Two of the EU member states (France and the UK) have permanent member status; other EU countries are elected to Security Council from the regional groups on a revolving basis.¹⁰ The next section examines the evolution of the EU's relations with the UN.

The Evolving Institutional and Legal Basis of EU Relations with the UN

The theoretical framework for analysing EU-UN cooperation is sparse and rather diffuse, scattered throughout a variety of viewpoints and perspectives in the literature on international relations, international organisations, and the contributions to integration theory.¹¹ There are very

few studies that examine the EU's role in the UN, and in particular how the former coordinates its position on the many issues that come up for debate and discussion.¹²

Yet as the EU gradually evolved towards deeper integration, the issue of policy coordination in its external relations has become much more important. The member states have nonetheless been ambivalent about the EU's presence in international organisations since such membership might reduce their own role and significance in them, but they have nonetheless strengthened provisions for an EU 'voice' in other organisations. However, to most people inside and outside the EU, the question of 'who speaks for Europe' -- as it attempts to speak with one voice -- remains unclear. The confusion is compounded by the increasing complexity of the issues to be addressed at the international level. EU member states may be unwilling to delegate authority to the Commission or even the presidency in matters over which individual states have a preference to retain influence and direct participation. Indeed, a reading of the treaties serves to illustrate just how ambivalent the situation is in reality.

On the Community side, the Treaty of Rome originally provided for the Community to establish relations with the UN (and other international organizations). Article 302 of the Treaty on European Union (1993) stipulates that the European Commission is to ensure the maintenance of all appropriate relations with the UN organs and its specialized agencies. But this is the case primarily in matters of EC competence. Where competence is mixed (even in first pillar issues), the situation is more complex, and the Commission and the presidency can represent the EC. The EC is an observer at the UN and several UN agencies, and a full member of the Food and Agricultural Organization (Laatikainen and Smith, 2006).

As far as representation of the EU (and not the EC) at the United Nations is concerned, the treaty does not provide for a single institution to represent the EU on matters relating to CFSP. Member states must coordinate their positions to try to arrive at a common stance, and usually the presidency is responsible for presenting that stance to the rest of the UN.

From the beginning of European Political Cooperation (EPC), the CFSP's precursor, in 1970, the member states declared that they should try to coordinate their positions in international

organisations and conferences. The 1973 Copenhagen Report on EPC stated: ‘the permanent representatives of the Member States to the major international organizations will regularly consider matters together and, on the basis of instructions received, will seek common positions in regard to important questions dealt with by those organizations.’¹³

By the time of the 1987 Single European Act, this aspiration was acquiring the tone of a commitment. Hence article 30 (2d) declared: ‘The High Contracting Parties shall endeavour to avoid any action or position which impairs their effectiveness as a cohesive force in international relations or within international organizations.’ Article 30 (7) stated:

- (a) In international institutions and at international conferences which they attend, the High Contracting Parties *shall endeavour to adopt* common positions on the subjects covered by this Title.
- (b) In international institutions and at international conferences in which not all the High Contracting Parties participate, those who do participate shall take full account of positions agreed in European Political Co-operation. (emphasis added)

By the time of the 1993 Maastricht Treaty, there was virtually an injunction to cooperate within international organisations, especially with respect to issues that the member states had already agreed on within CFSP. Article J.2 declared: ‘Member States shall coordinate their action in international organizations and at international conferences. They shall uphold the common positions in such forums. In international organizations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.’ And Article J.6 stated: ‘The diplomatic and consular missions of the Member States and the Commission Delegations in third countries and international conferences, and their representations to international organizations, shall cooperate in ensuring that the common positions and common measures adopted by the Council are complied with and implemented.’ The Amsterdam Treaty did not alter these provisions – though they were renumbered Articles 19 and 20 respectively.

The UN Security Council poses a specific problem, because not all EU member states serve on it. Article 19, 2 of the Treaty on European Union aims to force the UN Security Council members from the EU to coordinate their actions and to speak with one voice:

... member states represented in international organisations or international conferences where not all the member states participate shall keep the latter informed of any matter of common interest. Member states which are also members of the United Nations Security Council will concert and keep the other member states fully informed. Member states which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the UN Charter.

The EU now meets the UN Secretary-General at ministerial level annually in New York as part of an agreed format for regular EU-UN meetings. The UN Deputy Secretary-General and other senior UN officials also visit EU institutions in Brussels (where 16 UN specialised agencies, funds and programmes now have offices), Luxembourg, and Strasbourg. Regular meetings of senior UN officials with the Political and Security Committee are also in the process of being developed. The European Parliament is also being included in the growing EU-UN coordination effort, with the UN Secretary-General and Deputy Secretary-General developing contacts, while there has been a growth in the number of high-level MEP visits to attend major UN events.

