

Single Actorness Nonexistent – EU Security Policy at the UN

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ABSTRACT

With the Treaty on European Union (1993) a European Union (EU) Common Foreign and Security Policy (CFSP) was created. The declared aim of this policy-framework is for the EU Member States (MS) and the EU institutions to act coherently in external affairs. This paper looks at the implementation of the CFSP-regime at the United Nations (UN) in New York by focussing on security policy. With that it reveals the functioning and quality of the coordination and representation of EU MS' national interests and EU policy aims in the most important international organisation. The examination focuses on the effectiveness and coherence of EU representation in the UN Security Council and the First Committee of the UN General Assembly, elucidating whether the EU is a single actor in institutionalised security policy-making and how far the CFSP has developed in this field in the fifteen years since its introduction.

It is argued that a sophisticated and complex EU coordination machinery is in place on the East River. Therefore EU MS cooperate, but they nevertheless pursue fiercely their national interests within the EU-group and in the UN. 'Europeanisation' or 'Brusselisation' shows little effect in New York. The CFSP-regime at the UN can be described as procedure as substitute for policy, since the intergovernmental dealings between the EU MS leave not much room for a truly *common* security policy.

Keywords: European Union, United Nations, security policy, CFSP, ESDP, UN Security , Council, First Committee UN General Assembly

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1. Introduction

The European Union's Common Foreign and Security Policy (CFSP) is a complex intergovernmental construct, shaped by a shared cultural background, individual national interests, Treaty regulations and tacit regimes. The CFSP has been created mainly to achieve a coherent policy of all European Union (EU) Member States (MS) on the external plane in order to maximise the Union's influence - and also that of its MS. This paper will concentrate on the practical edge of the EU's external actorness in the field of security policy, on the real-world implementation of the regulations stipulated in the EU-Treaties and other documents. The United Nations (UN) will serve as the scenery for that. Moulded by the specific multilateral environment of an international organisation, the proceedings on EU security policy at the UN in New York serve as a good example for the developments within the CFSP in general, its quality and coherence, and offers valuable insights into the EU-internal mechanisms. Therefore this piece will give an overview of the CFSP through an inductive case-study approach.

It will do so by looking at two specific bodies involved in security policy-making, namely the UN Security Council (UNSC) and the First Main Committee of the UN General Assembly (UNGA), working on issues of disarmament and international security.

A short overview of their specific internal dynamics, characters and policy-making cultures will be presented for both bodies. Subsequently the formulation, coordination and representation of EU positions in the UNSC and the First Committee will be analysed. In the case of the UNSC also the EU stance and role on reform of the body will be looked at. To do justice to the practical approach taken in this paper, policy advice is part of the analysis.

2. The EU in the UN Security Council: Cooperation Attempts and Reform Disputes

Overview

The UN Security Council is the most important body of the World Organisation, notwithstanding its severe institutional fatigue due to a gap between decision-making and implementation, questioning its relevance, credibility and legitimacy.¹ Its elevated position roots mainly in the UNSC's "primary responsibility for the maintenance of international peace and security"² and its exclusive power to create under Chapter VII of the UN Charter law binding to all UN MS. Those attributes grant it a special position and relevance in the international system and give its fifteen members, and particularly its permanent members,³ a special capability and authority. If the UN is seen as the central organ of multilateralism, the UNSC can be regarded as its 'Board of Directors'.⁴ While *de jure* all members of the UN General Assembly (UNGA) are equal, membership in the UNSC is a distinct privilege held by five members permanently and ten elected members for a two-year period. It is noteworthy that seventy-three UN MS have never been on the Council at all.⁵ And it is important to keep in mind that the group dynamics in the UNSC are very different from those within the UNGA or other UN bodies, due to the close and intense working relations between its members.⁶

¹ Fraser Cameron, *The EU and international organisations: partners in crisis management*, EPC (European Policy Centre) Policy Paper for CPP (Conflict Prevention Partnership) 2005, p. 14 and Jeffrey Laurenti, "What 'reinforcement' for the Security Council?", in *The European Union and the United Nations: Partners in effective multilateralism*, Chaillot Paper no. 78 (Paris: Institute for Security Studies, 2005), pp. 69-73.

² Article 24 (1) UN Charter.

³ China, France, Russia, the UK and the US.

⁴ Rudolf Geiger, Article 23, in Bruno Simma (ed.): *The Charter of the United Nations. A Commentary*, Munich and Oxford, 1994, pp. 393-97.

⁵ Own calculation based on the website of the UNSC (www.un.org/sc/list_eng6.asp, accessed on 4 February 2008).

⁶ On decision-making within the UNSC see Courtney B. Smith, *Politics and Process at the United Nations: The Global Dance* (Boulder: Lynne Rienner, 2006), pp. 162-177.

The Status Quo of the CFSP Within the UNSC

The basic and crucial structural difference between the UNGA and the UNSC when looking at the EU's representation in the latter is that not all EU MS are members of the Council. Depending on how successful the EU MS are in the elections of the three regional groups they are part of, up to three EU MS serve a term as non-permanent UNSC-members at the same time (see table 1 next page).⁷ In theory it is possible that six EU MS are members of the Council at any one time (two permanent and four non-permanent members).⁸ However, for political reasons such a constellation will hardly ever be seen in reality. Nevertheless, in contrast to the UNGA, the EU with up to a third of all UNSC members potentially could very much influence and dominate proceedings and discussions in the Council, utilising it profitably for the CFSP and the European Security and Defence Policy (ESDP). When it acted unitarily, the EU group would be also a decisive factor when it comes to voting in the

Table 1: Membership of EU MS in the UNSC, 1993-2006

Year	EU MS as non-permanent members in the UNSC	Total number of EU MS in the UNSC (including France and the UK)
1993	Spain	3
1994	Spain	3
1995	Germany; Italy	4
1996	Germany; Italy	4
1997	Portugal; Sweden	4
1998	Portugal; Sweden	4
1999	Netherlands	3
2000	Netherlands	3
2001	Ireland	3
2002	Ireland	3
2003	Germany; Spain	4
2004	Germany; Spain	4

⁷ The ten non-permanent UNSC-members are elected by the UNGA, with five seats up for election every year. By common practice equitable geographic distribution of the non-permanent seats is achieved by allocating the seats in accordance with the following ratio among the five regional groups existing: 3 seats for the GAFS (Group of African States); 2 seats for the GASS (Group of Asian States), 2 seats for the GRULAC (Group of Latin American and Caribbean States), 2 seats for the WEOG (Western European and Other States), 1 seat for the EES (Eastern European Group).

⁸ Six EU MS would be members of the Council at the same time when EU MS held two permanent seats, two non-permanent seats from the WEOG (Western-European and Other States), one non-permanent seat from the EES (Eastern European Group) and one non-permanent seat from the GASS (Group of Asian States [Cyprus]).

2005	Denmark; Greece	4
2006	Denmark; Greece; Slovakia	5

Source: UNSC website (www.un.org/sc/members.asp).

Council. As the adoption of an UNSC-resolution requires a nine-member majority, the EU MS do not have enough votes to block a resolution simply by abstaining. However, with France and the UK being veto powers, the EU had the possibility to oppose all resolutions contrary to its interests (except for procedural questions).

