

# CFSP Forum

Volume 2, Issue 1

January 2004

## Note from the Editor

Karen E. Smith, London School of Economics, Editor

The theme of this issue is the role of the European Union within the United Nations. The EU-UN relationship has been the subject of two important EU documents recently: the European Security Strategy, approved by the European Council on 12 December 2003 (<http://ue.eu.int/pressdata/EN/reports/78367.pdf>) and the European Commission's September 2003 communication on the EU and the UN ([http://www.europa.eu.int/comm/external\\_relations/un/docs/com03\\_526en.pdf](http://www.europa.eu.int/comm/external_relations/un/docs/com03_526en.pdf)). The relationship has also been the subject of research by several scholars. Here some of them explore questions such as: to what extent is the EU an important actor within the UN? How might enlargement affect the EU's role in the UN system? And what sort of role does the EU play in the UN?

### Contents

Reflections on EU Coordination in the UN	1
Assessing the EU as an Actor at the UN	4
The Fifteen and the Accession States in the General Assembly	10
The EU: A Reliable Partner for Peace of the UN?	14
EU Coordination on Human Rights within the UN	16
The European Security Strategy	19
New books and articles	20

## Reflections on the coordination of the EU member states in organs of the United Nations

Juergen Dedring, Adjunct Professor of Political Science, City University of New York, US, and former United Nations senior official

At the beginning of the new year 2004, it is appropriate and justified to question the quality of collaboration of European Union member and aspirant states in the United Nations system. The past year brought much turmoil and upheaval, centred on the early decision by the US government to launch military action to oust the Iraqi regime and the fallout this operation had on principal organs of the UN, in particular the Security Council. Major fissures broke open, dividing EU member states according to their stance on the US plans and actions against Iraq. The tense situation was further exacerbated by US statements distinguishing between 'old' and 'new' Europe and luring East European states into the US camp, thereby causing rifts within Europe over important developments in world politics.

Furthermore, the internal EU deliberations about a new constitutional treaty have also been quite fractious and have given rise to substantial disagreements about fundamentals including the invocation of God in the document, and to a debate about further EU candidacies, especially Turkey's pending application. Specialised discussions on a number of governance questions have further deepened the gaps in mutual understanding. While the final answers about the draft constitutional treaty are still outstanding, observers must concede that the effects of this debate have created new

obstacles on the road of enlargement.

Nevertheless, the impact of all this on EU collaboration at the UN is not easily ascertained. There is no clear indication at present that it has negatively affected the practices of coordination and representation among EU members and aspirant countries. Past work on these arrangements has established that the range and depth of close collaboration has been quite far-reaching and that the extensive unity of the EU group has been demonstrated consistently also in the public proceedings of the UN Security Council. As earlier inquiries showed, there are distinctly separate practices with regard to the Security Council on the one hand and the UN's other organs on the other.

These rather divergent practices should be briefly summarised before analytical comments are made. The practice of seeking consensus and speaking with one voice reaches back to the start of the European integration process. What began with efforts by nine EU members in the late 1970s has by now congealed into a fixed procedure of closely coordinating joint policies with a view to formulating a common foreign policy. At present, this method seeks to merge nearly thirty state perspectives and political wills on a continuing basis.

The remarkable evolution from European Political Cooperation (EPC) to the current provisions of the Common Foreign and Security Policy (CFSP) reflects the push towards meaningful political action by the growing EU. CFSP constitutes substantial forward movement for EU members. What had been narrow intergovernmental consultation in the past now assumes the character of joint discussion, policy formulation and common action addressing critical issues on the international stage.

The manner in which coordination in UN organs other than the Security Council is exercised is as follows: Debate about the particular policy question or agenda item is continued until all members of the EU group without any exception agree to the direction and wording of the policy to be endorsed. After Greece joined the European Community and subsequently UN consultations, it quickly assumed the role of maverick and forced the other members of the group to add the necessary time and patience for a unanimous position to evolve. This procedural aspect has not been shed or

modified in the intervening years, and the investment in time and effort has grown markedly. On an EU web site (<http://www.europa-eu-un.org/>), the reader is informed that 'more than a thousand internal EU coordination meetings are conducted each year in order to prepare and finalize EU positions. In 1999, this resulted in the EU achieving a common position on almost 95% of General Assembly votes.' The brief text continues that the same level of unanimity in EU positions has been achieved in the follow-up of all the major world conferences held since the early 1990s.

Due to the prominence of the EU role in the world, it is crucial to establish whether the EU claim does indeed stand up to thorough and in-depth investigation. The consultation procedure is used routinely by the EU group in preparation of particular agenda items or clusters of such items. The delegation exercising the EU Presidency is in charge of convening and chairing the numerous consultations as they arise. As the period for the Presidency spans six months, the input in manpower and time for these unavoidable consultations is undoubtedly very high. In view of the scope and diversity of the UN agenda, the requirement for expertise from the diplomatic personnel serving in the respective EU missions becomes pressing. While the burden on the Presidency delegation is heavy, other delegations are similarly hard put to service these many and multifaceted meetings, but have no recourse except to plead for more time in case they are not ready to deliberate and negotiate a common EU position. In view of such handicaps, one must admit that adherence to the consensus requirement for the EU group over decades is indeed noteworthy.

The related issue of representation gives rise to some additional questions. The task of presentation falls totally on the Presidency delegation and especially its Permanent Representative and Head of Mission. Recently, the Swedish Ambassador reported that during his country's EU Presidency in the first half of 2001, nearly 90 formal statements were made in various UN venues, including the Security Council, on behalf of the EU. These representations are even more impressive in that the group has actually been expanded in the last few years to encompass candidate countries and, occasionally, even a few non-EU European states (such as Iceland, Liechtenstein and Norway). Acts of representation under EU auspices must succeed in overcoming reluctance and evasion and in winning full agreement for the joint opinion that emerges

from the large circle of state representatives in attendance.

As far as this observer is concerned, there has been no indication that this complex and time-consuming practice of coordination and representation in UN organs other than the Security Council has been cut back or abolished. Although the level of consensus may fluctuate as a result of more divisive policy questions negating the chance for a full consensus, the expanding EU has maintained and widened these procedures.

Turning to the special arrangements for the UN Security Council (UN SC), a number of changes have been recently introduced to enhance its transparency and openness. During the temporary UN SC membership of Portugal and Norway in 2001-02, the link between the European UN SC members and the EU group was strengthened by the establishment of an EU 'caucus' within the Security Council. This new pattern was further enhanced with the election of Germany and Spain as temporary UN SC members for 2003-04. As the political weight of these two EU member states was quite a bit heavier than that of the previous members, the role of the EU caucus also assumed much more importance. This new arrangement has helped to ease the implicit unease, and even resentment, of EU member states lacking the privileged positions held by France and the UK. Whereas in the more distant past the two permanent UN SC members refused to consult or even inform the other EU member states on Security Council matters, they have had a much more accommodating attitude as it became clear to all concerned that the issues before the UN SC were of paramount importance for all EU member states and therefore needed to be aired in the wider circles of the EU group.

As the EU group is scheduled to increase to 25 members (plus aspirants), its impact on UN proceedings is bound to rise. As argued in greater detail in a paper presented to the ISA convention in 2003, the system of regional groups in the UN system will have to be reviewed and revamped. The traditional arrangement of elections through the regional groups must be adjusted to the EU's rise as a powerful player in the UN environment. The groups directly affected are the East European Group and the West European and Other Group (WEOG), as they contain among them

all of the EU members and members-to-be. With the EU being enlarged by mid-2004, the old arrangement is no longer viable. The consolidated expanded EU group will definitely become a major player in UN decisions relating to the distribution in major organs and subsidiary bodies, though how the rearrangement works out will depend on the political will of the affected states. The biggest question arises over the future of the WEOG, which currently includes Canada, Australia, New Zealand and the US: the ramifications of the incipient realignment are far-reaching and solutions cannot yet be projected. Elections to the UN SC would clearly be affected by such a reshuffling.

These developments and trends are part and parcel of the evolving situation in the UN processes. The recent breaches in transatlantic understanding and in intra-EU politics have been viewed with alarm by many political and scholarly observers. Still, one must remember that the UN agenda is a much larger catalogue of urgent global and regional concerns over which agreement among the EU-plus group has prevailed. The powerful will to widen and deepen the 'ever closer union' is a significant antidote against the centrifugal tendencies of the last twelve months. The blatant endeavour by the sole world power of the day to break up EU unity in pursuit of selfish imperial aims has not brought success or victory. The civil agreement among principal EU members to disagree occasionally will not provide an opening for hopes to divide and conquer what has been built up over nearly half a century. Whether we consider the huge global agenda taken up by the UN General Assembly every year or the difficult and challenging list of items before the UN SC, the need for intense consultation and consensus-formation among EU member states and candidate countries will compel the governments concerned to march forward on the path to a more stable and harmonious 'security community', reflecting Jean Monnet's central vision and giving strength and hope to old and new EU member states.◇

*Bibliographical note:* While there is no major recent academic work available on the EU at the UN, one can rely on many publications dealing with the EU end of that relationship. Of fundamental importance are the volume, *Policy-Making in the European Union* edited by Helen Wallace and William Wallace (Oxford University Press, 2000) and a large amount of information provided by the EU on its complex web site system. Hopefully, in the near future, the interest in the EU's role as it expands to 25 member states will result in more scholarly articles and possibly monographs on the EU-UN nexus.