The peculiarity of the EU division of competence between national and supranational level has confused politicians and decision-makers in many countries and in the international organisations, and there is an ongoing problem of 'who to call' as well as the equally perplexing question of the capacity in which any one of the European actors (the Commission, the presidency, the member states) might be speaking. If a country holding the rotating six-month presidency of the EU speaks on an international forum, the listeners have to assess whether that country is speaking in its capacity as EU representative, or on its own behalf. Proposals have been made for the EU to have a seat at the UN (primarily by individual European Commissioners), though at the moment there is little support from the member states for this idea, and in any event, Article 4 of the UN Charter provides that membership is open to states only.

The issue of EU and UN reform will be addressed later in the chapter, but we turn now to the specifics of representation and coordination involving the rotating presidency, the Council secretariat, and the European Commission. EU representation at the UN undoubtedly offers many practical and political challenges as far as the coordination of national positions is concerned.

The Role of the Council Presidency

The six-month rotating presidency gives each of the member states the opportunity to ‘run’ the European Union for a brief period, to take charge of the day-to-day decision-making within the union, and to represent the Union internationally. It is the presidency that expresses the EU’s position on CFSP matters and can do so with respect to matters of mixed competence in the first pillar, and can speak on behalf of all the member states in international organisations and international conferences. The country holding the presidency will chair all EU coordination meetings, and represent the EU in discussions with other UN member states and/or regional organisations. There are roughly 1300 EU coordination meetings held annually in New York, and 1000 in Geneva.¹⁴ During the UK presidency of the EU in the second half of 2005, British officials planned for over 450 internal coordination meetings and nearly 60 meetings with other regional groups and countries.

EU statements to the UN are presented by the presidency (see Table 1). There has been a gradual increase in the number of EU common positions and statements presented to the UN General Assembly. This is partly due to the progress made in formulating agreed positions in the area of foreign and security policy and, on occasion, to the persistence and skill of individual presidencies in shaping consensus on the issues that come up during the term of office. The degree of UN activity by an individual EU member state is not directly related to the size of that state and its diplomatic mission – the Danish, Dutch and Italian presidencies were particularly active in presenting common positions to the General Assembly, and exceeded the diplomatic activity of the French presidency. Small states can be as successful in securing the agreement of their partners to a common position as the larger, and often better-resourced, national delegations. National interests clearly play a part in both the agenda setting of individual presidencies, and in the decision of the partner member states to commit towards a common

position. There may also be issues that arise in the international arena upon which the EU member states can either reach agreement without much effort (such as the Middle East peace plan or the need for a unified front in dealing with international terrorism) or which are significantly divisive, such as the US war against Iraq. As Table 2 shows, the greatest number of EU statements is made to the Security Council and the General Assembly.¹⁵

It comes as no surprise to note that, in an analysis of the common statements by issue area, by far the largest number of statements covers peace and security matters, followed by economic and social development and, some way behind, human rights. This result is interesting because the greatest degree of activity by the EU at the UN (across the rotating presidencies) is precisely in the areas where European integration has lagged thus far. In the area of peace and security, there is no common policy and no supranationality. Rather, decisions are made on the basis of intergovernmentalism, and policy initiatives are gradual and limited in scope. The identity of the EU as a security actor is still evolving, and it has not been fully embraced by member state governments, political elites, or national publics. Outside the EU, there is an equally sceptical view of the union as a security actor, notwithstanding its recent peace-keeping operations in the Western Balkans and in the Democratic Republic of Congo. The high level of EU engagement in security issues through the UN forum can only help to counter some of this negative attitude and doubt over its capacity to play a meaningful role in international security. Even if the reality of a EU as an effective international security actor may take some time to emerge, the process of consensus building among the member states is essential to building the eventual agreement for collective action.

The presidency also aims to get an EU consensus prior to voting on the resolutions before the assembly. While this does not always happen, the divisions are less rancorous and less frequent than might be expected. During the 58th session of the General Assembly (2003-04), EU voting cohesion was 89.75%, including consensus votes.¹⁶ EU member states were divided on 32 resolutions before the General Assembly, including some on nuclear weapons and disarmament, decolonisation, and human rights (see also Table 1.1 in this volume). A study by Paul Luif (2003) reported an increase of identical votes by the EU states in the UN General Assembly in parallel with the development of the CFSP. However, the apparent trend towards consensus

should also be considered against the fact that there was sometimes quite considerable variations in the positions across issue areas. Luif found that there was high agreement among EU member states on Middle East questions relating to the Israel-Palestine conflict, and on matters relating to human rights. On issues relating to questions of international security, disarmament and nuclear weapons, there was significant disagreement among the EU member states; and even more so on issues relating to decolonisation (Luif, 2003: 51). Luif also found that the voting patterns of the Eastern European states that became members in 2004 moved closer to the EU position, while Turkey's voting pattern has not moved towards the EU consensus position, even though on security it was never far from the EU position. The general conclusion is that in terms of voting in the UN General Assembly, the EU appears to be emerging as an international actor.