But those scenarios are rather of academic relevance, given that in contrast to the UNGA the EU as such is not an actor within the UNSC. Despite the fact that the UNSC is the most important entity within the UN, the EU does not develop common policies and activities with regard to the UNSC. There is no formal or informal EU coordination process on UNSC affairs. Rather all EU MS pursue individual policies. It is exactly the influential and prestige-giving role of the UNSC that prevents formalised policy-harmonisation and cooperation among the EU MS in the Council: France and the UK, as permanent members of the UNSC and the one to three other EU MS being non-permanent members, prefer to utilise the powerful instrument UNSC for their own national interests. And this practice is not really challenged by any EU MS. The UNSC with its power-political disposition is therefore the case in point of the limitations of communitised EU policies within foreign affairs in general and at the UN in particular. Within the Council EU MS are egoistic benefit-seekers, which is also true for EU MS being previously ‘good Europeans’, who change their patterns of behaviour once they are temporary members. For instance the German PR, representing a country part of ‘Core Europe’, stressed the national dimension by pointing out in 2005 how pleased he was that his country was able to develop its own positions and to promote them

successfully in the recent years in the Council.⁹ The ‘Permanent 2’ (P2¹⁰), France and the UK, are the *primus inter pares* among the EU MS, which can be felt quite strongly within the group.¹¹ In this situation, in which all EU partners have to take into account the special standing of the two, it does not seem to be convincing that the UK stresses that its contribution in the UNSC “draws on the unique strengths and experience which come from our membership of the EU” – but only besides other factors.¹²

France and the UK justify their independent policies in the UNSC often with their special responsibility as permanent members and their obligations under the UN Charter. Also EU MS serving their non-permanent membership follow this line of reasoning. However, as a common EU position would certainly never contradict this responsibility in view of the values the Union is based on, this seems to be used rather as a pretext. Nevertheless, France and the UK managed to place their special standing in Article 19 of the Treaty on European Union (TEU), which allows them to act in the Council only “without prejudice to their responsibilities under the provisions of the UN Charter” despite the existence of CFSP.¹³ This does justice to the pre-eminence of the obligations under the UN Charter¹⁴ and the principle

⁹ Gunter Pleuger, “Deutschland im Sicherheitsrat. Bilanz aus zwei Jahren als gewähltes Mitglied”, *Vereinte Nationen*, 53rd vol. (2005), no.1, p. 1.

¹⁰ Usually the term ‘P2’ refers to the UK and the US. However, some New York-based experts from EU MS also use this term when talk about France and the UK. The expression ‘P2’ is used here in this latter meaning to highlight their special role as the only EU MS being permanent members on the UNSC have – also within the EU.

¹¹ See the analysis of the role of France and the UK play within the UNSC and the repercussions on the EU group in Christopher Hill, “The European Powers in the Security Council: Differing Interests, Differing Arenas”, in *The European Union at the United Nations. Intersecting Multilateralisms*, ed. by Katie V. Laatikainen and Karen E. Smith (Houndmills and New York: Palgrave Macmillan, 2006), pp. 49-69.

¹² Factors such as the UK’s global diplomatic network and the and from the membership of the Commonwealth, the G8, the NATO and other international bodies. See the Stationery Office, *The United Kingdom in the United Nations*, Paper presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty, September 2003, paragraph 9.

¹³ Article 19 (2) TEU, as Günter Burghardt, Gerd Tebbe and Stephan Marquardt, “Artikel 19” in *Kommentar zum Vertrag über die Europäische Union und zur Gründung der Europäischen Gemeinschaft*, ed. by Angela Bardenhewer-Rating, Gerhard Grill, Thina Jakob, Ulrich Wölker, 6th edition (Baden-Baden: Nomos, 2003), p. 233 argue.

¹⁴ Article 103 UN Charter.

that all activities under CFSP have to be in accordance with international law.¹⁵ However, what those special responsibilities of France and the UK might be, remains unclear, as the UN Charter in Articles 23 to 32 only mentions the responsibilities of the UNSC in general, and not those of the permanent members.¹⁶ In any case the clauses in Article 19 reflect well France's and the UK's perception that their seats are national ones, not European ones.¹⁷ However, the explicit mentioning of France and the UK is already an impressive departure from the EPC, as both countries prevented such a language in the SEA to defend their exclusive position.¹⁸

Moreover, Article 19 TEU lays down quite detailed provisions for EU MS behaviour and cooperation in UNSC questions, namely on (1) information, (2) concertation and (3) the defence of Union interests.¹⁹ Regarding the first point, the Treaty obliges the EU MS holding a seat in the Council, both permanent and elected ones, to keep the other EU MS "fully informed".²⁰ To do justice to this duty of information, the so called Article 19 Meeting has been established in 2001 (see the respective section from page xxx). This regulation is important, as it allows for all EU MS not being members of the UNSC to receive first-hand information on the body's proceedings. Only on the basis of this information they can make use of the potential indirect influence they have through the EU MS in the UNSC on the

¹⁵ Volker Epping, "Das Recht der internationalen Organisationen unter besonderer Berücksichtigung des Verhältnisses zwischen der Europäischen Union/ den Europäischen Gemeinschaften und den Vereinten Nationen", in *Kooperation oder Konkurrenz internationaler Organisationen: Eine Arbeitstagung zum Verhältnis von Vereinten Nationen und Europäischer Union am Beginn des 21. Jahrhunderts*, ed. by Stephan Hobe (Baden-Baden: Nomos Verlagsgesellschaft, 2001), p. 28.

¹⁶ Burghardt, Tebbe, Marquardt, op. cit. in note 13, p. 233.

¹⁷ Hans Arnold, "European Union, Common Foreign and Security Policy at the UN", in *A Concise Encyclopedia of the United Nations*, ed. by Helmut Volger (The Hague, London and New York: Kluwer Law International, 2002), p. 132.

¹⁸ Peter Brückner, "The European Community and the United Nations", *European Journal of International Law*, vol. 1 (1990), p. 179.

¹⁹ In addition to that, a document by the Council of the European Union of 16 July 2002 dealt with the implementation of the Article 19 mechanism and gave detailed instructions to that end (*Action des États de l'Union européenne au sein des organisations internationales, des conférences internationales et au Conseil de sécurité. Mise en œuvre de l'article 19 du TUE* [doc. SN 3133/02][not available to the public]).

²⁰ Article 19 (2) TEU.

Council's decisions, as provided by Article 19. This exchange of information is particularly important, as non-UNSC members are excluded from the informal meetings of the Council, which take place almost daily, and in which the actual negotiations and decision-taking happens.²¹ EU MS not being UNSC-members can receive information otherwise only through personal contacts to diplomats from UNSC members or by trying to sift out valuable information from the formal meetings, in which the fifteen countries on the Council read out their national positions in prepared statements. However, it should not be forgotten that the EU internal information mechanism is *in statu nascendi*. It will take a couple of years for it to become a reliable tool for EU MS not being on the Council. At the moment, the condition of full or even continuous²² information on all matters of common interest is not met. That is even more unfortunate as the TEU uses the wording 'keep fully informed' only when talking about the UNSC: With regard to international organisations in general only the weaker wording 'keep informed on any matter of common interest' is employed. Obviously the authors of the Treaty wanted to do justice to the exclusive importance of the UNSC and ensure unconditioned transparency. However, the reality looks different: The timeliness and extent to which UNSC members inform their EU partners depends very much on personalities and political concepts of the individual EU MS.²³ And the issues to be informed about are clearly channelled by the EU MS in the Council, i.e. are not on "any matter" of

²¹ Even the so-called 'informal consultations on the whole' are quite formal and see hardly any real negotiations. They take place in backroom talks of a few UNSC members or specific constellations, ad hoc Working Groups or drafting groups. See Linda Fasulo, *An Insider's Guide to the UN* (New Haven and London: Yale University Press, 2004), pp. 98-99; Hans-Peter Kaul, "Arbeitsweise und informelle Verfahren des Sicherheitsrats. Beobachtungen eines Unterhändlers", *Vereinte Nationen* vol. 46 (1998), no. 1, pp. 6-13; Loie Feuerle, "Informal Consultations: a Mechanism in Security Council Decision-Making", *New York University Journal of International Law and Politics*, 18 (1985) pp. 267-308; Courtney B. Smith, *Politics and Process at the United Nations: The Global Dance* (Boulder: Lynne Rienner, 2006), pp. 238-245.

²² The German translation of the Treaty uses the wording '*laufend unterrichten*', which goes beyond the English wording 'keep fully informed', as it implies a timely and steady flow of information.

²³ Ingo Winkelmann, "Europäische und mitgliedstaatliche Interessenvertretung in den Vereinten Nationen", *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, 60 (2000), pp. 427-8.

interest to the other EU MS.²⁴ Furthermore, the exchange of information is done primarily only on an oral basis.

