

THE EUROPEAN UNION AND THE UNITED NATIONS: THEORY AND PRACTICE

I. Introduction

Any multilateral forum represents a dilemma for its members: is it just a medium for asserting and defending national interests, or an institutional outlet that could constrain national egoism and promote compromise towards achieving collective goods and a sense of community?¹ This dilemma is particularly sharp in the case of the UN, and especially in the case of the UN Security Council.

As an intergovernmental organisation, the United Nations are premised upon and protective of state sovereignty.² States are the key members of the UN and they control the decision-making process. Moreover, the UN membership is a reflection of the sovereign equality of member states. However, the UN multilateralism allows blocks and regional political groupings in its institutional and political processes. Therefore, this terrain is suitable for EU action. Besides the fact that many EU Member States have traditionally viewed the UN as an arena for national diplomacy, they coordinate themselves on the EU common position, including the drafting of EU statements and the adoption of EU positions on Resolutions and other texts within the UN processes.

According to Laatikainen and Smith, the Union has its own approach to multilateralism: the EU seeks to pool sovereignty and create a common foreign policy in many policy arenas.³ The EU has the potential to be an important power in shaping global events. However, the EU has exploited this potential more in the economic sphere than in the political and security spheres. Through the Common Commercial Policy the EU has used its power to promote global free trade and promote itself as the world's largest trader. On the other hand, the EU has been less capable of speaking with a single and reliable voice on global political and security issues. The governments of the Member State have progressively strengthened the institutional capacity of the EU to agree on and implement foreign policy actions, and this has facilitated the definition of collective interests; the adoption of policy compromises; the prevention of national actions that could undermine common policies, and the presentation of common views in a coherent manner to the

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¹ C. Hill, 'The European Powers in the Security Council: Differing Interests, Differing Arenas' in K.V. Laatikainen and K.E. Smith (Eds.), *The European Union at the United Nations – Intersecting Multilateralism*, Palgrave Macmillan, New York, 2006, p. 52.

² K.V. Laatikainen and K.E. Smith, 'Introduction – The European Union at the United Nations: Leader, Partner or Failure?', in K.V. Laatikainen and K.E. Smith (Eds.), *The European Union at the United Nations – Intersecting Multilateralism*, Palgrave Macmillan, New York, 2006, pp.1-25.

³ Ibid.

outside world.⁴ As a result, the EU has taken action on numerous non-sensitive issues. One example is the political and economic support to the new democracies in Central and Eastern Europe.

On the other hand, the EU has been incapable of acting consistently and decisively when faced with fundamental challenges to its security. This was demonstrated by the EU's response to the conflict in Yugoslavia⁵, and moreover, with its failure to agree on a common position during the Iraq crisis.⁶ Even with regard to the recent crisis in North Africa, the EU has once again failed to act rapidly on the issues that affect its foreign and security policy. Furthermore, there were many discrepancies among the EU Member States on the issues concerning asylum seekers from the North African countries.⁷

Taking into account these facts, the article will provide an insight into the relations between the EU and the UN in today's international system. As the EU cannot be a member to the UN, the coherence between the EU Member States within the UN institutional structure and on different issues will be explained. Furthermore, the relationship between the UN as a global international organisation and the EU as a regional *sui generis* organisation will be explained through different theories on international relations.

II. Theoretical perspectives

The need for EU presence in the UN institutional structure can be explained by a range of theoretical perspectives. Although the EU – UN relations have many variables, the crucial questions that are often posed are: when and why do Member States decide to act together in the UN?; and, which are the factors that determine the willingness of the EU to work through and with the UN?

According to the authors with the realist approach towards international relations, the EU member states coordinate their policies in the United Nations when it allows them to better defend their interests rather than acting alone.⁸ Therefore, the EU positions in the UN are largely influenced by the Member States' interests and they reflect the compromises found among them. Furthermore, when it comes to the common foreign policy of the EU and its slow response to crisis in international relations, the realists locate the explanation in the deep historical and cultural roots of the Member States' security interests. According to them, those roots have undermined the ability of the EU to

⁴ S. Hix, *The Political System of the European Union*, 2nd ed., Palgrave Macmillan, 2005, p. 404.

⁵ On this issue see: S. Lucarelli, *Europe and the Breakup of Yugoslavia: A Political Failure in Search of a Scholarly Explanation*, Kluwer Law International, 2000.