## Assessing the EU as an Actor at the UN: Authority, Cohesion, Recognition and Autonomy<sup>1</sup>

Katie Verlin Laatikainen, Assistant Professor, Department of Political Science, Adelphi University, New York, US

The diplomatic imbroglio that played out in the UN Security Council in February-March 2003 led many observers to conclude that divisions over Iraq had not only deeply divided the trans-Atlantic relationship but had also poisoned relations among Europeans themselves. The highly-publicised display of EU disunity suggested that a common EU foreign policy within the UN was out of reach. In fact, the high-profile divide flies in the face of a strong and steadily growing EU unity within the UN since the early 1990s. Indeed, the growth of the EU as an actor in the UN is such that representatives from other UN member states charge that nothing gets accomplished in many UN bodies unless the Europeans are on board (interview, UN Headquarters, 9 January 2003). As has been noted elsewhere, the *authority*, *cohesion*, and *recognition* of the EU as an actor in the world body has been markedly on the rise since the mid-1990s even as its *autonomy* as an actor remains indeterminate.<sup>2</sup>

### Authority

Specific authority for the EU to act in the most political of bodies at the United Nations in New York can be found in Treaty on European Union which declares that member states should to the greatest extent possible act as one in international organisations and conferences.

### Cohesion

The EU has developed processes by which a common policy can be articulated. *Procedural cohesion* in the UN starts with the annual position paper. The country holding the Presidency prepares an EU position paper on the General Assembly agenda in advance of the annual session, and represents the EU in all committees and fora. Over 1000 coordination meetings are organised by the member state holding the Presidency in New York. The Presidency represents the EU in discussions with other member states, regional groups, and organisations. The process of crafting European policy at the UN is the enterprise of the so-called troika, wherein the Presidency is assisted by the European Commission, which has an

observer mission at the UN, as well as the Liaison Office of the Council Secretariat, where meetings are held.

This structure for generating a common position has certainly facilitated greater *output cohesion*. The Commission advertises on its UN webpage (<http://europa-eu-un.org>) that member states share a common position on almost 95% of General Assembly votes. This figure includes the consensus decisions taken by the UN General Assembly (roughly 2/3 of all decisions) where in fact *all* UN member states, not just the Europeans, have a common position. If we examine voting cohesion on *roll-call votes* taken in the UN General Assembly, where there exists the possibility for voting dissension, a more stringent test of cohesion can be applied. As Table 1 (pp. 7-8) suggests, the voting cohesion figure is lower than the figure cited by the Commission, but it provides compelling evidence that European voting cohesion has grown rather dramatically in the UN General Assembly over the course of the 1990s as procedures for articulating a common foreign policy were introduced.

However, voting cohesion is a rather blunt indicator for output cohesion because it might reflect only similarity of attitudes. Indeed the United States regularly tracks those countries whose votes are aligned with it at the UN. Thus, voting cohesion does not reveal active measures of cohesion that result from conscious efforts to align policy. Another method of examining cohesiveness is to measure the extent to which we can find specific artefacts that reflect a distinct EU voice. How often does the EU speak independently, in its own voice?

EU coordination in the form of joint statements, declarations and documents in the General Assembly overall has grown steadily as can be seen in Table 2 (p. 9). In addition to the General Assembly, the EU is increasingly speaking with its own voice in the Security Council, where the UK and France have permanent member status. As Table 3 (p. 9) illustrates, the number of EU statements in the Security Council has increased from none before 1993 to 22 in 2000. Not only do we see the Europeans making an effort to align their individual positions within the Security Council (with the notable recent exception of addressing Iraqi disarmament), increasingly the EU Presidency is speaking on behalf of the Union *in addition to* the European members that are present in the Council. This is not to say the EU is in any way eclipsing member states within the Security Council, but is increasingly recognised as an actor separate from the British and French in

the Security Council. However, when the French or the British hold the Presidency, this gives rise to questions about the autonomy of the EU position as we shall see below.

### Recognition

A series of interviews with both EU and non-EU ambassadors to the UN over the last several years suggests the EU is recognised among the UN membership as a formidable force in the policy process. The Iranian Ambassador remarked that the UN is increasingly influenced by the Europeans 'because the EU attaches more importance to the UN (than the US). There is very seldom an issue that the EU is attached to, where the EU does not get its way' (interview, Iranian Mission to the UN, 9 January 2003). The Singaporean Ambassador noted that the EU is 'particularly united within the General Assembly, and when they get the Latin Americans to come along, they are a strong bloc' (interview, Mission of Singapore to the UN, 9 January 2003).

Some are critical of this growing EU role in the UN. In the UN system of regional memberships that are used for elections to leadership positions and limited membership bodies in the UN, the EU is increasingly dominating the regional Western European and Other Group (WEOG). An Australian diplomat indicated that this EU dominance of WEOG was unsatisfactory and should lead to reform because non-EU members had a difficult time overcoming united European actions and the electoral group was 'too preponderantly European' (interview, Australian Mission to the UN, 9 January 2003). Another claimed that the non-EU Europeans were outmatched: 'The EU is more consolidated and integrated. There is a clear disappearance of the Nordic bloc, and Norway, standing alone, is no match for the EU' (interview, Czech delegate to the UN, UN Headquarters, 10 January 2003).

This limited sampling of interviews by non-EU delegates suggests that *de facto* recognition of the EU is growing in the halls of the UN. The EU does not have *de jure* recognition except in limited areas where the Commission enjoys competence (for instance in the Food and Agricultural Organization or FAO) while member states do enjoy this formal recognition of membership in the UN system. However, in the political process of UN politics, the EU is increasingly recognised as a unified, coherent force. Given that it is member states that have *de jure* recognition and capacity to act, there is still the possibility that they, rather than the EU,

can take action. This brings us to the question of autonomy.

### Autonomy

How autonomous is EU policy at the UN? Is it distinct from member states' policies? EU efforts to create a European foreign policy voice at the UN are relatively recent, despite decades of consultation through EPC. The Commission has long made statements on behalf of member states in the areas of Commission responsibility, but these have often been in more technical, operational corners of the UN system (e.g., the FAO). The political bodies of the General Assembly and Security Council are more of a challenge for developing EU autonomy because in these it is often a member state that has the responsibility of representing the EU when it holds the Presidency. Given the *de jure* legal recognition of every EU member state within the UN system, this dual role complicates the autonomy and independence of the EU in these settings.

There may well be a perceptual difficulty in establishing the independent EU status within the UN. Do non-EU delegations accept that the EU declarations are jointly negotiated rather than the predilection of the particular member state holding that Presidency? To what degree can the Presidency direct the EU's policy toward its own preferences? These are important questions because they lie at the heart of group identity as well as the EU's autonomy and independence in UN affairs. It is perhaps too soon to tell as the arrangements continue to evolve, but an early assessment was made by a Finnish delegate in advance of the Finnish Presidency of the EU at the UN in 1999. She suggested that in contrast to Nordic coordination, European coordination requires considerable effort to *create* a common European position or policy among divergent national styles and interests. Consequently, coordination requires a more authoritarian leadership style and that member states subsume national priorities until they hold the Presidency when it would be their 'turn' to assert national priorities:

Finland does not have an agenda (with regard to the EU's UN coordination), but we do have priorities we would like to address. We would prefer to act as a facilitator, but I think that often the EU requires a leader. The coordination style has been set by the larger countries which use the EU to pursue national interests. This is not the Finnish or Nordic way (interview, Permanent Mission of Finland, 29 March 1999).

This anecdotal evidence suggests that even member states are uncertain whether EU policies are European or barely disguised national prerogatives. More recently, however, the Swedish Ambassador to the UN agreed with his Finnish counterpart that while there is no clear distinction between the national and EU approach while holding the Presidency:

To a degree you have to hold back on your national position when you hold the Presidency. However, if you are organised, and you plan months in advance, you can insert national priorities into the EU platform (interview, Swedish Mission to the UN, 9 January 2003).

Given this variegated nature of representation and membership of member states and the EU itself within the UN, will the EU be able to speak with one voice across the UN system even as the Presidency and Javier Solana regularly address the Security Council? This becomes particularly acute when either the UK or France hold the EU Presidency. If we refer back to Table 1, it is notable that the most important 'dissenters' among EU members in the General Assembly are precisely France and the UK. When do their national interests end and representation of Europe begin? The question of autonomy of the EU poses the greatest challenge to the 'actorness' of the EU within the UN, as many American commentators on the Iraq debate noted as they attributed 'European' resistance to a resolution to French national interests.