Unquestionably a more elaborated, deepened and institutionalised framework is required than the current arrangement, i.e. the Article 19 Meeting. The Iraq crisis in 2003 has done a lot to stress the need for EU internal dialogue also with regard to the UNSC, and has accelerated the evolution of the Article 19 mechanism.²⁵ And it should not be forgotten that the Article 19 meetings serve the P2 as an outlet to avoid tackling the issue of UNSC reform, i.e. extending the number of the permanent seats or allowing for an EU presence in the Council.

On the second point pursuant Article 19 (2) TEU, all EU MS on the Council have to concert. As a logical consequence from the fact that the EU MS use their UNSC membership to follow national interests, this specification is largely ignored in practice. It happens very rarely that the EU MS on the UNSC meet to concert their positions. Cooperation among the fifteen Council members develops along the lines of similar interests. Thus for instance the UK feels often more inclined to seek an ally in the United States than in France. But also the special position of the other three permanent members let France and the UK seek contact to them rather than their European partners on the Council. Accordingly concertation among EU MS is only feasible and useful on those questions in which the national interests lay closely together. That occurred for instance on the question of Yugoslavia in the 1990s and on Rwanda. Even the fact that the experts from the EU MS know each other very well does not create particularly strong bonds in the UNSC, where the fifteen PRs and their subalterns spend long hours together and establish close relationships, creating a kind of in-group or

²⁴ This very broad interpretation of Article 19 is clearly intended as Burghardt, Tebbe, Marquardt, op. cit. in note 13, p. 235, argue.

²⁵ Sven Biscop, "Security and development: a positive agenda for a global EU-UN partnership", in *The European Union and the United Nations: Partners in effective multilateralism*, Chaillot Paper no. 78 (Paris: Institute for Security Studies, 2005), p. 27.

club-atmosphere of its own. Thus Portugal as a non-permanent member might have closer links to some African countries than to its European allies. As a consequence it is simply not true that the EU MS on the Council would be perceived as a group. The UK in its own analysis of the situation, however, gives the impression of a close consultation between the EU MS of the UNSC by highlighting that areas are identified at the beginning of each month “where the countries working together can have most impact”.²⁶ It is hardly surprising that the UK gives this rather positive impression, as it is generally eager to imply that it takes its “particular responsibilities with regard to the EU” seriously, even though the UK also not suggests to do more than absolutely necessary by reiterating its Treaty obligations in the respective document.²⁷ However, it is clear that a more proactive consultation among EU MS is indispensable with a view to maximising the degree of consensus on matters discussed in the UNSC.

In 1997, in the course of the negotiations on the Treaty of Amsterdam, the PR of Spain to the UN²⁸ suggested to extend the obligation for concertation under Article 19.²⁹ By changing the wording to “the MS which are also members of the UNSC [...] will keep the other MS fully informed and will concert with them”, a concertation between *all* EU MS would have been achieved, integrating also those EU MS into the process which are not members of the UNSC. At the same time this would have meant the Europeanisation of the UNSC seats of the EU MS, incorporating them into CFSP mechanisms. It is not surprising that this initiative failed. Also the P2 as well as Germany and Spain as incoming elected UNSC members in

²⁶ The Stationery Office op. cit. in note 57, paragraph 19.

²⁷ Ibid.

²⁸ Carlos Westendorp, who was Spanish Minister for Foreign Affairs in 1996, Spain’s PR to the United Nations 1996-1997 and High Representative in Bosnia and Herzegovina from June 1997 to July 1999.

²⁹ Ernst Sucharipa, “Die Gemeinsame Außen- und Sicherheitspolitik (GASP) der Europäischen Union im Rahmen der Vereinten Nationen”, in *Verhandlungen für den Frieden / Negotiating for Peace. Liber Amicorum Tono Eitel (Beiträge zum ausländischen öffentlichen Recht und Völkerrecht 162)*, ed by Jochen Abr. Frowein / Klaus Scharioth / Ingo Winkelmann and Rüdiger Wolfrum (Heidelberg und Berlin: Springer, 2003), p. 790.

2002 tried to improve their concertation through more coordination meetings and even by informing each other on the instructions they received from their capitals to be followed in the UNSC.³⁰ However, the quarrels over Iraq brought this project to a sudden end.³¹

For its last non-permanent membership on the UNSC (2003-2004) the German Foreign Office presented the idea to incorporate an official from the Council Secretariat and a diplomat of the EU Presidency into its Delegation for the direct coverage of UNSC matters. This would have opened the opportunity to these 'observers' to participate in all formal and informal UNSC meetings and therefore receive first-hand information on its work, which then in turn would have been made available to the other EU MS. However, France and the UK blocked this approach in its early stages with the argument such a proceeding would be illegal under UNSC procedures. This line of reasoning is not particularly convincing as Brazil during its tenure on the Council (2004-2005) included Argentinean diplomats for UNSC-coverage in the Brazilian delegation, and Argentina did the same with Brazilian diplomats during its non permanent membership on the UNSC (2005-2006).

Besides the obligation for information and concertation, the TEU asks France and the UK as permanent UNSC members to defend the “positions and interests of the Union”.³² Even though this pragmatic approach contradicts the principle of equal representation of EU MS

³⁰ Paul Luif, *EU Cohesion in the UN General Assembly*, Occasional Papers of the European Union Institute for Security Studies, no. 49, December 2003, p. 18.

³¹ Jürgen Dedring in his article draws a surprisingly positive picture regarding the concertation efforts among EU MS in the Council. He even says that an EU ‘caucus’ has been founded during the membership of Norway and Portugal on the Council in 2001/2 (which is factual incorrect, as Portugal was on the Council in 1997/8 and Norway is no EU MS), a mechanism which was deepened during the years of Spanish and German membership. As my own experiences and interviews, as well as all the other sources, present a very different picture and since I found no evidence for such a caucus, Dedring might have been misled (see Jürgen Dedring, “Reflections on the coordination of the EU member states in organs of the United Nations”, *FORNET*, Volume 2, Issue 1 January 2004, p. 3).

³² Article 19 (2) TEU.

within CFSP,³³ this is an extremely important stipulation, as it can be seen, when interpreted broadly, as a quasi-utilisation of the two permanent seats held by EU MS as an instrument to pursue the EU's interests within CFSP. Implicitly this even extends to the possible use of the veto.³⁴ However, as said already above, the reality could not be further away from such an interpretation of the Treaty: Their national interests guide the activities of France and the UK in the UNSC. Only when coinciding with Union interests, the two would defend their positions as EU interests. This situation prevails despite the fact that all EU MS on the UNSC are requested by the EU Council of Ministers to give an uniform expression of the positions of the Union wherever it exists and to take into account systematically the decisions with an UN dimension agreed on by the PSC.³⁵ This analysis highlights how important it is that France and the UK explore "more systematic ways of fulfilling their commitments under Article 19 of the TEU", as the European Commission put it.³⁶ But the Commission's suggestion to that end, namely that both countries should present common EU positions explicitly, perhaps in turns, is certainly far away from becoming a workable option. This suggestion can only be understood as a helpless appeal,³⁷ as the P2 are not interested in "reinforcing the efficiency and coherence of EU external action"³⁸ by giving up sovereignty in the UNSC.

Despite all that there is nevertheless some scope for the representation of CFSP within the UNSC: EU positions are presented in statements on behalf of all 27 EU MS in formal UNSC

³³ Schmidt, Peter, "A Complex Puzzle: The EU's Security Policy and the UN Reform", *The International Spectator* 29 (3) (1994), p. 63.

³⁴ Simon Duke, *The Elusive Quest for European Security : From EDC to CFSP* (Houndmills, Basingstoke, Hampshire and London: Macmillan Press, 2000), pp. 142-143.

³⁵ Document by the Council of the European Union of 16 July 2002, op. cit. in note 19, p. 2.

³⁶ Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament. The European Union and the United Nations: The Choice of Multilateralism* (doc. COM(2003) 526 final), 10.09.2003, p. 18.

³⁷ Of equally hypothetical relevance is the demand that "EU members of the Security Council should intensify their efforts pursuant to Article 19, regarding consultation and concertation on Security Council discussions" (Commission of the European Communities, *Communication*, op. cit. in note 36, p. 18).