⁶ On this issue see the BCC analysis from January 2003: <http://news.bbc.co.uk/2/hi/europe/2698153.stm>, last visited on 25.06.2011.

⁷ On this issue see the EU Observer reports from March and May 2011: <http://euobserver.com/892/32099>; <http://euobserver.com/892/32199>; last visited on 25.06.2011.

⁸ S.M. Walt, *The Origins of Alliances*, Cornell University Press, 1987; D. Allen, 'Who speaks for Europe? The search for an effective and coherent external policy', in J. Peterson and H. Sjursen (eds) *A Common Foreign Policy for Europe?*, Routledge, London, 1998, pp. 41–58.

define and promote a single European foreign policy. According to Piner Tank, the loss of economic sovereignty as a result of economic integration and common trade policies has strengthened the determination of the Member States to maintain their sovereignty over foreign and security policies.⁹

The institutionalists as well as constructivists, see the EU positions at the UN as a compromise between the interests of the Member States, but argue that the possibility of such compromise might be higher within the European Union than in other coalitions of states that are much looser. The fundamental political tendencies within the European Union to search for common positions and institutionalized mechanisms for coordination contribute to creating such compromises.¹⁰

According to Brantner and Gowan, the constructivist interpretations hold that EU members or more precisely their delegates in Brussels, New York or Geneva, through their daily coordination on the ground, might be “socialized” into abandoning unilateral action and extending coordination because they find it “appropriate” to coordinate their policies at the UN even if it is not necessarily the most rational approach in a given case, or the one likely to maximize benefits.¹¹

Furthermore, there are different approaches when defining the factors that determine the EU willingness to work through and with the UN. According to Kagan, it is because of its weakness that Europe pursues multilateral strategies. He argues that multilateral strategies reflect power or, rather, the absence of power, that is - weakness.¹²

According to Manners, the EU is predisposed to multilateralism. By acting through UN it gains the capacity to shape the behaviour of others.¹³

An alternative set of scholars see the EU–UN relations in terms of the European Union’s normative power.¹⁴ The normative power theory implies a critique of US policy. According to Laatikainen and Smith, the contrast between the US and EU perspectives on multilateralism could not be more stark.¹⁵ While the EU has embraced effective multilateralism as a cornerstone of its foreign policy, the United States

⁹ T. Piner, ‘The CFSP and the nation-state’, in K. A. Eliassen (ed.), *Foreign and Security Policy in the European Union*, Sage, London, 1998.

¹⁰ Carlsnaes, W., Sjursen, H. and White, B. (eds) *Contemporary European Foreign Policy*, Sage, London, 2004; K.E. Smith, ‘Speaking with one voice? European Union coordination on human rights issues at the United Nations’, (2006) 44th *Journal of Common Market Studies*, pp. 97–121; K.V. Laatikainen and K.E. Smith (Eds.), *The European Union at the United Nations – Intersecting Multilateralism*, Palgrave Macmillan, New York, 2006.

¹¹ F. Brantner and R. Gowan, ‘Complex engagement - The EU and the UN system’ in K. E. Jørgensen (ed.), *The European Union and International Organizations*, Routledge, 2009, p. 40.

¹² R. Kagan, *Paradise and Power: America Versus Europe in the Twenty-first Century*, Atlantic, London, 2003.

¹³ I. Manners, ‘Normative power Europe: A contradiction in terms?’, (2002) 37th *Journal of Common Market Studies*, pp. 235–258.

¹⁴ F. Brantner and R. Gowan, ‘Complex engagement - The EU and the UN system’ in K. E. Jørgensen (ed.), *The European Union and International Organizations*, Routledge, 2009.

¹⁵ K.V. Laatikainen and K.E. Smith, ‘Introduction – The European Union at the United Nations: Leader, Partner or Failure?’, in K.V. Laatikainen and K.E. Smith (Eds.), *The European Union at the United Nations – Intersecting Multilateralism*, Palgrave Macmillan, New York, 2006, p. 7.

has embraced an aggressive policy of pre-emption and a diplomatic tone that is skeptical of and impatient with UN multilateralism.¹⁶ However, according to them, the EU is not yet good enough at multilateralism to act as a leader, much less to counter US anti-multilateral tendencies.¹⁷

Nevertheless, when explaining the EU-UN relations, there is no constantly superior theory. Instead, different theoretical models explain the European Union's engagement in different issues at the UN. The security dimension of the EU-UN relations is best explained by the realist theory. On the other hand, the EU approach towards the issues that don't challenge its security policy¹⁸ are better explained through reference to the European Union's "natural" attachment to international law.