### **The UN Context for CFSP**

The UN is an interesting and unique context for articulating EU foreign policy. The symbolic nature of politics within the General Assembly (and sometimes the Security Council) means that high-stake national interests are unlikely to rise to the surface as they might when foreign policy is made in Brussels and discretionary financing is involved. Coordination is possible because often the stakes aren't all that high in UN politics. When they are high, as the Iraq debate demonstrated, consensus is much harder to obtain.

Furthermore, the institutional processes at work in New York favour the multilateral, consultative processes that have emerged in CFSP. The UN's multilateral nature and practice of group politics is conducive to the articulation of a common EU policy. The long-standing institutionalisation of bloc or group dynamics in place at the UN facilitates growing EU foreign policy influence.

Indeed, with the accession of Central and East European members, the EU's institutional reach will expand from the Western European and Other Group to include as well the Eastern European Group. The EU is recognised as an actor at the UN because it is normal to have such group actors within the UN political process, while such group dynamics are less the norm outside the UN's political context.

American neo-conservatives and EU scholars alike have argued that the EU is a 'different' kind of power.<sup>3</sup> While the EU purports to follow a normative or values-based foreign policy, it is questionable whether the rest of the international community in the UN will accept this self-definition given the growing structural power of the EU in the UN system. Indeed, Charles Kupchan has argued that the EU will increasingly challenge the international balance of power in ways that traditional realists would recognise.<sup>4</sup> While this debate over Europe's relationship to power is heated, both accounts pit the EU against the US in the world body. Either the EU's multilateralism and normative approach will contrast with American unilateralism and recourse to military force, or EU interests will clash with American interests in the tradition of realism. Thus the stage is set for a new period of bi-polarity within the UN, but the question is whether this will be benign or malign.

If the EU is indeed a different kind of power, then Europe will seek to counter US unilateralism and reliance on military power by embracing the multilateral, multidimensional means of dealing with interdependence. We might anticipate a future in which the UN is a Western-dominated institution, but with a new bi-polarity in which the Europeans dominate in economic and social areas of the General Assembly and ECOSOC while the Americans predominantly focus their energy and attention on the Security Council. If the eclipse of the General Assembly by the Security Council continues, the EU could effectively play a 'middle power' role because the US dominance in the Security Council would be pre-eminent.<sup>5</sup> If the Europeans manage to elevate the importance of the General Assembly, re-establishing a balance between the GA and the Security Council, Europe's greater influence in that body could create a new, more benign period of bi-polarity in UN politics.

On the other hand, if the EU does come to embrace power in the more traditional sense, the UN will become the locus of EU-US political disputes in much the same way the WTO is locus of economic disputes currently. Essentially, the Europeans may already be too powerful in the UN

to play the more modest civilian power role that has been the mainstay of middle powers. Several EU member states were recently colonial powers and the enduring perceptions of European power may undermine the EU's attempt to fashion itself as a civilian power within the UN. Its significant financial clout within the world body (the combined contributions of the EU and member states make the EU the largest contributor to UN programmes) further reinforces the very real structural power that the EU holds. The EU takes the UN seriously and is committed to the success of multilateral undertakings. If the UN is not to fade into irrelevance, it may paradoxically mean that the EU has to embrace power in Kupchan's sense order to promote its own vision of normative or civilian power.◊

<sup>1</sup> This article is based on a paper presented at the European Union Studies Association International Conference, Nashville, Tennessee, 27-9 March 2003. The framework utilising these concepts was first elaborated in

James Caporaso and J. Jupille, 'States, Agency, and Rules: The EU in Global Environmental Politics,' in Carolyn Rhodes, ed., *The European Union in the World Community* (Boulder, CO: Lynne Rienner, 1998).

<sup>2</sup> For an application of this framework to assess the Nordic Group at the UN, see Katie Verlin Laatikainen, 'Norden's Eclipse: The Impact of the European Union's Common Foreign and Security Policy on the Nordic Group at the United Nations', *Cooperation and Conflict*, vol. 38, no. 4, 2003: 409-441.

<sup>3</sup> The dismissive neo-conservative approach is represented by Robert Kagan, 'Power and Weakness', *Policy Review*, 113, 2002: 3-29. Europeanists include Duchêne's early effort (Francois Duchêne, 'The European Community and the Uncertainties of Interdependence', in M. Kohnstamm, W. Hager, eds, *A Nation Writ Large: Foreign Policy Problems before the European Community*, London: Macmillan, 1973) and Manner's more recent assessment (Ian Manners, 'Normative Power Europe: A Contradiction in Terms?', *Journal of Common Market Studies*, vol. 37, no. 3, 2002: 235-58).

<sup>4</sup> Charles A. Kupchan, 'The Rise of Europe, America's Changing Internationalism, and the End of U.S. Primacy', *Political Science Quarterly*, vol. 118, no. 2, 2003: 205-232 and Charles A. Kupchan, 'The End of the West', *Atlantic Monthly*, vol. 290, no. 4, 2002: 42-45.

<sup>5</sup> Andrew F. Cooper, ed., *Niche Diplomacy: Middle Powers After the Cold War* (London: Macmillan, 1997).

**Table 1: EU Member State Voting Cohesion during UN General Assembly Roll-Call Votes, 1991-2000\***

Member state	1991-2	1992-3	1993-4	1994-5	1995-6
	Votes=73	Votes=73	Votes=63	Votes=65	Votes=69
Austria	Non-member	Non-member	Non-member	95.4%	97.1%
Belgium	97.3%	100%	98.4%	95.4%	94.2%
Denmark	89%	93.2%	93.7%	98.5%	100%
Finland	Non-member	Non-member	Non-member	93.8%	94.2%
France	89%	90.3% (1)	79.4%	75.4%	79.7%
Germany	93.2%	No data (2)	No data	No data	95.7%
Greece	75.3%	83.6%	81%	95.4%	89.9%
Ireland	83.6%	86.3%	87.3%	92.3%	94.2%
Italy	98.6%	100%	100%	95.4%	95.7%
Luxembourg	100%	100%	100%	95.4%	95.7%
Netherlands	97.3%	100%	98.4%	92.3%	92.8%
Portugal	91.8%	93.2%	95.2%	98.5%	98.6%
Spain	78.1%	84.9%	82.5%	95.4%	95.7%
Sweden	Non-member	Non-member	Non-member	95.4%	97.1%
United Kingdom	80.8%	82.2%	81%	76.9%	84.1%
<b>OVERALL COHESION</b>	<b>52.7%</b>	<b>54.8%</b>	<b>60.3%</b>	<b>63.1%</b>	<b>66.7%</b>

(1) France was absent for one vote. Calculation made on basis of 72 votes.

(2) Data missing for Germany for entire session in the Index to Proceedings.

**Table 1 Continued**

	<b>1996-7</b>	<b>1997-8</b>	<b>1998-9</b>	<b>1999-2000</b>
	Votes=74	Votes=69	Votes=61	Votes=69
Austria	93.2%	95.7%	96.7%	95.7%
Belgium	94.6%	98.6%	98.4%	98.6%
Denmark	97.3%	95.7%	98.4%	98.6%
Finland	95.9%	94.2%	93.4%	98.6%
France	89%	88.4%	86.9%	84.1%
Germany	97.3%	98.6%	98.4%	95.7%
Greece	Insufficient data	97.1%	98.4%	98.6%
Ireland	91.9%	94.2%	95.1%	92.8%
Italy	98.6%	97.1%	100%	98.6%
Luxembourg	97.3%	95.7%	98.4%	98.6%
Netherlands	95.9%	97.1%	98.4%	97.1%
Portugal	98.6%	98.6%	98.4%	98.6%
Spain	95.9%	98.6%	98.4%	98.6%
Sweden	93.2%	94.2%	96.7%	94.2%
United Kingdom	91.9%	88.4%	88.5%	88.4%
<b>OVERALL COHESION</b>	<b>77.0%</b>	<b>78.3%</b>	<b>85.2%</b>	<b>78.2%</b>

Source: UN Index to Proceedings, 1991-2000.

\*The overall cohesion score reflects the number of votes in which all members voted exactly the same way. National figures reflect the percentage of votes in which a country voted with the EU majority. When two member states dissented on the same vote, this was only counted as a single non-compliant vote in overall cohesion.