³⁸ *Ibid.*

meetings. But those statements are relatively rare occurrences (on average around thirty-five per year, see table 2) and are of mere declaratory and symbolic value. Most of the cases it is the EU Presidency delivering a statement. However, in UNSC meetings in which the EU Presidency takes the floor also other EU MS express frequently their own views on an issue in the Council. Particularly France and the UK do not want to refrain from their right of national statements in view of their special role as permanent members. This behaviour very much qualifies the relevance of a statement on behalf of the EU group.

Table 2: EU Statements in the UN Security Council, 2000-2006

Year	First Semester (Jan.-Jun.)		Second Semester (Jul.-Dec.)		Total
	EU Presidency	Number of speeches	EU Presidency	Number of speeches	
2000	Portugal*	N/A*	France	13	N/A
2001	Sweden	23	Belgium	22	45
2002	Spain	24	Denmark	14	38
2003	Greece	15	Italy	17	32
2004	Ireland	27	Netherlands	15	40
2005	Luxembourg	14	UK	14	28
2006	Austria	15	Finland*	N/A*	N/A

Source: Own calculations based on the digital archive of the EC Delegation to the UN in New York;

* no data available.

Rarely also the High Representative for the CFSP and Secretary-General of the Council of the EU (HR/SG) presents the views of the EU in the UNSC.³⁹ His appearances are a relatively complicated undertaking for two reasons. First, under the rules of procedure of the UNSC, he has to be invited by the Council and explicitly granted the right to speak by all members of the UNSC. Second, France, but especially the UK, have worked actively against the participation of the HR/SG in UNSC meetings in the past, even as recent as 2001 and

³⁹ Between July 2000 and July 2006 the HR/SG addressed the UNSC four times according to the database of the European Commission Delegation to the UN: on 29 January 2002 (on Africa at the Security Council), on 18 July 2003 (on the “DRC”), on 19 August 2003 (following the death of Sergio Vieira de Mello in Baghdad), on 22 September 2004 (on “Civilian Crisis Management”).

2003.⁴⁰ It is notable that those problems prevailed even though the EU Council of Ministers in 2002 clearly stated that such interventions should be supported.⁴¹ The EU Reform Treaty would bring improvement in that regard, as it stipulates that “when the Union has defined a position on a subject which is on the UNSC agenda, those MS which sit on the Security Council shall request that the High Representative be asked to present the Union’s position.”⁴² In recent years also other representatives of EU institutions addressed the UNSC, such as the EU Counter-Terrorism Coordinator Gijs de Vries⁴³ and Louis Michel, the European Commissioner for Development and Humanitarian Aid.⁴⁴

But in the Council’s informal consultations, where the decisions are taken and not only ceremonial politics are being done, the EU has no voice or role at all.⁴⁵ It is therefore not only overly optimistic, but simply not true, that the EU’s political role “has been heightened by the frequent participation” of the EU Presidency and representatives from EU entities in UNSC meetings, as the European Commission tries to make us believe.⁴⁶ Their participation has not tangibly influenced policy-making within the Council. And at present there is no political role for the EU in the Council. Therefore the idea of further deepening the EU cooperation mechanism on UNSC affairs is currently not realistic. The same has to be said concerning suggestions for enhanced interaction between Brussels, particularly the PSC, with EU MS

⁴⁰ Sucharipa, op. cit. in note 29, p. 791.

⁴¹ Council of the European Union of 16 July 2002, op. cit. in note 19.

⁴² Draft Treaty amending the Treaty on European Union and the Treaty establishing the European Community, Art. 37 iii. That this provision will not necessarily lead to a more frequent presence of the HR/SG in the UNSC argue Edith Drieskens, Daniele Marchesi and Bart Kerremans (see Edith Drieskens, Daniele Marchesi and Bart Kerremans “In Search of a European Dimension in the UN Security Council”, *The International Spectator*, vol. 42 (2007), no. 3: 424-425).

⁴³ On 23 June 2005 in a statement to the Counter-Terrorism Committee established by UN Resolution 1373 and on 24 June 2005 to the Security Council Committee established pursuant to Resolution 1267 (1999) concerning Al-Qaida and the Taliban.

⁴⁴ On 27 January 2006 on “The Great Lakes Region”.

⁴⁵ Bardo Fassbender, “The European Union in the United Nations and the Issue of UN Reform”, in *Reforming the United Nations for Peace and Security: Proceedings of a Workshop to Analyze the Report of the High-level Panel on Threats, Challenges, and Change* (Yale Center for the Study of Globalization: New Haven, 2005), p. 76.

⁴⁶ Commission of the European Communities, *Communication*, op. cit. in note 36, p. 16.

delegations in New York to achieve more coherent action-taking and perhaps even a European voice in the Council.⁴⁷ Such undertakings are not within the realms of possibility under unchanged geopolitical conditions. Having said that, the PSC should nevertheless systematically take into account the ‘UN dimension’ of its activity. One way of enhancing the direct involvement of Brussels would be by establishing the practice of regularly discussing the Security Council monthly programme of activity at the beginning of each month. Over time the PSC would perhaps gain the competence to be perceived as an actor the EU MS in the UNSC would have to listen to, leading to the desired interaction.

Besides the EU statements, there is a second element of influence of the CFSP on the proceedings of EU MS on the Council. A certain pressure can be felt that France, the UK as well as the EU MS being elected UNSC members, should not pursue policies too divergent from the interests of their European partners, that they have to act within the margins of CFSP.⁴⁸ EU MS in the Council are confronted with a certain pressure to justify their policies towards the other European partners. But as there is no mechanism to translate the interests of EU MS not holding a seat on the UNSC into policies through action-taking by their European colleagues in the Council, those channels work only indirectly, informally, and mainly bilaterally – but they still work to a certain extent. Non-UNSC-members also offer their expertise in particular areas, which allows them a certain degree of influence. EU MS have nevertheless no legal basis or handle to actively claim information or policy-making by their partners on the Council, particularly as decisions taken within EU bodies are not binding to EU MS in the UNSC.

⁴⁷ This idea has been proposed by Biscop, *op. cit.* in note 25, p. 27.

⁴⁸ Based on an interview conducted on 20 December 2004 in New York City.

Also due to the existence of the CFSP, it will hardly ever happen that the P2 countries would stand against the other 25. Rather, as in the case of Iraq in early 2003 and in other instances, division goes through the EU in general. This brings France and the UK in the comfortable position to cover national interests pursued on the UNSC as positions a minority of EU MS could go along with. The clash within the EU over Iraq is just the most notorious example for such an occurrence, but certainly the most important one in the recent history of the EU at the UN. The EU internal conflict in the UNSC had an impact on the work of the EU partners in most other UN bodies, spreading distrust and disillusionment, making the usual EU coordination very difficult. Even today, five years on, the events are a fresh memory and an echo can still be felt – with the positive consequence that closer ties are being meshed to prevent a repetition of this nadir in CFSP-history.

But also in general the policies of EU MS have that much converged by now that there are few recent instances in which the national prerogatives of the P2 arise. On the contrary, on most questions dealt with by the UNSC agreement prevails among the EU MS. And only very rarely Anglo-French differences occur on the use of the veto. However, contrariety can surface connected with the support to US operations, especially concerning the Middle East.⁴⁹ More generally it can be said that if France and the UK share the same line – and would therefore probably be able to present a European position –, other UNSC members usually have to follow. If France and the UK have different views, the Council is also more broadly divided and immobilised.

When having ambitious delegations, EU MS as non-permanent members can also play quite an important role in the Council's proceedings. This holds true on the one hand for the work

⁴⁹ Duke, op. cit. in note 34, p. 143.

of the Council itself, as can be read from the words of the former Slovenian HoM to the UN, Danilo Türk, who observed that smaller countries holding a non-permanent seat have the possibility to devise “creative diplomacy where otherwise there might be conflict or confrontation. [...] Their imagination and experimentation” can make them to “constructive and genuinely helpful members of the UNSC”.⁵⁰ On the other hand elected EU MS being UNSC members can also make a difference EU internally. They can use their insights to lower the information gap the non-members have by pursuing a very frank communication policy. By doing so for instance Ireland used its recent years on the Council (2001-2002) to build up a lasting pressure for the other EU MS in the UNSC to defend their activities. Germany on the Council in 2003-2004 also pursued quite an open information policy towards the EU partners and tried to integrate their views into its policies, and the German PR to the UN stated clearly that he would like to see this ‘service’ returned by the incoming EU MS.⁵¹ Furthermore, the temporary EU members of the UNSC can also be useful for the P2, as they can back and strengthen their position within the Council in general, but also specifically towards the other three permanent members.