III. EU at the UN

The European Union has developed a strong public commitment to the United Nations. This commitment was mainly summarized in the European Security Strategy statement that "strengthening the United Nations, equipping it to fulfill its responsibilities and to act effectively, is a European priority".¹⁹ However, the relations between the EU and the UN are rather complex. Their aspects will be elaborated below.

First of all, the United Nations consists of multiple "political arenas".²⁰ This refers to the Security Council, General Assembly, Human Rights Council and Economic and Social Council. Furthermore, the UN engages in a huge range of operational activities, such as conflict prevention, humanitarian aid and peacekeeping. Finally, the UN system also includes funds and agencies, such as the UN Development Programme (UNDP) and International Atomic Energy Agency (IAEA). The funds and agencies are overseen by stand-alone inter-governmental boards.

All of these complex institutional and operative arrangements at the UN further complicate the study of linkages between the EU and UN. It should be noted that the European Union's interaction with the UN system involves significant operational and financial cooperation. As one example of the operational relationship between the EU and UN has been the deployment of European Security and Defence Policy (ESDP) missions to support UN peacekeeping in Africa.²¹

However, despite such cooperation, the European Union is not a member of the UN. It has no legal standing within the main political bodies. On the other hand, most of the EU Member States were members

¹⁶ Ibid.

¹⁷ Ibid, p.18.

¹⁸ The issues connected with the climate change, as well as the human rights issues can be used as an example.

¹⁹ European Council (2003) *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December. Communication from the Commission to the Council and the European Parliament.

²⁰ F. Brantner and R. Gowan, 'Complex engagement - The EU and the UN system' in K. E. Jørgensen (ed.), *The European Union and International Organizations*, Routledge, 2009, p. 37.

²¹ On this issue see: C. Major, 'European Security and Defence Policy (ESDP) missions to support UN peacekeeping in Africa', EU Institute for Security Studies, No. 72, 2008.

of the UN before they were members of the EU.²² Furthermore, they have developed various diplomatic relationships within the UN that had existed long before the EU sought to create a common voice at the UN. Accordingly, the EU's attempt to act in concert must be understood within the framework of group or regional politics within the UN.²³

Regional membership groups have had long practice within the UN. They have the right to elect members to limited body organs. However, members of regional membership groups do not attempt to otherwise align their policies. The EU has ambition to be more than a caucusing bloc for its members, but this long-standing UN practice of caucusing blocs certainly colours how the EU is perceived by others.²⁴

On another point, another important thing is that the European decision-making on UN issues is rather frequently decentralized. European ambassadors to the UN institutions in New York, Geneva and Vienna can in theory refer difficult issues to the committees in Brussels but the pace of UN negotiations often means that they do not do so in practice. The level of Brusselization in European UN policy is thus low. Moreover, the European relationship with the UN system also includes participation in specialized negotiation processes, such as the approval of the Kyoto Protocol. These processes involve quite different sorts of diplomacy to the usual business carried on in New York and Geneva.²⁵

III. 1. EU at the UN General Assembly

With regard to the status of the EU in the UN, it should be noted that the European Community, represented by the European Commission, had only observer status at the UN General Assembly and its committees; the Economic and Social Council and its commissions and subsidiary bodies, and in several funds and programmes. However, the EC did not have an observer status at the Security Council. The Community could participate in the work of the bodies that it was admitted to, but not in their decision-making. In contrast, the EC (today the EU) was a full member of one UN specialized agency - the Food and Agriculture Organization (FAO).²⁶

Moreover, it is worth mentioning that the EC was represented by the European Commission delegations accredited to UN bodies in Geneva, Paris, Nairobi, New York, Rome, and Vienna. The European Commission's original information office in New York officially became a delegation to the UN in 1974, when it was granted observer status at the 29th General Assembly by Resolution 3208. As of the 1st of

²² West Germany joined the UN only in 1973.

²³ K.V. Laatikainen and K. E. Smith, 'Introduction - The European Union at the United Nations: Leader, Partner or Failure?', in K.V. Laatikainen and K.E. Smith (Eds.), *The European Union at the United Nations - Intersecting Multilateralism*, Palgrave Macmillan, New York, 2006, p.4.

²⁴ Ibid.