The Council Secretariat

The Council Secretariat services the Council, which is comprised of representatives of all the member states. It is important to remember that the Council (comprised of member states) is the primary decision making body in all three pillars. Once the embryonic CFSP was instigated in the Maastricht Treaty, it was evident that some form of coordination of the member states positions would be required so as to give effect to the proposed common positions and joint actions in foreign policy issues. Two decades after the Commission delegation to the UN was officially set up (see below) the EU member states agreed in 1994 to open a liaison office of the Council secretariat in New York, to help 'represent' CFSP. This, somewhat surprisingly, was already preceded by a Council secretariat office in Geneva that had been established in the late 1960s to deal mainly with negotiations within the framework of the General Agreement on Tariffs and Trade (the Geneva office is now commonly referred to as the 'Bunker'). Both offices are headed by an Ambassador and a deputy head of office.

According to the website of the New York liaison office, the Council Secretariat office is to:

1. To provide information, reports and analyses on UN activities to the Secretary-General/High Representative for CFSP, to the General Secretariat of the Council, and to Council bodies;
2. To assist the presidency and the member states in the day-to-day running of EU business and in the representation of the CFSP in New York;

3. To assist the Secretary-General/High Representative for CFSP in carrying out his activities;
4. To help in ensuring consistency and continuity across the rotating presidencies.¹⁷

The Council liaison office hosts many coordination meetings, though as Paul Taylor points out, not all coordination meetings by member states are held in the 'Bunker' in Geneva (Taylor, 2006).

In examining the coordination framework for the conduct of EU-UN relations, we could ask the question whether a new office was really necessary. It has been suggested that there is little spirit of cooperation between the two European institutions in New York (the Council office and the Commission delegation), and between the Council office and the Presidency.¹⁸ However, any sense of alienation and frustration about its position in the EU coordination framework must take account of the nature of the office as a liaison and information bureau rather than as a political institution in a highly politicised policy arena that has yet to be fully developed as a European common policy. So far, it is the individual member states that call the shots as far as foreign policy initiatives are concerned and there is still a great deal of division among the member states as to the degree of delegation they are willing to make to the supranational level. By contrast, the European Commission is both well-resourced and has the capability to expand the scope of its activities in the areas for which it has competence, as well as to interpret more widely the activities and responsibilities it is interested in undertaking. The Commission also has observer status and is a participant at the main meetings, with other participant states. This role is not open to the Council liaison office that performs, in this context, a more typical back office function. Presence counts for a lot in international diplomacy, because it provides the opportunity for a more distinct profile and influence as an actor. However, profile raising seems to have been less of a priority in the minds of decision-makers when it came to the opening of the Council Secretariat liaison office. Rather the idea seems to be confined to maintaining an information bureau that instead supports member state efforts to coordinate themselves.

The European Commission at the UN

The European Commission presence at the UN began with the opening of an information office in New York in 1964, which became an official delegation office on 11 October 1974 when the UN General Assembly granted observer status to the EEC. The delegation is headed by an ambassador and effectively functions as an embassy with a core staffing level of around ten and a small number of locally-engaged employees. Commission delegations now exist at all the major UN sites, including New York, Geneva, Vienna, Rome, Paris and Nairobi.¹⁹ Observer status allows the Commission, on the EC's behalf, to participate in the proceedings of the General Assembly, ECOSOC and its functional commissions, in line with the responsibilities allocated to it under the treaties.

At Commission headquarters, the External Relations and Development Directorates-General (DGs) coordinate relations between the Commission and the UN, while many of the sectoral DGs also have close working relations with individual bodies in the UN system in their areas of competence. The general rule is that the European Commission has special responsibilities in areas where there is exclusive Community competence – notably trade, agriculture, fisheries, and some areas of environmental and development policy – which allow it to push for a common position and then represent the European Community (though not the EU as a whole) in the UN on such matters, though not to vote.

In other areas of first pillar where the European Community does not have exclusive competence, the Commission tries to reinforce the coordination process and support the presidency, particularly by helping to draft statements and foster EU unity in voting. The European Commission itself presents approximately 5-7 statements a year to the General Assembly – on areas for which it is directly responsible – compared to the almost 400 issued by the Presidency.²⁰

Through the European Commission representation, the European Community has taken part as a (special) 'full participant' in many major UN conferences, notably the 1995 Copenhagen Summit for Social Development; the 1995 Beijing World Conference on Women; the 2000 World Food

Summit in Rome; the 2002 Monterrey Finance for Development conference; and the 2002 Johannesburg World Summit for Sustainable Development.²¹ In 2001, the EU hosted a major UN conference, the 3rd UN Conference on Less Developed Countries, for the first time. This participation at global conferences establishes the profile of the Europe as a global actor, as well as bringing the voice of the European Union to a global forum.