UNSC Reform – EU Internal Power Politics Illustrated

As the importance of the UNSC thwarts a working CFSP and a stringent common European approach in the body at present, it is not surprising that the EU MS also have no collective line concerning the reform of the Security Council. Despite all rhetorics calling for ‘effective multilateralism’ the EU is unable to pro-actively support the important reform efforts.⁵² This question has poisoned the working atmosphere in New York from autumn 2004, when the

⁵⁰ See Fasulo, op. cit. in note 21, pp. 96-7

⁵¹ Pleuger, op. cit. in note 9, p. 4.

⁵² Cameron, op. cit. in note 1, p. 12. For an historical account of the EU internal discussions on UNSC reform see Panos Tsakaloyannis and Dimitris Bourantonis, “The European Union’s Common Foreign and Security Policy and the Reform of the Security Council”, *European Foreign Affairs Review*, vol.2, no 2 (1997) and Spyros Blavoukos and Dimitris Bourantonis, *EU Representation in the UN Security Council: Bridging the ‘Capabilities-Expectations’ Gap?* (unpublished working paper, University of Essex, 2002).

discussions on UNSC gradually began to gain pace in the run-up to the ‘UN Major Event’ in September 2005, to the present day, similarly to the Iraq crisis, even though of course on a smaller scale.

All UN MS share the view that the UNSC has to be reformed to do justice to the changed international environment.⁵³ But the way to this end is bitterly contested due to diverging national interests also in the wider membership. The current initiative on the reform of the UNSC was opened by the UNGA at its 34th session in 1979.⁵⁴ However, the General Assembly did not decide to consider the issue until the 47th session in 1992. With its resolution 48/26 of 3 December 1993 the UNGA created an “Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council”. Since then the Working Group held a series of meetings in each session. Five points have been the basis for the informal exchange of views: 1) Size of an enlarged UNSC; 2) question of regional representation; 3) criteria for membership; 4) relationship between the UNGA and the UNSC; and 5) accountability. Of the issues discussed under those headings tangible progress has been made only on the transparency in the working methods of the UNSC. Most difficult were the discussions on the veto, the categories of membership to be enlarged, and the size of an expanded Security Council.

⁵³ On the possible positive consequences of UNSC reform for the credibility and impact of the body see Thomas G. Weiss, “The Illusion of UN Security Council Reform”, *The Washington Quarterly*, vol. 26 (2003), no. 4, pp. 147–161.

⁵⁴ Decision 34/431 of 14 December 1979 included the item in its provisional agenda.

In this impasse the UN Secretary-General Kofi Annan established a high-level panel on UN reform,⁵⁵ which, besides other things, presented suggestions for UNSC reform in December 2004.⁵⁶ This widely noticed report listed four principles UNSC reform should meet:

Reforms should

- (a) increase the involvement in decision-making of those who contribute most to the UN;
- (b) bring into the decision-making process countries more representative of the broader membership;
- (c) not impair the effectiveness of the UNSC;
- (d) increase the democratic and accountable nature of the body.⁵⁷

The panel also suggested two models for the increase of membership: Model A provides for six new permanent seats without veto power and three two-year new non-permanent seats.⁵⁸

Model B does not propose the creation of new permanent seats, but of eight four-year renewable-term seats and one two-year seat.⁵⁹ The panel does not make recommendations on specific countries to be members on an enlarged UNSC. However, the candidates are quite clear, not least because most of them make claims for a seat themselves.⁶⁰ Among the EU MS only Germany announced its candidature, together in the high-profile G4 initiative it

⁵⁵ The so-called High-level Panel on Threats, Challenges and Change.

⁵⁶ In document A /59/565 of 2 December 2004 entitled “A more secure world: our shared responsibility”. On the work of the panel and the background of its recommendations see the many excellent contributions in the collection of articles *Reforming the United Nations for Peace and Security: Proceedings of a Workshop to Analyze the Report of the High-level Panel on Threats, Challenges, and Change* (Yale Center for the Study of Globalization: New Haven, 2005), e.g. Mats Berdal, “The Report of the High-level Panel on Threats, Challenges, and Change: A Preliminary Assessment”, pp. 39-47 and W. Andy Knight, “A More Secure World? A Critique of the Report of the High-level Panel on Threats, Challenges, and Change”, pp. 109-126; Sebastian Graf von Einsiedel “Vision mit Handlungsanweisung. Das High-level Panel und die Reformagenda der Vereinten Nationen”, *Vereinte Nationen*, 53rd vol. (2005), no.1, pp. 5-12.

⁵⁷ UN document A /59/565 of 2 December 2004 entitled “A more secure world: our shared responsibility”, pp. 66-67.

⁵⁸ The new permanent seats would be divided among the regional groups the following way: Africa: 2; Asia and Pacific: 2; Europe: 1; and the Americas: 1.

⁵⁹ The new seats would be divided among the regional groups the following way: four-year renewable-term seats: Africa: 2; Asia and Pacific: 2; Europe: 2; and the Americas: 2. The two-year non-renewable seat would go to Africa.

⁶⁰ The author conducted various reports when working for the Commission Delegation to the UN in New York on this issue in 2004 with the following results: For Africa the candidates are South Africa, Nigeria and Egypt, for Asia they are Japan, India, Pakistan and Indonesia, and for Latin America the candidate is Brazil and perhaps Argentina and Mexico.

launched with Brazil, India and Japan.⁶¹ Germany's main motivation is to see its global economic and political importance reflected also by permanent membership in the most prestigious world body and to achieve *Gleichberechtigung* (equality of status) with its European partners France and the UK.⁶² It is noteworthy that Germany was virtually forced to pursue the line of obtaining a permanent seat due to the reluctance of France and the UK to communitise European external relations.⁶³

Opposition to Council enlargement came from many different sides, most notably from some of the decisive permanent members themselves, namely the US and China. But also within the EU the debate on UNSC enlargement caused fierce discussions, mainly because of Germany's application and the envisaged changes a success of this undertaking would bring to the balance of power among EU MS, particularly the larger ones. Besides the already mentioned G4 group, EU MS pursued their interests on Security Council reform in different groups such as the so-called Coffee Club (Italy, Spain); the Group of 10 (Belgium, Ireland, Portugal, Austria); or the Nordic WEOG states (Denmark, Finland, Iceland, Norway, Sweden).⁶⁴ France and the UK support Germany's ambitions. They calculate that Germany, once satisfied, would refrain from the idea of an EU seat in the Council, which would guarantee their own status. Italy is the most prominent opponent of Germany's bid.⁶⁵ It blocked already in the early stages of the discussions in the UNGA the noncommittal exchange of views within the EU group in New York and even started to leave the room in

⁶¹ The G4 introduced their draft resolution on "Security Council Reform" in the General Assembly on, 6 July 2005, mainly following Model A of the High-level Panel. Japan left the G4 in January 2004 to pursue its own candidacy without the partners, hoping to have better chances on a seat when negotiating with its supporter USA and its opponent China directly. Brazil, Germany and India re-introduced their resolution without Japan on 5 January 2006.

⁶² Tsakaloyannis and Bourantonis, op. cit. in note 52, p. 200. For a more extensive analysis of the German reasoning see Lisette Andreae, *Reform in der Warteschleife. Ein deutscher Sitz im UN-Sicherheitsrat?* (München: Forschungsinstitut der Deutschen Gesellschaft für Auswärtige Politik e.V., Bd. 69, 2002).

⁶³ Tsakaloyannis and Bourantonis, op. cit. in note 52, p. 205.

⁶⁴ Fassbender, op. cit. in note 45, p. 84.