²⁵ F. Brantner and R. Gowan, 'Complex engagement - The EU and the UN system' in K. E. Jørgensen (ed.), *The European Union and International Organizations*, Routledge, 2009, p. 37.

²⁶ The EU is member of the Food and Agriculture Organisation (FAO) from 1991. The FAO membership reflects the Union's extensive responsibilities in the sectors covered by the FAO.

December 2009, with the entry into force of the Treaty of Lisbon, the European Commission delegations have become European Union delegations. Additionally, from the second half of 2010, the Delegation of the European Union to the UN and the Permanent Mission of Belgium to the UN are working jointly to represent the European Union. The Delegation is representing the EU on behalf of the High Representative of the Union for Foreign Affairs and Security Policy, Ms. Catherine Ashton. In the past, the EU was represented by the Member State that was holding the 6-month rotating Presidency of the EU Council. However, the EU Presidency no longer plays a role in the Union's external relations. In the years prior to the Lisbon Treaty entering into force, the EU was also represented by a tripartite format comprised of the current and future presidencies, the Commission, and the EU Council in a certain number of contacts with partners in the UN. This ensured continuity from one presidency to the next.²⁷

After the Lisbon Treaty entered into force in December 2009, the European Union was granted international legal personality. Therefore, in an effort to achieve greater visibility, through its High Representative for Foreign Affairs and Security Policy, the EU sought from the United Nations an EU right to speak at the UN General Assembly.

As other regional groupings and organisations, such as the Arab League, the African Union and Association of Southeast Asian Nations (ASEAN) began to suggest a similar status for themselves at the UN; some UN states were reported to be increasingly cautious of granting enhanced rights to the EU.²⁸ The Suriname presidency of the Caribbean Community (CARICOM) suggested that the EU proposal would affect the UN's "one state, one vote" rule. Furthermore, the UK and France, both permanent members of the UN Security Council, had been reluctant for the EU to be granted representative status at the UN, fearing they could lose their influence in the UN Security Council. They supported the EU being granted the right to speak at the General Assembly, but not at the Security Council.²⁹ Therefore, the enactment of the change of the EU status within the UN General Assembly was postponed.

The most recent developments regarding this issue are brought by the Resolution A/RES/65/276, voted by the UN General Assembly in May 2011. Under this Resolution, the EU representatives will be:

- “(a) Allowed to be inscribed on the list of speakers among representatives of major groups, in order to make interventions;
- (b) Invited to participate in the general debate of the General Assembly, in accordance with the order of precedence as established in the practice for participating observers and the level of participation;
- (c) Permitted to have its communications relating to the sessions and work of the General Assembly and to the sessions and work of all international meetings and conferences convened under the auspices of the Assembly and of United Nations conferences,

²⁷ http://www.europa-eu-un.org/home/index_en.htm, last visited on 30.06.2011.

²⁸ EurActiv at: <http://www.euractiv.com/en/future-eu/ashton-obtain-speaking-rights-un-news-497162>, last visited 30.06.2011.

²⁹ V. Miller, 'The European Union at the United Nations', House of Commons, International Affairs and Defence Section, 2011.

circulated directly, and without intermediary, as documents of the Assembly, meeting or conference;

(d) Also permitted to present proposals and amendments orally as agreed by the States members of the European Union; such proposals and amendments shall be put to a vote only at the request of a Member State;

(e) Allowed to exercise the right of reply regarding positions of the European Union as decided by the presiding officer; such right of reply shall be restricted to one intervention per item.³⁰

Nonetheless, the EU representative will not have the right to vote, co-sponsor draft resolutions or decisions, or put forward candidates.

III. 2. EU at the UN Security Council

The issue of EU membership at the UN Security Council represents another complex matter. There are two main reasons for this. First of all, the issues dealt within the UN Security Council are matters that belong to the Common Foreign and Security Policy (CFSP). The EU has the necessary competence to act, but only under the condition that there are Council Decisions (previously known as common positions) that are reached between the Member States.³¹

Second, the Security Council deals with the most threatening of issues for states' sovereignty - that of security. The hierarchy of power in the international system is nowhere as plainly evident as in the procedures of the Security Council, which institutionalizes three classes of states: permanent members, elected members, and states which have little chance of ever serving on the UN Security Council. As permanent members, Great Britain and France have obligations to uphold the Charter, but they also protect their own vital interests and promote the interests they hold in common with their EU partners. As the key players in European foreign policy cooperation they are naturally pushed to act together, but the pressures of the activities in the Security Council also expose the important divergences between the views of the world of the two states.³²

According to the UN perspective, under Article 31 of the UN Charter the UN Security Council may invite any UN Member State or competent person to participate in its discussions. Catherine Ashton has already addressed the UN Security Council on EU-UN cooperation and on cooperation between the UN and regional and sub-regional organisations. The EU perspective is given in the Article 34 of the Treaty of the European Union as amended by the Lisbon Treaty:

³⁰ UN General Assembly Resolution A/RES/65/276.