**Table 2: European Union\* Statements/Documents in General Assembly and its Main Committees**

<b>General Assembly:</b>	<b>1990-1</b> 45 <sup>th</sup> Session	<b>1991-2</b> 46 <sup>th</sup> Session	<b>1992-3</b> 47 <sup>th</sup> Session	<b>1993-4</b> 48 <sup>th</sup> Session	<b>1994-5</b> 49 <sup>th</sup> Session	<b>1995-6</b> 50 <sup>th</sup> Session
1st Committee/ Disarmament and Int'l Security	10	13	8	6	5	4
2nd Committee/ Economic and Financial	13	20	8	9	11	15
3rd Committee/ Social, Humanitarian and Cultural Affairs	7	14	12	17	18	15
4th Committee/ Special Political and Decolonisation	2	2	2	8	9	10
5th Committee/ Administration and Budget	12	24	24	24	19	35
6th Committee/ Legal	3	8	6	5	9	6
Special Political Committee	7	8	7			
<b>Total</b>	<b>54</b>	<b>89</b>	<b>67</b>	<b>69</b>	<b>71</b>	<b>85</b>

**Table 2 Continued**

<b>General Assembly:</b>	<b>1996-7</b> 51 <sup>st</sup> Session	<b>1997-8</b> 52 <sup>nd</sup> Session	<b>1998-9</b> 53 <sup>rd</sup> Session	<b>1999-2000</b> 54 <sup>th</sup> Session
1st Committee/ Disarmament and Int'l Security	1	5	6	6
2nd Committee/ Economic and Financial	16	20	14	21
3rd Committee/ Social, Humanitarian and Cultural Affairs	13	13	16	19
4th Committee/ Special Political and Decolonisation	10	8	8	8
5th Committee/ Administration and Budget	43	37	40	27
6th Committee/ Legal	12	5	7	7
Special Political Committee				
<b>Total</b>	<b>95</b>	<b>88</b>	<b>91</b>	<b>88</b>

Sources: UN Index to Proceedings, 1990-2001; UNBIS Index to Speeches, 1990-2001; UN-I-QUE Database (CD-ROM).  
\*Referred to as the European Community through 1993.

**Table 3: EU Speeches and Statements in the UN Security Council**

<b>Security Council:</b>	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Statements and speeches	0	0	0	0	4	4	16	18	21	8	22
Documents and letters	15	24	35	44	32	11	35	34	40	55	64
<b>TOTAL</b>	<b>15</b>	<b>24</b>	<b>35</b>	<b>44</b>	<b>36</b>	<b>15</b>	<b>51</b>	<b>52</b>	<b>61</b>	<b>63</b>	<b>86</b>

Sources: UN Index to Proceedings, 1990-2001; UNBIS Index to Speeches, 1990-2001; UN-I-QUE Database (CD-ROM).

## The Fifteen and the Accession States in the United Nations General Assembly<sup>1</sup>

Elisabeth Johansson-Nogués, Researcher, Institut Universitari d'Estudis Europeus, Autonomous University of Barcelona, Spain

US Secretary of Defence Donald Rumsfeld's division of Europe into 'old' and 'new' has at least illuminated the uncertainties regarding the foreign policy of the enlarging European Union. The independent foreign policy initiatives pursued by some accession states, notably Poland, the Czech Republic and Hungary, and their active support for the US line in the United Nations over Iraq, have caused unease among the Fifteen and clearly illustrated the troubles which the Union has in 'speaking with a single voice' in international affairs. To put the current debate into perspective, this article compares the voting record of the Fifteen and the thirteen candidate states in the UN General Assembly (UNGA).

Over the past decade, the Twelve/Fifteen have achieved quite a nice track record of voting convergence in the General Assembly - reaching an all-time high convergence rate of 85.2% in the 53<sup>rd</sup> session, 1998-99. How will this record fare after the 2004 enlargement? According to the logic of game theory, as the number of 'players' (EU member states) grows, the more difficult it is to identify common interests. Moreover, there is a problem of 'free-riding' and the temptation for one or more players to defect from common decisions increases as new players are added. Thus the enlarged EU will have greater difficulty in acting coherently and producing common positions in the General Assembly.

However, the empirical record does not (at this time) corroborate this pessimistic prediction. Although the thirteen candidates are not yet EU members, their overall tendency to adhere to EU policy positions is already quite noteworthy. In the UNGA, the prospective member states have been aligning themselves with EU positions since the early 1990s, though the tendency has been most evident since 1997, when the EU opened enlargement talks with six candidate countries (the 'Luxembourg Group'). All the EU hopefuls (including the 'Helsinki

Group') have been invited to align themselves with EU statements and positions in international organisations. Voting convergence is most dramatic in the case of Bulgaria, the Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia, all of whom quickly aligned with the EU voting mean in the UNGA in the early 1990s.

There are four issue areas, however, which deserve more attention: human rights, decolonisation/self-determination, nuclear proliferation and disarmament. Although no issue in the UNGA causes widely divergent voting patterns between the Fifteen and the applicant states, these four issues did to some extent during the period 1997-2002 (see figures 1 and 2, p. 13).

Regarding human rights, most of the Central and Eastern European candidates (CEECs) conform closely to the EU voting mean in the UNGA. The post-communist candidates have definitely abandoned their Cold War legacy on human rights, according to which domestically they stressed labour and economic rights and in international organisations they were tied to Soviet political ambitions to be a leader for the lesser developed South. Their democratic transition, coupled with the EU accession process, has favoured the development of a new stance on issues regarding minority rights or political and legal citizens' rights. In contrast, the three Mediterranean candidates display a rather differentiated voting record. Cyprus, Malta and Turkey, for different reasons, have shown quite substantial divergence from the EU mean. One could argue that this divergence comes about because of particular domestic concerns. Cyprus, for example, is especially adamant about safeguarding the rights of displaced persons to return to their lost properties in the Turkish-held part of Cyprus, as well as the need to account for persons who went missing during the 1974 Turkish invasion.

Another issue which has sparked divergence is decolonisation/ self-determination. Again, the CEECs conform rather closely to the EU mean, while Cyprus and Malta, in contrast, continue to hold, at least partly, to their Cold War legacy on issues of decolonisation and self-determination. The attitude of Cyprus and Malta (ex-colonies) is thus radically opposed to that of France and Great Britain (former colonial powers). Moreover, their divergent voting record is also explained by the fact that they are members of the Non-

Aligned Movement (NAM). Malta, never among the more radical countries in the NAM, has more recently distanced itself from the group, although it still remains a member. Cyprus, in contrast, became the European representative of the NAM Bureau in 2003.<sup>2</sup> Nicosia's continued commitment to the NAM, one could argue, stems from the Movement's staunch backing of the Greek-Cypriot government since 1974.

Finally, disarmament and nuclear non-proliferation are two issues on which the voting records of the Fifteen and candidates diverge. During the Cold War, the candidate countries' pre-determined alignments (Central and Eastern Europe with the Soviet bloc, Turkey with NATO, and Cyprus and Malta with the non-aligned) conditioned their General Assembly voting behaviour on nuclear and disarmament issues. With the end of the Cold War, their UNGA voting records have been marked by continuity and change. Turkey continues to conform closely to those countries that are both NATO and EU members, and has been joined by the new NATO members, Czech Republic, Hungary and Poland, and the seven Central and East European countries that will join NATO in 2004 (Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia). Cyprus and Malta, on the other hand, have moved in the direction of the neutral EU member states. Although they stand out for their more radical positions, compared to the EU voting mean, they do not situate themselves far from the positions of Austria, Ireland and Sweden.

This brief survey of some of the most controversial topics in the UNGA clearly reveals two very different tendencies among the candidates. On issues which can be characterised as value-laden, such as human rights and decolonisation/self-determination, the CEECs have adjusted themselves closely to the mainstream voting patterns of the Fifteen. Human rights in particular, one might infer, has been one of the 'easy' topics for the CEECs to align with in the UNGA. Alignment has been a way for the applicant states to prove their 'European credentials' and their suitability for EU membership. The pattern is similar on issues of decolonisation/self-determination.

The Mediterranean candidates, in contrast, have tended to side with alternative foreign policy models. All three still seem to respond to Cold War reflexes of supporting the South/developing world in the UNGA on a host of issues linked to economic human rights,

decolonisation/self-determination and the Middle East. In this sense, one could argue that there is a considerable gap between the EU and Cyprus, Malta and Turkey over values. For example, the EU tends to emphasise political rights (such as elections, rule of law, the fight against arbitrary arrest and torture), while the Mediterranean candidates are more inclined to support lesser developed countries' calls for greater economic rights and the right to development.<sup>3</sup>

Notwithstanding the differentiated stance of the three Mediterranean candidates, the overall convergence on basic values between current and future member states is notably high. This is crucial for the enlarged EU's foreign policy, in that values underpin European integration and the formulation of foreign policies on development, economic assistance, and promoting human rights, the rule of law and democracy in third countries. Hence, the importance of the candidates' convergence with the EU on these issues should not be under-estimated. One could argue that the EU should seek to boost convergence on common values among the CEECs and draw the three Mediterranean countries closer to the EU mean. This, over time, might help to make European foreign policy more homogenous. One could infer that the future of European foreign policy will hinge on how the coming enlargement is consolidated and how well the new member states are socialised into the EU.