⁶⁵ On the Italian position see the former Italian PR to the UN, Francesco P. Fulci, in his article "Italy and the Reform of the UN Security Council", *The International Spectator*, vol. 34 (1999), no. 2, pp. 7–16.

EU coordination meetings during the Dutch EU Presidency in 1997 whenever the issue was on the agenda, arguing that vital national interests would be affected.⁶⁶ This way of proceeding was very unusual for the consensus-oriented EU coordination process on the East River and already laid the ground for a very tense atmosphere in the process to come. But also Poland and Spain have raised reservations. Those three European countries are sceptical of the “German-national revision attempts”.⁶⁷ But Italy and Spain also fear that their position as middle powers in European politics will be weakened once Germany enters the club of big powers with the help of a permanent UNSC seat. All other EU MS support Germany’s candidature or at least do not openly oppose it.⁶⁸

When looking at possibilities to give the representation of common EU interests in the UNSC more weight, three options come to mind:

- 1) The most likely possibility is that the status quo, i.e. the Article 19 mechanism, experiences a further deepening. This would happen mainly informally and create tacit regimes among the EU MS on the spot in New York. In a scenario of further progressing EU integration this option would certainly include the possibility of tangible improvement over time. But in a period in which nationalism is again gaining ground in Europe, it is equally possible that the current situation remains cemented for a long time, due to inflexibility on the part of France and the UK.
- 2) Despite the failure of the efforts to enlarge the UNSC in 2005, there is still a slim chance that one or two EU MS will become new permanent members in an enlarged Council. Such an opportunity could surface only in a couple of years, but then Germany and perhaps an Eastern-European country might join the exclusive club. However, due to

⁶⁶ Winkelmann, op. cit. in note 23, p. 429.

⁶⁷ These are the words used by Andreas Zumach, “Überflüssig wie ein Kropf. Zur Frage eines deutschen Ständigen Sitzes im Sicherheitsrat”, *Vereinte Nationen*, 53rd vol. (2005), no.1, pp. 7-8.

⁶⁸ Ingo Winkelmann, “GASP der Europäischen Union in den Vereinten Nationen am Beispiel der Reform des Sicherheitsrats der Vereinten Nationen”, in *Die Vereinten Nationen und Regionalorganisationen vor aktuellen Herausforderungen (Potsdamer UNO-Konferenzen, Band 3)* (Potsdam: Menschenrechtszentrum der Universität Potsdam, 2002), pp. 33-34.

disagreement among UN MS and within the EU group that is only an unrealistic alternative.

- 3) Even more impractical is the option of an EU seat.⁶⁹ UN Charter-related obstacles stand in the way of such a solution, as only sovereign national states are granted membership to the UN.⁷⁰ And also within the EU only the less influential countries, such as Austria and Sweden, promote an EU seat. Little surprisingly, the EP also backs a permanent seat for the EU in addition to the seats of France and the UK.⁷¹ The more powerful EU MS would rather opt for new national seats, Germany to support its ambitions, and France and the UK to prevent their seats being converted into EU seats in the end. And also objectively the idea of an EU seat is rather unattractive, as the EU would be forced to remain silent in all cases of EU internal disagreement. Furthermore it would be only a logical step that the EU MS would then have to convert their 27 seats in all other UN bodies into one EU seat as well, which would in turn significantly decrease their voting power and political influence. Only when leaving *Realpolitik* aside it is certainly true that a really common EU foreign policy would require an EU seat. It would strengthen CFSP and have positive effects on its institutional framework.⁷² Once created, the effect of ‘Brusselisation’ could also work with regard to the EU seat, making EU internal agreement easier. It is interesting to see that the European public supports the idea of an EU seat much more clearly than their governments: In 2004 only 16 per cent of them tended to disagree that the EU should have its own UNSC seat, while 65 per cent tended to agree with that proposition.⁷³ Another study from 2005 supports this result: 60 per cent of the Europeans⁷⁴ supported the idea of an EU seat, even if it replaced the French and British seats.⁷⁵ The unexpectedly high number of 62 per cent of French and 64 per cent of German respondents shared this sentiment. 55 per cent of British interviewees, however, opposed such a step (the only one of the EU countries considered).

⁶⁹ For a comprehensive discussion on this issue see Blavoukos and Bourantonis, op. cit. in note 52, pp. 6 ff.; Winkelmann, op. cit. in note 23, pp. 434 ff; Johan Verbeke, “EU Coordination on UN Security Council Matters”, in *The United Nations and the European Union: An Ever Stronger Partnership*, ed. by Jan Wouters, Frank Hoffmeister and Tom Ruys (The Hague: T.M.C. Asser Press, 2006), p. 53.

⁷⁰ Article 4 UN Charter.

⁷¹ Official Journal of the European Union dated 21.4.2004; European Parliament, *Resolution on the relations between the European Union and the United Nations*, (2003/2049(INI), paragraph 12.

⁷² Blavoukos and Bourantonis, op. cit. in note 52, p. 7.

⁷³ European Commission, *Eurobarometer 61, Public Opinion in the European Union, Spring 2004*, (Brussels: requested and coordinated by the Directorate General Press and Communication, 2004), p. B86, taking into consideration the EU-15.

⁷⁴ Average of the combined responses of France, Germany, Italy, the Netherlands, Poland, Portugal, Slovakia, Spain, and the United Kingdom.

⁷⁵ German Marshall Fund of the United States, *Transatlantic Trends: Key Findings 2005*, pp. 9-10.

That the Europeans are unable to agree on and therefore support the reform of the UNSC is even more tragic, as a more effective Council is an important cornerstone in their multilateral approach to world politics. Also only an UNSC that can be saved from becoming marginalised can increasingly turn into a tool of the CFSP and ESDP. But as Jeffrey Laurenti points out, exactly the fact that the EU might need a strong UNSC should make their governments careful whether an enlargement of the Council's membership would not be a risk, as it might become "unwieldy and immobilised" with more members.⁷⁶

The existing of CFSP clearly questions the privileged institutional position of France and the UK.⁷⁷ But at the moment the prospect for a common EU policy in the Council or agreement on the question of UNSC reform is bleak. Within the Union too many member states have a strong interest one way or another, and positions, i.e. national considerations, are not likely to change in the foreseeable future. But the stalemate also roots in geopolitical factors, as the EU does not need to be coherent regarding UNSC matters because it is not faced with a common threat, despite terrorism. And it should not be forgotten that on UNSC reform the positions of the other major powers, such as China and the US, are also decisive. If they make up their mind to clear the way, the Union will probably follow, irrespective of EU internal quarrels.

⁷⁶ Laurenti, op. cit. in note 1, p. 71.

⁷⁷ Schmidt, op. cit. in note 33, p. 55.

3. The First UNGA Main Committee on Disarmament and International Security

Overview

The First Main Committee of the UNGA deals with the whole range of questions on global security, arms control, disarmament, weapons of mass destruction as well as conventional weapons. It is the central international forum for debates on these issues, besides the UN Disarmament Commission (UNDC) and the Geneva Conference on Disarmament (CD).

Differences of interests within the First Committee are quite significant. The ability and willingness among the 192 UN MS to reach consensus is much more limited than in most other Main Committees. The percentage of consensus resolutions of all resolutions adopted by the Committee is the lowest among the six Main Committees.⁷⁸ In contrast to the Second and Fifth Committee, voting is not a taboo in the First Committee in order to obtain a result at the end of discussions despite the existence of divergent views. As a rule, the national interests of individual states, especially of the nuclear powers, play a much more visible role in the First Committee than in most other Main Committees.

Debates in the First Committee during the last years have been dominated by issues of nuclear disarmament and non-proliferation. A milestone in that regard has been the creation of the so-called 'New Agenda Coalition' (NAC) in 1998,⁷⁹ which aims at a 'speedy, final and

⁷⁸ Based on the author's own qualitative research (see Maximilian B. Rasch, 'The European Union's Common Foreign and Security Policy – Regime Functioning, Evolution and Quality Exemplified by the Union's Representation in the United Nations', in *The EU's Foreign Governance: CFSP and ESDP and Its Impact on Asia* (NESCA Series No. 2) (Institute of European Studies Macau: Macau, 2006), pp. 133-189.)