Its presence in New York places the European Commission delegation at the heart of the United Nations system. And as the work of the UN has broadened in scope, so too has the areas of involvement for the European Commission. This enables the European Commission to enhance its stature in the foreign policy (broadly understood) arena through its engagement in the activities of the different UN entities. The Commission attends the regular meetings and high-level political dialogue between the UN Secretariat, the Council (EU) and the High Representative of the CFSP. The EU and the UN work together on development policy and humanitarian aid, both areas for which the European Commission has significant responsibilities.

In this, the Commission's relations with ECOSOC are important. The majority of the EU statements to ECOSOC are made by the Presidency, though the European Commission frequently plays a prominent part in the drafting of texts and the agenda-setting. ECOSOC is one of the most important organs of the UN system for the European Commission, since it promotes a broad-based agenda of economic and social development embodying significant synergies with the European policies and values.

While European development policy is undertaken at both national and Community levels, it is the European Commission that has taken a large role and growing profile on these matters in the UN framework. The result has been favourable to the Commission in terms of both profile and influence. The EU strongly supports the UN Millennium Goals agenda and at the General Affairs and External Relations Council meeting in May 2005 it adopted a series of ambitious new commitments, including the goal of meeting a collective EU ODA target of 0.56% of GNI by 2010 (an individual target of 0.51% for EU15 and 0.17% for EU10), and a collective target of 0.7% by 2015; policy coherence (in terms of policy synergies between development, trade, environment, agriculture, migration and security); and a specific focus upon Africa. This

outcome was shaped in large part by the leadership role played by the European Commission, and the long-standing support that this institution has given to UN efforts in the area of development assistance. In this regard, the European Commission Communication ‘Building an Effective Partnership with the UN in the field of Development and Humanitarian Affairs’ (2001) moved relations with the UN into a new phase. Since then, five strategic partnerships in the field of development and humanitarian assistance have been concluded between the Commission and the UN bodies such as the United Nations Development Programme, the World Health Organization, the Food and Agricultural Organization, the International Labour Organization, and the United Nations High Commissioner for Refugees. The result of these partnerships has been an intensification of policy dialogue and cooperation at both the strategic and operational levels. The UN forum offers the European Commission a good way to pursue its own development agenda at a global level, while promoting the European values of democracy, human rights, good governance, and the rule of law – but the coordination system keeps the member states in firm control of both the substantive nature of the European case and how it is presented to the UN bodies.

Although there may not be agreement over which European institutional body should take the credit for bringing the two international organisations into closer cooperation, the European Commission has certainly moved into the spotlight as a result of the efforts over the years. It is now well-entrenched in the international diplomatic circle, and can justifiably claim international presence – one of the key prerequisites to actorness in the international system. And this actorness amidst the international diplomatic circle by the European Commission raises the profile of the European Union but adds to confusion over who speaks for Europe.

Intersecting Reform Agendas?

Both the European Union and the United Nations are currently undergoing a series of internal debates over the future of the respective multilateral systems. The question is what are the possibilities for such reforms to be implemented, and to what extent are the two international organisations impacting upon each other’s reform agenda? In the case of the European Union, the reform debate has been linked to the most recent phase of enlargement and a community of twenty-five states amidst a decision-making system that was constructed for a much smaller, and

less diverse grouping. In the EU-12, or EU-15, states knew where they stood in terms of the political processes, the negotiations and compromises, the range of national preferences and interests, and how to bargain within the existing institutional frameworks so as to protect interests and advance common positions. For the smaller and/or poorer member states, the inequalities in income and power were compensated for by mechanisms to promote cohesion (notably the Cohesion and Structural Funds), while France and Germany worked closely together to establish the direction and parameters of future change. In the community of twenty-five, the Franco-German alliance is under strain as each country battles with national problems and economic insecurities, while the centre of axis has moved eastwards and Structural Funds are going in the same direction.