However, when it comes to issues of international security, EU/candidate convergence in the UNGA is less clear. Examining the voting record of the EU members and the candidate states one detects a continuum, ranging from the position of France and the UK through to that of the EU neutrals. Although between 1997 and 2002 the majority of applicant states clustered with the 'core' EU countries (Benelux and Germany), in the light of the differentiated reactions to the Iraq crisis, the position of the CEECs on international security issues seems far from settled. At present most of them converge with the so-called 'traditional Atlanticists' within the EU (UK, Denmark, the Netherlands and Portugal, which has at the moment swelled to include Italy and Spain), and thus the fifth enlargement will apparently increase that group's policy influence within the Union. This appears to be especially true for the Baltic states, Bulgaria, Poland, Romania and Slovakia, but is less clear, and certainly more ambiguous, for the Czech Republic and Hungary.<sup>4</sup>

The reason for what looks to be a radicalisation of Central and East European positions in favour of a

more devout pro-Americanism (compared with dithering in this part of Europe over Kosovo in 1999) is their keen interest in keeping the US involved in Europe and in European security. The CEECs oppose initiatives which supplant or unnecessarily duplicate NATO and shun further dilution of the Alliance into a mere political organization.<sup>5</sup> In this respect the CEECs would rather toe the line of British Prime Minister Tony Blair and continue the 'special partnership' across the Atlantic, than share French President Chirac's vision of a multipolar world where Europe balances the US.

But notwithstanding the Central and Eastern European support for the US, on one point all thirteen candidates converge. They all wish to handle global affairs related to peace and security within the UN and the Security Council.<sup>6</sup> The candidates hold that the end of the Cold War and the terrorist attacks of 11 September 2001 have increased the UN's importance.<sup>7</sup> A recent survey shows that citizens of the Czech Republic and Estonia, in particular, but also Latvia, Malta, Poland and Slovenia, all rank the United Nations as one of the most trusted international institutions.<sup>8</sup> This bodes well for European foreign policy in that, in general, this is also how the majority of the current member states perceive the UN's role. The Fifteen are concerned about US unilateralism and its willingness to act outside the established norms of the international law. American unilateralism is deplored by the Europeans as having grave negative effects on the wider international economic and security environment, and most current EU member states would like to steer the Bush administration towards a stance on the ongoing 'war on terror' which is more accommodative of a multilateral environment.<sup>9</sup>◇

*of the enlarged European Union* (Bellaterra: Institut Universitari d'Estudis Europeus, 2003).

<sup>6</sup> Interviews with officials at the candidate representations in Brussels, May 2003.

<sup>7</sup> Information obtained from the Czech Ministry of Foreign Affairs' official web page <http://www.mzv.cz/dokumenty/econceptionb.pdf>.

<sup>8</sup> European Commission, Candidate Countries Eurobarometer, December 2002.

<sup>9</sup> Anand Menon and Jonathan Lipkin, 'European Attitudes towards Transatlantic Relations 2000-2003: An Analytical Survey', *Notre Europe Research and European Issues*, 26 (May 2003).

<sup>1</sup> This article summarises a longer article that will be published in *European Foreign Affairs Review*, vol. 9, no. 1 (2004, forthcoming).

<sup>2</sup> Cyprus allegedly aspires to be a 'bridge' between the EU and NAM once it joins the EU – especially on issues related to development policy, alleviating the effects of globalisation and addressing the growing technological and investment gap between the developed and developing worlds. Information obtained from 'Cyprus and the UN', Ministry of Foreign Affairs, Cyprus web page.

<sup>3</sup> The 'right to development' encompasses the arguments that the negative effects of globalisation on the lesser developed countries should be compensated for by the North and that economic development is a basic human right whose realisation comes before political or civic rights.

<sup>4</sup> Interviews with officials at the candidate representations in Brussels, May 2003.

<sup>5</sup> Esther Barbé and Elisabeth Johansson-Nogués, eds, *Beyond Enlargement: The new members and new frontiers*

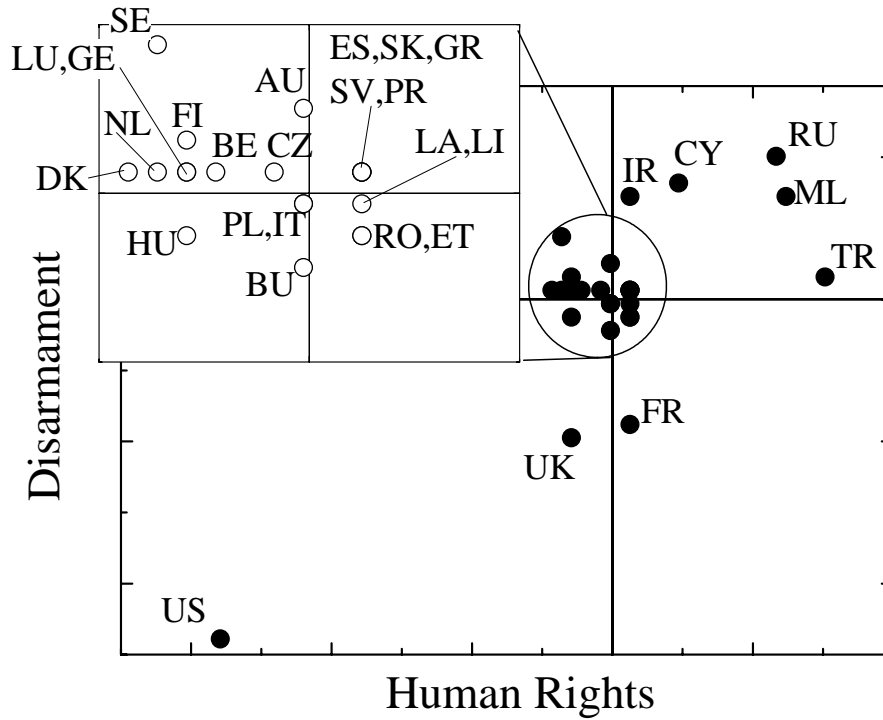
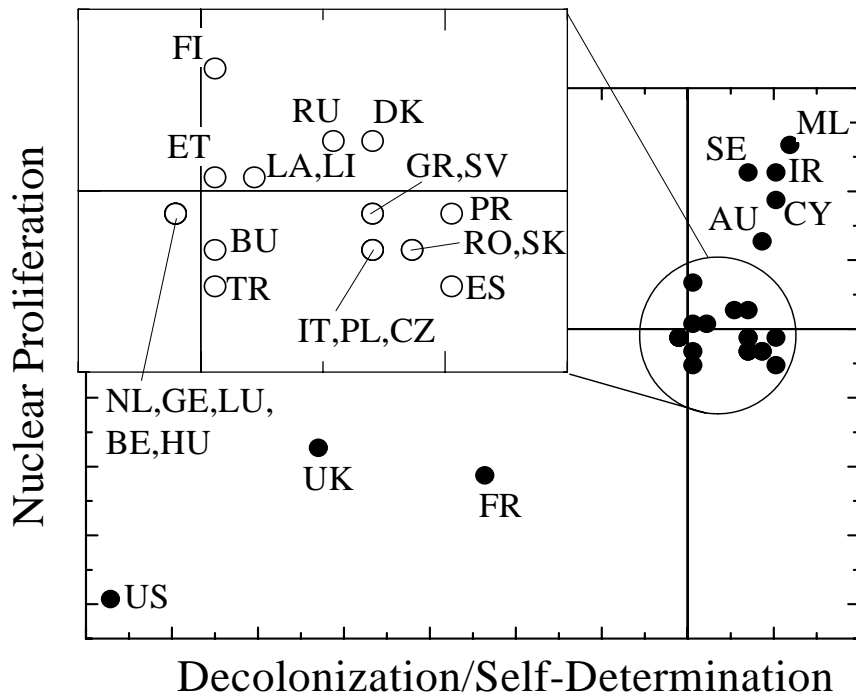


Figure 2



**Source:** UN Bibliographic Information System (UNBIS)  
**Key:** AU-Austria, BE-Belgium, BU-Bulgaria, CY-Cyprus, CZ-Czech Republic, DK-Denmark, ES-Spain, ET-Estonia, FI-Finland, FR-France, GE-Germany, GR-Greece, HU-Hungary, IR-Ireland, IT-Italy, LA-Latvia, LI-Lithuania, LU-Luxembourg, ML-Malta, NL-Netherlands, PL-Poland, PR-Portugal, RO-Romania, RU-Russian Federation, SK-Slovakia, SV-Slovenia, SE-Sweden, TR-Turkey, UK-United Kingdom, US-United States

## The EU: A Reliable Partner for Peace of the UN?

**Matthias Dembinski, Project Leader, Peace Research Institute, and Lothar Brock, Head of Democratisation and Peace Research Group, Peace Research Institute, and Professor, Johann-Wolfgang-Goethe University, Frankfurt, Germany**

In recent years, idealists - those of us who refuse to abandon any prospect of civilising inter-state and intra-state relations - have been placing their hopes on the European Union (EU). According to this view, the EU's ascendancy as an international actor, as well as the augmentation of the Common Foreign and Security Policy with a military component, designed exclusively for out-of-area crisis prevention and peace enforcement missions, will not turn this traditional civilian power into a power bloc or a military power. Instead, there is reason to believe that the EU will use its newly accumulated power to enforce international law and advocate international norms.