³¹ On this issue see: Jeroen Capiu, Inge Govaere, An Vermeersch, 'In-Between Seats: The Participation of the European Union in International Organizations' (2004), 9th European Foreign Affairs Review, Kluwer Law International, p. 178.

³² On this issue see: C. Hill, 'The European Powers in the Security Council: Differing Interests, Differing Arenas' in K.V. Laatikainen and K.E. Smith (Eds.), *The European Union at the United Nations – Intersecting Multilateralism*, Palgrave Macmillan, New York, 2006, p. 52.

“Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defense of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.”

Article 34(2) requires that Member States with a seat on the UN Security Council request the High Representative to speak on the EU's behalf. This should be done in cases where the EU has defined a common policy.

However, the reading of the Article 34 is not complete without taking into consideration the limitations provided with the Declaration No. 14, adopted at the Lisbon Intergovernmental Conference. The Conference aimed at preventing the EU's new diplomatic competences to affect the individual Member States' powers in international organisations. Declaration No. 14 concerning the Common Foreign and Security Policy states:

“The Conference underlines that the provisions covering the Common Foreign and Security Policy including in relation to the High Representative of the Union for Foreign Affairs and Security Policy and the External Action Service will not affect the existing legal basis, responsibilities, and powers of each member state in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organisations, including a member state's membership of the Security Council of the United Nations.”

This formulation in the Treaty of Lisbon was mainly made under the influence of the two EU Member States that are permanent Security Council members – Great Britain and France. Throughout time, their tendency has been to ensure that there is no room for misunderstandings over the freedom of national maneuvering which they want to continue enjoying in the UN Security Council. They have no objection to consulting, informing and coordinating with their EU partners, but they see their UN status as representing a higher calling and they would not be even bound by the existing commitments to common European positions.³³

According to Hill, the idea of a single European seat in the UN Security Council, long canvassed by both integrationist states within the EU and those in the outside world who wish to see reform of Security Council membership, has no chance of being implemented in the foreseeable future.³⁴ Even though the idea of reforming the Security Council has been present for a long time, the current composition does not reflect the power balances of the twenty-first century. France and the Great Britain were keen to support Germany in its bid for a permanent

³³ C. Hill, ‘The European Powers in the Security Council: Differing Interests, Differing Arenas’ in K.V. Laatikainen and K.E. Smith (Eds.), *The European Union at the United Nations – Intersecting Multilateralism*, Palgrave Macmillan, New York, 2006, p. 57.

³⁴ Ibid.

seat in the Security Council³⁵, but according to Brantner and Gowan they have successfully managed to keep this issue off the EU agenda.³⁶

IV. Conclusion

In Europe, multilateralism has predominantly positive connotations and is related to images of international cooperation and world order. This is a basic belief that is being reflected in the European approaches to the multilateral system. However, the complexity of EU engagement with the UN eventually makes it impossible to say whether or not the European Union is effective within it. Its impact varies over issues and time. There is no one political or theoretical definition of success that can be applied to topics as diverse as peace operations and climate change. It must be noted that the European Union clearly has been central to constructing and defending international law through the UN. However, it failed to develop long-term understanding on the necessity of this project with the US or the other major players within the UN. Therefore, its multiple forms of engagement within the UN system are predisposed to remain fragmented and *ad hoc*.

³⁵ Italy and Spain and some other smaller member states strongly opposed that kind of ascendancy of Germany.

³⁶ F. Brantner and R. Gowan, 'Complex engagement - The EU and the UN system' in K. E. Jørgensen (ed.), *The European Union and International Organizations*, Routledge, 2009.

Abstract:

The article gives an insight to the most essential issues of the relations between the EU and the UN. After briefly explaining the main theoretical perspectives that elaborate the many variables of EU - UN relations, the article gives an overview of the EU role in the UN. It outlines the major challenges that both the EU and UN face today. Furthermore, it summarizes the EU role within the UN General Assembly and the UN Security Council.

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