Since 1958, the European Union successfully implemented a number of reforms to the design blueprint set out in the Treaty of Rome. Reform has been incremental at times – the gradual shift in the status and powers of the European Parliament, from assembly to directly-elected parliament, first without decision powers and then a gradual extension from consultation to cooperation and finally to co-decision; or the informal meetings of the European Council (a body not even included in the Treaty of Rome) beginning in 1974 and subsequently formalised through treaty change, the result being to restore the responsibility for EU strategic change to the control of the individual member states. At other times, radical reform was preferred, such as with replacement of national currencies by the euro. In many ways, the most radical reform of all was made with hardly a murmur from the member state governments. This was in the two decisions by the European Court of Justice in the 1960s that gave rise to the principle of direct effect (European law had to be incorporated directly and without adaptation by the national administration) and the primacy principle (giving EU law precedence over national law).

The power of law and the pragmatism of national political actors (and of the European Commission) together contributed to the EU's success at achieving reform. In recent years, proposals for reform only succeeded if given the full backing of member states, and with a clear rationale linked to very concrete objectives – market integration, monetary union, democratic representation (in the case of the European Parliament). The extension of supranationality (and strengthening of the institutional framework) was facilitated through a combination of European

leadership and national willingness to share sovereignty so as to promote common interests. From the beginning of the European Community, there was the shared understanding among political elites, governments and citizens that the community was necessary for (re)establishing peace and security. In recent years, the rationale no longer holds true and the beliefs that bound the post-war European leaders together are not evident among the contemporary political leaders. What is the rationale for the contemporary EU? Where is it going, and what kind of future does the European *community* want? Having failed to address these questions in the European Convention that produced the draft constitutional treaty, it should not be much of a surprise that European citizens rejected the document in several national referenda.

The question of UN reform has also moved to the top of the international debate – in large part, a debate that arose out of dissatisfaction and criticism over its effectiveness and relevance in the twenty-first century. The UN has had its critics from the beginning, though the voices have become louder in recent years, attacking the ineffectual bureaucracy, corruption and waste, and a general perceived lack of capability to deal with the conflicts, wars and ethnic rivalries that erupted over the past two decades. Conflict resolution, peace-keeping, the protection of human rights, and the reduction of poverty have all crowded the UN agenda in recent years. The failure to effectively address these challenging issues undermines the UN's reputation. Reform proposals have emerged from a variety of sources, including the High-Level Panel on Threats, Challenges and Change, with its report 'A More Secure World: Our Shared Responsibility' in December 2004 and the report by Secretary-General Kofi Annan himself in March 2005.

Central to the reform proposals is the notion that security threats have multiple origins, including international wars, civil violence, organised crime, terrorism, and weapons of mass destruction. But other dangers emanate from poverty, infectious diseases, and environmental degradation. The conclusion is for the global community to adopt a more comprehensive view of what constitutes a security threat, and then construct a collective security system that can embrace the multiple causes of global insecurity.

The UN reform debate has produced a set of proposals on institutional change, and also advocated strengthening the normative framework. Collective security is once more brought to

centre stage as a core organising principle in cooperative relations between states. Another principle, collective responsibility, is given stronger emphasis, while the role of the Security Council as the formal arbiter on the use of force against another country is emphasised. In the words of the Secretary-General, ‘we need long-term, sustained engagement to integrate human rights and the rule of law into all the work of the UN. This commitment is as critical to conflict prevention as it is to poverty reduction, particularly in states struggling to shed a legacy of violence’.²²

Currently, at least two proposals for reform of the Security Council have been put forward to address the representation deficit that exists at present. One proposal is to expand the current membership, to have six new permanent members and three new non-permanent members; the second proposal is for nine new non-permanent seats. Both proposals leave the existing veto power currently enjoyed by the five permanent members unchanged.

What are the prospects for realising these institutional changes at the UN? At best, it will take a long time for some consensus among the existing group of countries that hold the pivotal positions on the Security Council. A proposal for an EU seat on the Security Council, making the EU the regional voice, is unlikely to be supported by the two European states with permanent seats and it is difficult to imagine their willingness to give up their right to exercise the veto. Beyond this, the proposal for a European seat on the Security Council would have to be accepted by the other members of this organ and ultimately the members of the General Assembly. There has also been some discussion within the UN of whether the official regional groups should be reformed, and whether as part of such a reform all EU member states should be in the same group. While an ‘EU group’ would neatly coincide with actual on-the-ground coordination and activity within the UN, there is little enthusiasm to go down this route within the EU. With EU member states spread out across three groups, the potential for feeding more information into EU coordination is thus greater, as is the potential for electing more EU member states to UN bodies

Certain proposals on the UN reform agenda, however, have been given strong support by the European Union. The EU welcomed the Secretary-General’s intention to further improve the coordination of the United Nations system including the grouping of the various agencies, funds

and programmes into more tightly managed entities. Since the EU is a major contributor to the UN funds, paying around 37% of the regular budget and 40% of peace-keeping operations, it has consistently sought to impose fiscal discipline and greater responsibility for budgetary control.²³ It is supportive of a new security consensus (including criteria for the use of force, the notion of the responsibility to protect, and the inclusion of economic, environmental and social threats next to the so-called hard security threats).