This optimistic scenario is corroborated by two observations. Firstly, the European Security and Defence Policy (ESDP) encompasses not only military instruments but also a whole array of civilian means, ranging from police forces to reconstruction specialists. Secondly, since the inception of the ESDP the EU has developed close relations with the United Nations (UN), and on a number of occasions has gone out of its way to stress the authority of the UN Security Council. The EU's stance reflects its willingness to serve as the UN's sub-contractor in the areas of crisis prevention and peace-keeping. The marriage of the UN's legitimacy with the EU's might will create a new force for peace.

In this paper we argue that these expectations are not unrealistic, even if for reasons other than those assumed by most idealists. Firstly, we describe the conceptual development of the EU-UN relationship since the inauguration of the ESDP at the Helsinki summit in December 1999; secondly, we briefly refer to the history of subcontracting; and thirdly, we explain why, in contrast to past experiences, we can expect an effective relationship between the UN and the EU.

### **The evolving relationship between the EU and the UN**

It should be remembered that the ESDP was created in response to the wars in the former

Yugoslavia and by growing transatlantic differences. While influential voices within the United States increasingly questioned the need for a UN mandate for the use of force, the EU and its member states, in numerous statements, acknowledged the principles of the UN Charter. At Helsinki in December 1999, the European Council stated that 'The Union will contribute to peace and security in accordance with the principles of the United Nations charter. The Union recognised the primary responsibility of the UN Security Council for the maintenance of international peace and security.' Furthermore, the Union will 'co-operate with the UN (...) in a mutually reinforcing manner in stability promotion, early warning, conflict prevention, crisis management and post-conflict reconstruction.'<sup>1</sup> Since then, the EU has repeatedly stressed the primary role of the UN Security Council, and its willingness to strengthen the UN system. For example, at Brussels in December 2003, the European Council reaffirmed 'the deeply rooted commitment of the EU to making effective multilateralism a central element of its external action, with at its heart a strong UN.'<sup>2</sup> And the final version of the European Security Strategy states that 'strengthening the UN, equipping it to fulfil its responsibilities and to act effectively, must be a European priority.'<sup>3</sup> (See also the article by R. Kissack in this issue.)

In Feira in June 2000, the European Council defined the civilian headline goal and specified how this capacity could strengthen the UN. It stipulated that the civilian crisis capabilities 'could be used both in response to the request of a lead agency like the UN or the OSCE or where appropriate, in autonomous EU actions.' Those capabilities will enable the OSCE or the UN 'to count - on a more systematic basis - on a sizeable quantitative and qualitative contribution which could represent the nucleus of some of their missions.'<sup>4</sup> To improve the interoperability of the EU and the UN, the EU proposed to develop, in close co-operation with the UN Department of Peacekeeping Operations, standards for international police operations.

Sweden has been one of the most ardent proponents of a close EU-UN relationship, insisting that the EU's civil and military capabilities should also be used to strengthen the UN.<sup>5</sup> During its EU Presidency in the first half of 2001 Sweden took the opportunity to advance this agenda. Under the Swedish Presidency, the Council adopted guidelines for co-operation between the EU and UN in the area of conflict prevention and crisis management, which

envisaged close co-operation and the exchange of information in the area of conflict prevention, ranging from early warning to post conflict reconstruction.<sup>6</sup>

At Gothenburg in June 2001, the European Council reiterated its wish to build an effective partnership with the UN especially in the fields of conflict prevention, crisis management, development co-operation, humanitarian affairs, asylum policies and refugee assistance. The leaders emphasised the importance of a wide-ranging exchange of information with the UN but also insisted on the EU's decision making autonomy.<sup>7</sup>

In the second half of 2001, the EU developed the guidelines on EU-UN co-operation in the area of conflict prevention and crisis management. Both sides agreed to meet regularly on different levels. Regular meetings have been arranged between the EU foreign ministers or the EU troika with the UN Secretary-General (at least twice a year); between the High Representative for the CFSP and the Commissioner for External Relations on the one hand and the UN Secretary-General on the other; and between the Political and Security Committee and the UN Deputy Secretary-General. The EU expects that those contacts will lead to close co-operation at the operational level between the offices within the Council Secretariat and the various branches of the UN Secretariat. In September 2003 both organisations adopted a common declaration to formalise their co-operation in the area of crisis prevention.

The European Commission also took the initiative to increase its working relationship with the UN.<sup>8</sup> In 2003, it began a desk-to-desk dialogue with the UN secretariat on conflict prevention and risk assessment in various focus countries. The Commission, making use of the 1999 EC/UN Framework Agreement, pledged to increase its financial contributions to UN activities in the area of conflict prevention and development. In this context, the Rapid Reaction Mechanism is increasingly being used to support UN operations directly.<sup>9</sup>

### **The disappointing history of subcontracting**

On paper, the emerging EU-UN relationship looks promising. However, given past experiences, there are no guarantees that the

EU will indeed live up to its promises. This is not the place to review at length the legal foundations and history of the relationship between the UN and regional organisations with regard to peace-keeping. It should suffice to note that in the early 1990s, the newly-appointed UN Secretary-General, Boutros Boutros-Ghali, put the idea of sub-contracting peace operations to regional organisations on the agenda.<sup>10</sup> NATO responded positively, when the North Atlantic Council declared in December 1992 that the Alliance was prepared to support peacekeeping operations under the authority of the UN Security Council. NATO's engagement as a UN sub-contractor started the following year in the Yugoslav theatre and ended six years later with the Kosovo war. During this period, NATO gradually loosened the UN's operational control, expelled the UN from the driver's seat and in the end freed itself from the UN's political oversight.

A number of factors propelled this process of estrangement: NATO's institutional interests in preserving its decision-making autonomy and its credibility as a military organisation; differences in style; different degrees of exposure and vulnerability; different perceptions of the situation on the ground; and last but by no means least, different normative orientations. NATO, as an organisation of democracies, and the UN, as an organisation comprising member states with different internal orders, are likely to resolve the tension between the contradictory goals of state rights and human rights differently. During the Balkan wars NATO, in contrast to the UN, consistently and increasingly valued the rights of the victims of aggression higher than the right of states to have their sovereignty respected and be treated impartially.

### **The future of the EU-UN relationship**

Why then should we expect the EU-UN relationship to take a different turn? Who can guarantee that the EU will indeed serve as a reliable subcontractor? We have argued elsewhere that approaches referring to normative orientations do not provide convincing answers.<sup>11</sup> Instead this paper points towards institutional differences. NATO is structured asymmetrically, featuring a hegemonic power, whose leadership increases the ability of the organisation to act even under time pressure and in unknown territories. The EU, on the other hand, is structured more evenly and lacks a 'natural leader'. To avoid blockages and to be able to act at all, member states have developed a formalised and rule-based style of

decision-making, whereby past decisions, statements and declarations serve as guidelines for future actions. This *acquis politique*, even though much less legally binding than the *acquis communautaire*, nevertheless restricts the range of possible future national positions and common decisions. It does not matter here whether this effect might be more satisfactorily explained by the institutional lock-ins stressed by historical institutionalists such as Paul Pierson, or by a rhetorical action approach, as used by Frank Schimmelfennig, whereby commonly held positions and declarations strengthen the bargaining position of actors who can refer to them. It is important to stress that past declarations do restrict the range of future decisions. Given its specific institutional set up, it is not unreasonable to believe that the numerous decisions and declarations on the EU's relations with the UN will indeed be honoured. The EU will probably never be a good military power. It will always have difficulties taking timely decisions, combining its internal resources and focusing them against a common enemy. However, due to its internal structure, the EU will probably not turn against the UN, but will probably remain a partner in crisis prevention and peace-keeping.◇

<sup>1</sup> Concluding remarks of the Presidency, European Council (Helsinki), 10/11 December 1999, paragraph 26 and Annex IV.

<sup>2</sup> Concluding remarks of the Presidency, European Council (Brussels), 12 December 2003, p. 23.

<sup>3</sup> A Secure Europe in a Better World, European Security Strategy, Brussels, 12 December 2003, p. 9.

<sup>4</sup> Concluding remarks of the Presidency, European Council (Santa Maria de Feira), 19/20 June 2000, Appendix III, Study on concrete targets on civilian aspects of crisis management.

<sup>5</sup> See the interview with the Swedish Foreign Minister in *International Herald Tribune*, 3/4 June 2000, p. 4.

<sup>6</sup> See Council of the European Union, Draft Council conclusions on EU-UN cooperation in conflict prevention and crisis management, 9528/2/01, REV 2, Brussels, 7 June 2001.

<sup>7</sup> See concluding remarks of the Presidency, European Council (Gothenburg), 15/16 June 2001, para. 53.

<sup>8</sup> See European Commission, 'Communication on Conflict Prevention', Brussels 11 April 2001, COM (2001) 211 final; and 'Building an effective partnership with the United Nations in the fields of development and humanitarian affairs', Brussels, 2 May 2001, COM (2001) 231 final.