⁷⁹ The founding members of the NAC were Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, Sweden and Slovenia. Due to political pressure exerted by the US, Slovenia subsequently left the NAC (see Rebecca Johnson, "The NPT Review: Disaster Averted," *The Bulletin of the Atomic Scientists*, vol. 56, no. 4, July/August 2000, pp. 52-57). The NAC was founded in June 1998 in direct response to the nuclear tests conducted by India and Pakistan in May 1998. The eight saw themselves obliged to act jointly as the elimination of nuclear weapons, as aimed at by the Nuclear Non Proliferation Treaty (NPT), was obviously impeded, and the world rather faced an increasing nuclear threat instead of seeing sustainable disarmament efforts. In addition they criticised the official nuclear powers, China, France, Great Britain, United States and Russia for the lack of

total elimination of nuclear weapons and nuclear weapons capability'.⁸⁰ The NAC introduced its resolution on 'nuclear disarmament' in the same year, being the centre of the annual discussions ever since. The formation of the NAC represented a serious challenge to the nuclear-weapons states and their self-perception, also with crucial repercussions for the EU group.

EU perspective

Questions of disarmament and international security became part of the discussions in Brussels-based EU institutions only in a gradual process in the 1980s, marked by the adoption of the 'Report on European Political Cooperation' of October 1981, the 'Solemn Declaration on European Union' (June 1983) and finally the Single European Act of February 1986. However, cooperation on these issues among European countries at the UN in New York was common practice already in the 1970s.

The general atmosphere in the First Committee, but also the fact that confrontation and voting is accepted in the Committee, has also consequences for EU internal proceedings. Of course the unchallenged aim within the EU group is a coherent pattern of positioning towards the resolutions by all EU members, and the 27 usually show their willingness to reach common EU positions on all resolutions. But in comparison to the other Main Committees this is a more difficult exercise since the EU MS have deep-rooted and often diverging historic national records on the question of disarmament. Problematic is also their very different military status and obligations. Most of the EU countries are not ready to give up easily their national point of view on what they consider either security interests or their role

progress in the reduction of their nuclear arsenals, meaning the non-compliance with the obligations laid down in the NPT.

⁸⁰ New Agenda Coalition, *Statement by Eight Nations Calling for Moves Toward a Nuclear-Weapon-Free World*, June 9, 1998.

in the world. This is particularly true for both France and the UK. Others pursue policies driven by peaceful means of conflict-resolution and neutrality, where Ireland and Sweden deserve special accentuation. Two pairs of countries form the opposite poles within the Union: France and the UK as nuclear-weapons states have similar interests to defend, aiming at maintaining their nuclear deterrent and their perceived prominent position in the world. On the other hand, Sweden and Ireland as the only EU countries being members of the NAC and traditionally pursuing pacifist policies, stand for quite radical ideas of disarmament and the objective of a world without nuclear weapons. Both of them are neutral states. All other EU countries are located between those poles. Relevant for the EU countries' considerations is also if they are members of NATO or not. That naturally brings together non-NATO members Sweden and Ireland, but also Finland and Austria. However, NATO-member Denmark also sometimes feels closer to its partners from the Nordic Group than to the other NATO countries.⁸¹ Greece, but to a certain extend also Spain, from time to time orientate themselves rather at the positions of developing countries than at those of their NATO partners. Most congruent positions in the First Committee have Germany, Belgium, the Netherlands, Luxembourg and Portugal.⁸²

As a result of the quite inflexible and clear-cut frontiers within the EU group, coherent EU action is frequently not within the realms of possibility. It is often the case that EU MS act individually within the First Committee rather than to support a single EU voice. Therefore it is no surprise that even split votes are a recurring appearance among EU countries in the work of the First Committee, and are an accepted fact. The percentage of EU split votes has

⁸¹ Klaus-Dieter Stadler, *Die Europäische Gemeinschaft in den Vereinten Nationen: Die Rolle der EG im Entscheidungsprozess der UN-Hauptorgane am Beispiel der Generalversammlung* (Baden-Baden, 1993), p. 223.

⁸² The statistical basis for this and a number of other claims found below can be found in the author's unpublished PhD thesis, entitled *The European Union at the United Nations - The Functioning and Coherence of EU External Representation in a State-centric Environment* (University of Essex, 2007).

been the highest in the First Committee of all Main Committees in the period observed.⁸³ In around forty per cent of all resolutions voted upon between 1988 and 2005 no common EU position has been achievable. In the foreseeable future the occurrence of open divergences within the EU group on First Committee issues, most visible through split-votes, is not likely to disappear, since no real convergence of positions is taking place on the difficult issues, namely disarmament and nuclear weapons, despite the existence of the CFSP.

EU MS diplomats know by experience when EU internal consensus is not possible. Then they will not even go into negotiations within the group, since the positions would not allow for a common approach. Rather EU MS concentrate their work on the resolutions dealing with nuclear weapons or new resolutions, in which compromise is possible and leave aside the other resolutions, accepting the same wording as in previous years without proposing substantive changes. However, for some EU Presidencies it has been a higher priority to form an EU common position behind a resolution than for others, and have accordingly tried harder to reach common ground.⁸⁴ That does not mean that a different outcome would have been possible if some of the Presidencies would have tried harder. But it reveals that within the First Committee environment some EU Presidencies are more willing than others to accept the fact that there are internal differences without trying to reduce them - also because sometimes they are the ones standing in the way of a compromise. Other Presidencies might not have such strong national interests, or are not as driven by the European idea, that they are committed to increase the pressure on all EU countries involved, in order to change the strong national sentiments into a feeling of shared responsibility – not necessarily with directly visible results, but still with a potential for change in the long-term perspective.

⁸³ See Rasch *op. cit.* in note 78, pp. 185-189.

⁸⁴ Based on an interview conducted on 5 May 2004 in New York City.

The fact that currently unbridgeable differences exist between EU countries in some of the issues discussed bears a strange ritual during the phase of the First Committee main session, in which voting on the resolutions takes place: Instead of going into the substance, experts use EU coordination meetings then simply to do a *tour de table*, where all EU MS state how they will vote. Even if a split vote becomes apparent, not much pressure is exerted upon the dissenters and no lengthy discussions are led in order to exchange arguments and produce a common EU line. But it is happening quite often that countries qualify their positions by altering a ‘no’ or ‘yes’, which would stand in opposition to the EU majority, into an abstention, this way avoiding diametrical opposed voting (pro-con).

Besides the specific situation of EU internal proceedings in light of voting as just described, extensive discussions are generally also not taking place among the 27 in New York on First Committee issues due to the fact that most of the work is done already in Geneva within the framework of the CD, but also because the relevant EU Council Working Groups, being mainly CODUN,⁸⁵ but also CONOP⁸⁶ and CODUD,⁸⁷ deal already *in extenso* with the issues before the opening of the UNGA session. However, the involvement of those bodies has a positive effect on the homogeneous appearance of the EU within the First Committee. Thus the coordination meetings in NY deal only with minor changes. Furthermore, intense coordination meetings are often not necessary on the spot in New York since EU MS regularly leave aside some of the main issues of the autumn session, such as the debate on the reform and the rationalisation of the intergovernmental work, but rather concentrate on the issues that are most important to them.

⁸⁵ Working Party on Global Disarmament and Arms Control.

⁸⁶ Working Party on Non-Proliferation.

⁸⁷ Working Party on Dual-Use Goods.

For the deliberations in New York, nearly all representatives from EU countries are coming from Geneva or their capitals for the duration of the session. Those EU MS Delegations comprise several representatives each, often headed by a diplomat in the rank of Ambassador. Very few experts from the missions to the UN in New York attend the coordination meetings.