The proposal for a Peace-Building Commission is also supported by the European Union, on the basis that there is a need for a body to ensure long-term post-conflict reconstruction involving all major actors, international financial institutions, relevant UN entities, and major donors. Similarly, there was European support for the Human Rights Council, which was welcomed by the European Commission as a way of making the UN human rights machinery more relevant and efficient. The stronger focus on democratisation issues in UN reform proposals also met with the support of the European Union and, in the field of development, the European Union strongly endorsed the Millennium Development Goals agenda.

Furthermore, the UK presidency (July-December 2005) called for a strengthening of ECOSOC, and for this committee to play a central role in the follow-up and implementation of the outcomes of major UN conferences and summits in the economic, social and environmental fields, and with reference to the work on the Millennium Development Goals. The European proposal also recommended that ECOSOC could meet as a high-level development cooperation forum, where global, regional, and national strategies and policies for sustainable development cooperation could be reviewed; ECOSOC could also become a voluntary MDG peer review mechanism, and contribute to post-conflict situations and humanitarian crises, to ensure coherence with long-term development goals. The EU has taken the position that the role of ECOSOC should remain within at the level of policy coordination and review – there was no proposal to extend the ECOSOC role to intervene directly in operational management.

To what extent have the EU and UN positions on multilateralism coalesced? In some respects there is evidence of shared positions. Both the EU and the UN give priority to the protection of human rights, and this has become a key clause in all the EU's agreements with third countries,

to the extent that a breach of this provision can allow the EU to claim fundamental breach of contract in accordance with the international law governing agreements between states. On state sovereignty, the two organisations have their respective positions but the UN has come closer to the notion that absolute sovereignty is not defensible on all occasions. The European Union has endorsed the emerging norm of the 'responsibility to protect' which may permit intervention when states prove unable or unwilling to ensure the human security of their citizens.²⁴ On the other hand, although the use of force was prohibited under the UN Charter except in cases of self-defence or under authorisation by the Security Council, recent action by the United States, justified on the basis of threat prevention and pre-emption, changed the nature and perception of state sovereignty. The US case for intervention in Iraq was based upon an exaggerated notion of self-defence in the face of imminent threat, and justified on the basis of 'a coalition of the willing'. But American efforts to push forward with military action without the approval of the Security Council ultimately raised opposition in the EU, and divided the member states in their understanding of reasonable force and the role of international law in determining how and when to use force.

In the law and practice of European integration, the principle of state sovereignty has long been subsumed under the broader principle of the primacy of EC/EU law, and the notion of shared sovereignty. These recent proposals on UN reform imply the acceptance on limitations to sovereignty, not least in the proposed new norm concerning the 'responsibility to protect'. Yet the EU record on such issues as humanitarian intervention remains ambiguous at best (Fassbender, 2004). Even though the political rhetoric and policy documents reflect the European commitment to humanitarian intervention, at a practical level the EU is restrained to act by the limitations of its CFSP and limited military capability. The EU slow response to the problems in the Balkans over the course of the 1990s underscored the ambiguities in its position on humanitarian intervention.

At a more general level, the institutional changes at the UN advocated or supported by the European Union do not imply radical challenges to the national sovereignty of the European member states. It would seem that there are limitations to the sovereignty-sharing that European nation-states are willing to consider, even when they continue to support the principles of

multilateralism. But we may also be witnessing limits to European integration, a combination of political, geographical, social and cultural constraints configured by the diversity of aspirations among political leaders, the unwillingness of citizens to support grand projects that have not been subject to the rules of democratic accountability, and that fail to offer a convincing rationale and distinctive unifying vision. The contemporary European malaise needs to be considered not just within the frame of balancing intergovernmentalism and supranationality. It goes beyond the issue of institutional over-reach to the heart of the question - what is Europe?

Conclusion – The Challenges Ahead

There is no doubt about the EU's commitment to strengthen closer relations with the UN, and the recent European Commission documents and presidency statements can be regarded as a commitment towards intersecting multilateralism that has the support of both the intergovernmental and the supranational elements of the EU. The two multilateral systems have shared values – the protection of human rights, the respect for international law, the concern with democracy promotion, and a belief in the role of international institutions in fostering international cooperation. But effective participation by the EU in the UN multilateral system remains restricted by the peculiarities of the EU system, its mix of intergovernmentalism and supranationality that variously enhances the power and influence of individual member states and at other times places limitations on the supranational institutions, including the European Commission. In this regard, the European Commission produces the policy documents on multilateralism, while the Presidency acts as the voice of the EU states (when coordinated). Given that it appears that the draft EU constitutional treaty will not be ratified, and thus the institutional reforms proposed in it will not be enacted any time soon, it would seem that for the foreseeable future, the EU effort to promote greater coordination within the UN system will rely upon the mechanisms that are already in place and the member states will continue to shape the relations with the other multilateral system. There is an inevitable and perpetual tension between the UN as an organisation of sovereign states and the EU as an evolving political community of sovereignty-sharing member states.