<sup>9</sup> See European Commission, 'The European Union and the United Nations: The choice of multilateralism', Brussels, 10 September 2003, COM (2003) 526 final, p. 14.

<sup>10</sup> Boutros-Ghali's rather broad definition of regional organisations included organisations for mutual security and defence. See Michael Barnett, 'Partners in Peace? The UN, regional organizations, and peace-keeping', in *Review of International Studies*, 21 (1995): 411-33.

<sup>11</sup> See Matthias Dembinski, 'Kein Abschied vom Leitbild "Zivilmacht". Die Europäische Sicherheits- und Verteidigungspolitik und die Zukunft Europäischer Außenpolitik', Frankfurt (HSFK-Report 12) 2002.

## EU Coordination on Human Rights within the United Nations

Karen E. Smith, Senior Lecturer in International Relations, London School of Economics, London, UK

The promotion of human rights through the United Nations has been an ever more visible part of the EU's external human rights policy. Over the past twenty years, the EU member states have been increasingly coordinating their positions within the two key UN human rights bodies, the UN General Assembly Third Committee and the Commission on Human Rights. A willingness by EU member states to act as one on human rights issues within the UN is a sign of the EU's development as an international actor. But EU coordination does not necessarily result in a common stance, and the member states still act separately within the UN. The EU thus still does not always speak with one voice in the UN on human rights.

Human rights-related resolutions for the General Assembly are usually considered initially by the Third Committee, while the Commission on Human Rights (CHR) is a subsidiary body of the UN Economic and Social Council and meets once a year to consider human-rights issues. Fifty-three states are elected to serve on the CHR by the 54-member Economic and Social Council, so not all (or even a majority) of the EU member states may serve on it at any one time. EU coordination within these two bodies falls under the Common Foreign and Security Policy pillar: the European Commission does not play much of a role.

Although human rights were a major issue for EPC coordination at the Conference on Security and Cooperation in Europe (CSCE) negotiations in the early 1970s, EPC activity did not extend to the UN for another decade.<sup>1</sup> From the early 1980s, the member states presented some common positions in the Third Committee. Between 1981 and 1985, EPC issued an average of only three declarations and three explanations of vote during each General Assembly. EPC coordination in the Human Rights Commission was limited because not all of the Twelve were members of that body and there was an established pattern of consultation within the wider West European and Others Group (WEOG) there.<sup>2</sup> But by 1987, the EC member states on the CHR were jointly defending the common EPC positions expressed in the Third Committee. In 1989, for the first time, the Presidency made a



statement on behalf of EPC to the CHR (on the human rights situation in several countries), and a resolution was presented on behalf of EPC. From then on, the EU's role in the CHR strengthened. In 1999, the EU Council claimed that coordination between the member states within the CHR was becoming well established, as more and more resolutions were sponsored by the EU, and as the member states voted together on most issues put to a vote.<sup>3</sup> In the 2003 CHR session, the EU initiated 13 resolutions, the most ever.<sup>4</sup>

The issues around which the member states have coalesced have varied over the last twenty years, but not tremendously. In 1986 in the Third Committee, the Twelve had a common voting position on human rights in Afghanistan, Iran, Guatemala, El Salvador and Chile. In 1990 at the CHR, the Twelve agreed to submit resolutions on Iran, Iraq, Israeli settlements in the occupied territories, and China. The first three issues have remained the subject of EU initiatives ever since, with the exception of the 2003 CHR, when the member states could not agree to back a resolution on Iran. Burma/Myanmar, the Democratic Republic of Congo, and Sudan have also regularly been the subject of EU-sponsored resolutions since the mid-1990s; more recently, resolutions on East Timor, Kosovo and Chechnya have attracted repeated EU sponsorship. In 2002, the EU also put forward a resolution on Zimbabwe in the CHR. But in 2002, for the first time, the EU was defeated on its resolutions on Iran and on Chechnya, and the resolution on Zimbabwe was the subject of a no-action motion in the CHR (as it was in 2003 as well).

Two thematic areas have been pushed particularly by the EU: children's rights, and the abolition of the death penalty. With respect to the first, the EU works with the Latin American group to present a joint initiative. On the second, the EU presented the resolution on the death penalty to the CHR for the first time in 1999 and ever since (successfully), as part of its declared strategy to work for the worldwide abolition of the death penalty.

There are several reasons why there has been increasing EU coordination and cohesion. Expressing a common position within the UN would seem to form a natural part of any EU external policy, though it is difficult to transfer and express any internal cohesiveness in larger organisations. Coordination of national positions can be time-consuming and unsuccessful. But the very development of a visible EU external

human rights policy – along with the contemporaneous development of the CFSP – creates pressure on the EU to present collective positions within the UN. This then sets a precedent which generates further pressure on the member states to agree common positions. According to one British official, there is 'massive' pressure on the member states to converge on common positions.<sup>5</sup> Another reason that the EU member states agree to common stances is the recognition that together they can wield more influence than they ever could separately. Even though the member states may need to compromise to arrive at common positions, thus potentially diluting the common stance, an EU stance is seen as potentially more effective. Also favouring EU action is what Joseph Weiler has called the 'shield effect': member states, perhaps under uncomfortable pressure from domestic constituencies or other international actors, find it convenient and useful to 'hide behind' the collective stance of the EU.

But, as is the case with EU foreign policy generally, there is ample room for divergence. The member states still act separately and vote differently on occasion. Member states submit resolutions on their own initiative, usually because they have traditionally done so, and are not willing to give up 'their' own initiatives. However, it is common practice for the other member states either to co-sponsor such resolutions or, at the very least, to vote in favour of them.

There are also cases in which the member states vote differently. The most famous of these is probably that of China. Since 1990, the EU member states had sponsored a resolution on China at the CHR, even though unity was increasingly difficult to maintain as Tiananmen Square faded into history and commercial opportunities in China became more tempting. At the 1996 CHR session, EU unity over China began to crack: the member states were divided over whether or not to introduce a resolution. Only after intense discussion within the Council did the EU sponsor the resolution. In 1997, however, several member states, including France, Germany, Italy and Spain, refused to support a CHR resolution condemning China. The following year, the British Presidency brokered a deal allowing the EU to achieve unity on one point: the EU would not table or co-sponsor a resolution on China at the CHR, but member states would vote against a no-action motion (that is, to kill the resolution).<sup>6</sup> This has been the stance ever since, which – while united – has prompted harsh criticism from human rights NGOs and the European Parliament that commercial interests were taking precedence over normative concerns.

More recently, the lack of unity has been apparent over a variety of issues. In 2000, there were splits on resolutions on the use of mercenaries and unilateral coercive measures; in 2001, the member states voted differently on these issues as well as on the right to development and strengthening the foundations of democracy.<sup>7</sup> In 2002, splits occurred on resolutions on the Middle East, the use of mercenaries, coercive measures, strengthening the foundations of democracy, and the integrity of the judicial system.<sup>8</sup> Despite more coordination, and despite the intense pressure to reach a consensus, there are still differences in member state positions.

This raises questions about the extent to which enlargement will affect EU coordination and cohesion. Already a considerable amount of time is spent on coordination, but with new procedures to speed up meetings (including circulating texts well in advance), there has so far not been a large increase in the amount of time spent trying to coordinate the views of twenty-five countries. Within the CHR, however, some Central and East European countries have taken different positions in the past to those of the EU; it remains to be seen whether they will willingly conform to EU positions, or whether there will be more splits within an enlarged EU.<sup>9</sup>

Finally, are EU coordination and cohesion successful in promoting EU initiatives within the UN? Here the record is mixed. Part of the problem is that EU coordination is time-consuming: the Council admitted that at the 2001 CHR, collective action by the EU 'required very intensive internal coordination', which meant that 'the time for consultation with other non-EU delegations remained very limited.'<sup>10</sup> Thus the effort needed to enable a larger EU to speak with one voice could even limit the EU's wider influence.

Divisions within the UN system itself also limit EU influence. As Andrew Clapham argues, 'because the EU represents an ideological and powerful bloc, other blocs may have to redefine their identity and ideology in counterposition to the EU. There is division in the debate, not despite EU consistency, but *because of* EU coherence.'<sup>11</sup> EU proposals can be automatically opposed by the Non-Aligned Movement and vice versa, with little attention paid to the merits of the proposals. The Africa group was active in 2002 and 2003 to defeat the EU's attempt to introduce a resolution on Zimbabwe. However,

against this it should be noted that an EU joint position often acts as a reference for others, such as the Latin American states and other European states. Whether the EU can successfully persuade other states – rather than provoke resistance – will depend on its internal coordination *and* external diplomatic capabilities. And the capabilities that matter the most are those of the Presidency, which leads on negotiations with third countries over resolutions. Presidencies with few resources (especially with respect to human rights issues) are generally less successful in external negotiations than those that are more 'serious' about human rights.