Table 3 shows that the total number of EU coordination meetings conducted each year by First Committee experts is relatively small. Even though there are several months of meetings and conferences at the UN each year, only between 29 (1998) and 82 (2005) EU coordination meetings took place between 1998 and 2005. That means that there were many days of events at the UN on which the EU group did not come together to discuss its proceedings. That reflects the limited usefulness for EU internal discussions due to the factors just elaborated. Table 3 also illustrates that the second semester is by no means always the more work-intensive one for First Committee experts, despite the unfolding of the main session of the Committee. Also events during the first semester⁸⁸ require EU coordination, particularly since the guidance from the capitals, Brussels or Geneva is sometimes less elaborated for them than for the main session in autumn. In addition, the great variance between the figures in both semesters shows once again how different the style of each EU Presidency is and how specific developments dictate the need for EU coordination.

Table 3: EU coordination meetings on First Committee issues, 1998-2005

Year	First Semester (Jan. - Jun.)		Second Semester (Jul. - Dec.)		Total
	EU Presidency	Number of meetings	EU Presidency	Number of meetings	
1998	UK	11	Austria	18	29
1999	Germany	29	Finland	19	48
2000	Portugal	37	France	27	64

⁸⁸ Such as The above-mentioned UNDC, the Open-Ended Working Group on Marking and Tracing of Small Arms and Light Weapons, and the Review Conference of the States Parties to the NPT, as well as a whole series of Preparatory Committees.

2001	Sweden	28	Belgium	42	70
2002	Spain	11	Denmark	27	38
2003	Greece	39	Italy	40	79
2004	Ireland	35	Netherlands	24	59
2005	Luxembourg	57	UK	27	82

Source: Own calculation based on figures of the Council Secretariat's Liaison Office to the UN.

Only a few Troika meetings were conducted on First Committee issues, between 2 and 22 per year between 1998 and 2005 (see table 4 next page). The Spanish, Dutch, Luxembourgian and British EU Presidencies did not convene any Troika meeting in that subject area. It is striking that the use of the instrument of Troika meetings has decreased significantly in recent years. This phenomenon and the small number of First Committee Troika meetings in general might be rooted in the fact that there are not many situations, in which it would be useful for the EU Presidency to deepen discussions with third parties based on a clear mandate, since individual MS prefer to lead such discussions themselves in this delicate subject area. But also the involvement of the Commission as part of the Troika has no particular use in First Committee matters, since it has neither competences nor specific interests in this issue area, making Troika meetings obsolete for it. The third party to Troikas, the Council Secretariat, has some interests in First Committee matters, but is still not actively involved in the

Table 4: Troika Meetings on First Committee issues, 1998-2005

Year	First Semester (Jan. - Jun.)		Second Semester (Jul. - Dec.)		Total
	EU Presidency	Number of meetings	EU Presidency	Number of meetings	
1998	UK	1	Austria	4	5
1999	Germany	6	Finland	9	15
2000	Portugal	6	France	10	16
2001	Sweden	6	Belgium	16	22
2002	Spain	0	Denmark	7	7
2003	Greece	3	Italy	7	10
2004	Ireland	2	Netherlands	0	2
2005	Luxembourg	0	UK	0	0

Source: Own calculation based on figures of the Council Secretariat's Liaison Office to the UN.

proceedings, due to the limited EU element in the negotiations among EU MS in New York, but also since there is no real expert based on the East River working for the Council. A Council expert usually comes from Brussels for important meetings and the autumn session.

First Committee Troika meetings have been conducted recurrently with a limited number of important players such as the US, Egypt, Japan, China Russia or Canada. But also this tradition has disappeared. A significant proportion of Troika meetings were conducted with the associated countries, which became EU members in 2004 (four meetings in 2001, two meetings in 2002 and 2003), and had therefore no real outward perspective. Since Troika meetings can be very useful to produce a coherent EU outreach to third parties, this instrument should be revived and extended to some countries with which there is no regular political dialogue.

As supported by some EU MS and strongly recommended by representatives from the two EU representations in New York, the Liaison Office of the General Secretariat of the Council and the Delegation of the European Commission, CODUN should assume the task of laying down the work of the EU for the First Committee (*“mettre a plat”*) to create an organisational framework, which also considers the substance. That would further strengthen the cohesiveness of the EU. Also the possibility of presenting joint EU draft texts, including resolutions, should be further examined, particularly as it is common practice already in most other Main Committees. Further reinforcement of the EU appearance within the First Committee could be achieved by enhancing a wider EU participation in the thematic debates. In the main, more extensive use should be made of the existing cooperation mechanisms within the CFSP framework to achieve a policy with a stronger EU flavour. That again could provide the EU with a more influential role within the UN on First Committee issues. Particularly in view of the fact that developments on a common EU approach on security

have gained significant momentum in recent years and that the scenario of a European Security and Defence Policy (ESDP) is not a futuristic castle in the sky any more, but a regime with tangible results and a realistic scope for deepening and expansion, puts the onus on the EU member states to develop an uniquely EU profile on security, but also disarmament, within the UN. That this profile would need to be more coherent than at present and would require the support of all 27 goes without saying. Hopefully the positive developments within CFSP have also a spill-over effect on the EU voice at the UN in this issue area, harmonising the momentarily diverging positions.

4. Conclusions

Even in year fifteen after the entry into force of the TEU, national interests are the main driving forces behind security policies of the EU countries and the processes within the CFSP at the UN. In New York, the CFSP-regime is simply an instrument for intergovernmental dealings between the EU MS, aimed at pursuing the individual national positions. There is little room for a single European voice on the East River, i.e. for a truly *common* security policy. The method of intergovernmental policy-making is very similar to the processes and the disposition that characterised the EPC regime, the CFSP's predecessor. Certainly the CFSP with its enhanced provisions has not yet arrived at the UN. Or to be more precise: the regulatory framework of the CFSP is in place, but not the spirit anticipated with this regime. In other words, the EU MS have only adjusted to the basic needs of CFSP regulations by setting up a sophisticated EU coordination process on security issues in New York. But their policy actions did not keep pace with the substance at the heart of the idea of CFSP, being to act coherently in external relations. Therefore Allen's and Wallace's description of the EPC as "procedure as substitute for policy" still has some validity for the EU's processes in the

UN framework today.⁸⁹ And apparently, the institutional structure of the CFSP is too weak to force EU MS to behave coherently.

As one senior diplomat from an EU institution put it:

“In a way I remember the times of the old political cooperation [EPC] when everybody tried to cooperate with everybody in order to pursue national goals. This is very much the situation in New York these days. Hopefully the EU MS will realise that we now have a common policy and that this common policy in general has made an enormous progress over the last few years – and that they somehow have to express it also here at the UN.”⁹⁰

So far, the particularly strong national interests in the state-centric environment of the UN prevented such a development. Or in the words of Katie V. Laatikainen and Karen E. Smith: “It is indeed surprising the degree to which intergovernmental and even ‘realist’ theoretical approaches continue to have relevance in understanding EU diplomacy at the UN”.

A common EU security policy in New York, particularly in the UNSC and the First Main Committee, is a mandatory vehicle for a common EU foreign policy. Also the ambitious project of ESDP can only become a powerful and credible mechanism when a single EU voice in the UNSC is part of its toolbox. But the preservation of their perceived ‘great power’ status is certainly more important to France and the UK than to relinquish their privileges to buttress the deepening of CFSP. Perhaps the special status of France and the UK itself already poses a severe challenge to the CFSP, even a more severe one than their occasional different views on substance.⁹¹ Mario Telò assessed the EU internal disputes over UNSC reform quite interestingly by saying that they would “clearly show [...] the non-state nature

⁸⁹ David Allen and William Wallace, ‘Political Cooperation: Procedure as Substitute for Policy’, in *Policy-making in the European Communities*, ed. by Helen Wallace, William Wallace and Carole Webb (London: Wiley and Sons, 1977, 1st ed.), pp. 227-247.

⁹⁰ Based on an interview conducted on 20 December 2004 in New York City.

⁹¹ David M. Malone, “Conclusion”, in David M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Boulder: Lynne Rienner, 2004), p. 636.

of the EU as a fully unified political actor”.⁹² Perhaps it is important to lower the expectations placed in the EU by simply changing the perspective of what it really is.

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⁹² Mario Telò, *Europe: a civilian power? European Union, Global Governance, World Order* (Basingstoke, Hampshire and London: Palgrave Macmillan, 2006), p. 55.

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