Table 1 EU Coordination at the UN General Assembly and UN Security Council

UN General Assembly

1. Agenda of the General Assembly is approved by member states and topics are considered either in one of the six main committees of the GA or in the GA Plenary
2. Debate takes place on a particular subject.
 - UN Secretariat or UN representative introduces the subject.
 - UN groups (EU, G77) make statements, on a first come-first served basis.
 - The EU presidency makes its statement.
 - Individual UN delegations make statements
 - Observers may make statements.
3. Introduction of Resolutions:

An individual or group delegation provides a draft text.

 - Delegations and groups prepare amendments (in informal consultations/bilateral contacts/in writing). EU Presidency, assisted by the Council Secretariat, coordinates with the Commission and EU member states which consult their capitals. EU must reach a consensus or no EU position is taken.
 - Discussions on text of draft resolutions in GA committee sessions and in informal caucusing.
 - Delegations that wish to mark their support for a resolution become 'co-sponsors'.
4. Voting on Resolutions in GA Plenary
 - Adoption in the General Assembly Committees by either consensus or vote.
 - Brought to Plenary.
 - Adopted by the Plenary where there might be a public vote.
 - a. EU partners (including the Commission) may sit in on these (formal or informal) meetings in order to follow the procedures, but the discussion is conducted by the Presidency except on issues where the EC has competence.
 - b. The EU Presidency may designate another EU delegation to represent the EU if it is not available.

UN Security Council

The EU has no status at the Security Council. Member states act individually and separately. Two member states have permanent seats (UK and France) and two others have non-permanent seats on a rotating basis. At EU weekly meetings chaired by the presidency, EU member states sitting on the Security Council take it in turn to brief the other EU member states on the previous week's Security Council activities. The High Representative of the EU may be invited to speak to the UN Security Council on behalf of the EU. EU member states on the Security Council incorporate EU views and positions when they can in their statements.

Source: web-site of the EU at the UN, <http://www.europa-eu-un.org>, accessed 12 April 2006.

Table 2: EU statements at the UN 2000-2005

By Venue		By Presidency		By Subject	
Security Council	185	France (2000)	112	General	280
General Assembly	172	Sweden (2001)	92	Human rights	81
1 st Committee	70	Belgium (2001)	149	Peace/security	408
2 nd Committee	111	Spain (2002)	99	Environment	60
3 rd Committee	97	Denmark (2002)	126	Economic/Social	252
4 th Committee	27	Greece (2003)	76	Humanitarian	60
5 th Committee	139	Italy (2003)	136	International law	51
6 th Committee	54	Ireland (2004)	75	Trade	18
ECOSOC	131	Holland (2004)	149	Culture	1
Other	118	Luxembourg (2005)	83		

Source: [EU@UN](http://www.europa-eu-un.org) web-site, <http://www.europa-eu-un.org>, accessed 14 April 2006.

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¹ European Commission, 'The European Union and the United Nations: The Choice of Multilateralism', COM (2003) 526 final, 10 September 2003; European Council, 'A Secure Europe in a Better World: European Security Strategy', 12 December 2003. These built on earlier communications from the Commission stressing the importance of the UN for EU foreign policy, such as 'Building an effective partnership with the United Nations in the fields of development and humanitarian affairs' COM (2001) 231, 2 May 2001.

² The Economic and Social Committee covers the broadest areas of activity in the UN system, the majority of expenditure, and more programmes and funds than any other part of the United Nations. The UN Charter established a wide remit for ECOSOC, including the coordination of the economic and social activities of the gamut of specialised agencies (ranging from the ILO, WHO, FAO, IMF, and World Bank), conduct of research on economic and social issues, making recommendations and writing reports, preparing conventions, and convening conferences. With this broad agenda and a reach that extended across the UN system, ECOSOC represented an important strategic partner for a European Union in search of closer relations and an enhanced profile in international governance.

³ For an original and detailed analysis of the development and substance of EU relations with the UN, see Laatikainen and Smith, 2006.

⁴ WEOG also includes Australia, Canada, New Zealand, Andorra, Iceland, Liechtenstein, Monaco, Norway and Switzerland; the US is normally an observer but participates as a full member for the purpose of elections.

⁵ Until 2004 Estonia was not a member of any group; it has now joined the Eastern Europe Group.

⁶ JUSCANZ (Japan, US, Canada, Australia and New Zealand), meets occasionally to coordinate positions, somewhat more often in the CANZ formation. The EFTAs (Norway, Liechtenstein, Iceland and Switzerland) will operate with JUSCANZ.

⁷ The other two are the European Coal and Steel Community and the European Atomic Community.

⁸ Among these three pillars, the third pillar of Justice and Home Affairs until recently has had little direct relevance for the EU's relations to the UN system. As the UN increasingly and authoritatively addresses issues such as human trafficking and terrorism, this pillar will grow in importance.

⁹ The draft constitutional treaty proposed to give legal personality to the EU.

¹⁰ There are two non-permanent seats on the Security Council that are filled by countries elected from the WEOG; one non-permanent seat is elected by members of the EEG; two non-permanent seats are filled by the Latin

American Group and five non-permanent seats are filled by the Africa/Asia groups. Given this distribution, and the distribution of EU members among WEOG, EEG and Asian regional groups, it is possible though unlikely that in addition to the UK and France as members, there could be as many as four EU members elected to non-permanent seats. More common since the EU's 2004 enlargement is two non-permanent SC members from Western Europe and one from Eastern Europe.

¹¹ For a broad-ranging review of the European integration theories, see Ben Rosamond, *Theories of European Integration* (Basingstoke: Palgrave, 2000); Simon Hix, *The Political System of the European Union* (Basingstoke: Palgrave, 1999); Antje Wiener, and Thomas Diez, *European Integration Theory* (Oxford: Oxford University Press, 2004); and Thomas Christiansen, Knud Erik Jørgensen, and Antje Wiener, eds, *The Social Construction of Europe* (London: Sage, 2001).

¹² The literature on the external relations and international role of the EU is, however, gaining ground, providing new insights into the political dynamics and emerging systemic relationships – see Roy Ginsberg, 'Conceptualising the European Union as an International Actor', *Journal of Common Market Studies*, vol. 37, no. 3, 1999; Christopher Hill, 'The Capability-Expectations Gap, or Conceptualising Europe's International Role', *Journal of Common Market Studies*, vol. 31, no. 3, 1993; Richard Whitman, *From Civilian Power to Superpower? The International Identity of the European Union* (Basingstoke: Palgrave, 1998); Charlotte Bretherton and John Vogler, *The European Union as a Global Actor* (London: Routledge, 1999; C. Hill and M. Smith, *International Relations and the European Union* (Oxford University Press, 2005).

¹³ 'Second Report of the Foreign Ministers to the Heads of State and Government of the Member States of the European Community (The Copenhagen Report), Copenhagen, 23 July 1973', Document 2/4, in Christopher Hill and Karen E Smith, eds, *European Foreign Policy: Key Documents* (London: Routledge, 2000), p. 87.

¹⁴ See <http://www.europa-eu-un.org>, accessed 18 April 2006.

¹⁵ The General Assembly is comprised of a number of Committees: the First Committee covers Disarmament and International Security; Second Committee – Economic and Financial; Third Committee – Social, Human and Cultural; Fourth Committee – Special Political and Decolonisation; Fifth Committee – Administrative and Budgeting; Sixth Committee – Legal.

¹⁶ See [EU@UN](http://www.europa-eu-un.org) - EU paper on Model UN Conferences, <http://www.europa-eu-un.org>, accessed 14 April 2006.

¹⁷ See www.europa-eu-un.org, accessed 14 April 2006.

¹⁸ See Fiona Creed, 'An Inter-Institutional Analysis of the EU at the UN: A Turf War?' Paper prepared for the EUSA annual conference, Austin, Texas, April 2005.

¹⁹ In Geneva, European Commission delegations are accredited to a number of UN bodies, including the OHCHR, UNHCR, UNCTAD, ILO, WHO, WIPO, ITU, UNECE, and the Conference on Disarmament; in Paris, UNESCO; in Nairobi, UNEP; in New York, the FAO and World Food Programme, the International Fund for Agricultural Development; in Vienna, the UN Office on Drugs and Crime, UN International Development Organisation, and the International Atomic Energy Agency.

²⁰ Creed, 'An Inter-Institutional Analysis', p. 6.

²¹ In these cases, the European Community participated in debates on an equal basis with member states at these meetings, but did not have the right to vote.

²² Kofi Annan, "'In Larger Freedom": Decision Time at the UN', *Foreign Affairs*, May/June 2005, p. 69.

²³ See Communication from the Commission to the Council and the European Parliament, *The European Union and the United Nations*, COM (2003) 526 final, p. 3.

²⁴ See *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, (Ottawa, ON: International Development Research Centre, December 2001. See also the Biscop and Drieskens contribution in the volume by Laatikainen and Smith (2006).