The extent of EU coordination on human rights issues within the UN is noteworthy, and certainly indicates its evolution towards more cohesive international actorness. But the limits of EU foreign policy-making are also apparent: time-consuming procedures and Presidency weaknesses can stymie the EU's effectiveness. In a polarised global system, especially with respect to issues of human rights, an ineffectual EU is a particular disappointment. ◊

<sup>1</sup> In part this may have been because soon after the Helsinki Final Act was signed in 1975, human rights became a much more divisive issue in East-West relations, as the US increasingly used the Final Act to berate the Soviet Union's human rights record. The Community member states preferred 'quiet' diplomacy on human rights with the communist countries (just as they preferred not to 'interfere' in domestic politics in their former colonies).

<sup>2</sup> Dutch Presidency, 'Letter to the President of the European Parliament: Memorandum on EPC and Human Rights', 7 May 1986, Document no. 86/137, *EPC Documentation Bulletin*, vol. 2, no. 1, 1986, pp. 159-60. The EU member states are all members of WEOG.

<sup>3</sup> Council of the European Union, 'European Union Annual Report on Human Rights 1999/2000', Brussels, 9 October 2000, p. 43.

<sup>4</sup> Council of the EU, 'European Union Annual Report on Human Rights 2003', Brussels, 10 October 2003, p. 48.

<sup>5</sup> Interview, 10 December 2003.

<sup>6</sup> General Affairs Council, 'China – Conclusions', 23 February 1998.

<sup>7</sup> Tania Gisselbrecht, Magali Rebmann, and Ingrid Tasso, 'Overview of the fifty-sixth session of the United Nations Human Rights Commission, 2000' (report prepared for the European Commission), pp. 53, 61. Lucia Prieto, Julia Savage, and Eric Vermeulen, 'Overview of the 57<sup>th</sup> session of the United Nations Commission on Human Rights, 19 March – 27 April 2001, Geneva' (report prepared for the European Commission), pp. 62, 67-8, 73, and 85.

<sup>8</sup> Nekane Lavin Gonzalez, Johan Olhagen, Line Gamrath Rasmussen and Rafael Carrascosa, 'Overview of the 58<sup>th</sup> Session of the United Nations Commission on Human Rights, 18 March – 26 April 2002, Geneva' (report prepared for the European Commission), pp. 38-45, 67, 77, 90 and 95.

<sup>9</sup> Interview, FCO official, 10 December 2003.

<sup>10</sup> Council of the European Union, 'European Union Annual Report on Human Rights 2001', p. 58.

<sup>11</sup> Andrew Clapham, 'Where is the EU's Human Rights Common Foreign Policy, and How is it Manifested in Multilateral Fora?', in Philip Alston, ed., *The EU and Human Rights* (Oxford: Oxford University Press, 1999), p. 649.

## The European Security Strategy: A First Appraisal

Robert Kissack, Research Student, London School of Economics, London, UK

On 12 December 2003, the European Council approved the European security strategy, *A Secure Europe in a Better World* (<http://ue.eu.int/pressdata/EN/reports/78372.pdf>). The document, prepared by Javier Solana, the High Representative for the Common Foreign and Security Policy, is a revised version of a draft he presented to the European Council in Thessaloniki on 20 June 2003.<sup>1</sup> This article contrasts the two documents to highlight some of the major changes made to the strategy in the last six months.

The most important change is the re-orientation of the paper away from a focus on 'a secure Europe' and towards a more balanced appraisal of how EU security is linked to 'a better world'. The 'better world' is championed through greater cooperation between the UN and the EU, both in the coordination of assistance and in the promotion of normative values. The December version adds two important sentences to the original text: 'We are committed to upholding and developing International Law. ... The United Nations Security Council has the primary responsibility for the maintenance of international peace and security' (12/12/2003, p. 9). This is in addition to the general position set out in both papers that '[s]trengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority' (12/12/2003, p. 9; similar wording in 20/06/2003 paper, p. 9;).

Improving EU-UN cooperation in the provision of humanitarian assistance is a higher priority in the December draft because of the changes to the way European security is defined. The original draft listed three threats to European security: terrorism, proliferation of weapons of mass destruction (WMD), and failed states and organised crime (pp. 4-6). The December document cites five 'key threats': (1) terrorism, (2) the proliferation of WMD, (3) regional conflicts, (4) state failure and (5) organised crime (pp. 3-4). This revision is important for three reasons. Firstly, it separates state failure and organised crime and acknowledges that they are *distinct* problems. Secondly, it identifies a new threat, regional conflict. Finally, it treats terrorism more rationally, emphasising

its criminality and the need for police action to combat it.

The amalgamation of state failure and organised crime into one threat implied that there were causal linkages between them. The June paper stated: '*In many parts of the world bad governance, civil conflict, and the easy availability of small arms have led to a weakening of state and social structures. [...] The weakness of the state is often exploited (and sometimes caused) by criminal elements.*' (20/06/2003, p. 6, emphasis added; text removed from the 12/12/2003 paper). The December paper acknowledges that organised crime can be a consequence of state failure, not a cause, and that tackling crime can help prevent state collapse. The new paper stresses that the security of Europe is based on effective international policing and states that '[b]etter co-ordination between external action and Justice and Home Affairs policies is crucial in the fight both against terrorism and organised crime.' (12/12/03, p. 13).

The identification of regional conflicts as a source of insecurity and a contributing factor to state failure in the December paper is important because it stresses that 'coherent policies are also needed regionally, especially in dealing with conflict. Problems are rarely solved on a single country basis, or without regional support...' (12/12/03 p. 13). Thus development assistance to counter the destabilising effects of regional conflict is part of the EU's security strategy and '[t]he EU is committed to reinforcing its cooperation with the UN to assist countries emerging from conflicts, and to enhancing its support for the UN in short-term crisis management situations' (12/12/2003, p. 11).

The final important change regarding security threats is the 'normalisation' of the terrorist threat, making it the priority of JHA and also removing the cultural bias of 'new terrorism' as it was originally portrayed in the June document. The following text was removed from the December draft:

The new terrorism is different from the organizations with *which we are familiar*. [...] It] lacks the constraints of *traditional* terrorist organisations. These usually wish to win political support and therefore exercise some self-restraint; ultimately they may be ready to abandon violence for negotiation. The new terrorist movements seem willing to use unlimited violence and cause massive casualties. For this reason,

*the idea of obtaining weapons of mass destruction is attractive to them as it is not for traditional terrorist organisations.* (20/06/2003, p. 4, emphasis added)

There are two other significant changes in the December document that are of interest to the study of the CFSP in general. The first is the removal of all references to the EU *becoming* a more credible actor. Both documents state: 'Acting together, the European Union and the United States can be a formidable force for good in the world' (20/06/2003, p. 15; 12/12/2003, p. 13). The original document continues: 'If we build up capabilities and increase coherence, we will be a more credible actor and a more influential partner' (20/06/2003, p. 15). The revised version reads: 'Our aim should be an effective and balanced partnership with the USA. This is an additional reason for the EU to build up further its capabilities and increase its coherence' (12/12/2003, p. 13).

The second change is the removal of the sentence, '[p]re-emptive engagement can avoid more serious problems in the future' (20/06/2003, p. 10), and the insertion of a new phrase, '[p]reventive engagement can avoid more serious problems in the future' (12/12/2003, p.11). The location of the sentences has been changed and therefore the context in which they are found is important. In the June paper the preceding sentence read: 'A world which is seen as offering justice and opportunity for everyone will be more secure for the European Union and its citizens.' In the December document the previous sentence reads: 'We need to be able to act before countries around us deteriorate, when signs of

proliferation are detected, and before humanitarian emergencies arise'.

What is the significance of the shift from 'pre-emptive' to 'preventive' engagement? A cynical answer would be that the change has been made to avoid a politically value-laden word and the sentiment remains the same. However, I suggest that this change should be considered alongside the other revisions to the document. When the two documents are contrasted with one another, the June document appears confined within a siege mentality that conceptualises problems in the world solely as European security threats. This can be demonstrated in the language of new verses traditional terrorism cited above, and also in the understanding of state failure as a cause of organised crime that *affects Europe*, rather than as a problem for the citizens of that state too. The separation of the two, the integration of regional conflict as a global destabilising factor and the increased prominence of UN peacekeeping and international law demonstrate that the revised draft does not focus exclusively on the consequences for Europe, but attempts to take a wider world view. Thus the new paper is closer to what its title suggests, balancing European security with a better world. The last words of the conclusion in the original version suggest that the EU's participation in the multilateral system would lead to a 'fairer and more secure world' (20/06/2003, p. 16). In the final version, the objective is 'a fairer, safer and more united world' (12/12/2003, p. 14).

1. Throughout this article, the first draft is referred to as 20/06/03, and the final document as 12/12/2003.

## Recently-published and forthcoming books and articles on European foreign policy

**Editor's note:** Following on from the tradition set by the original CFSP Forum, the Forum highlights new books and articles on European foreign policy. Please send details of new publications to [fornet@fornet.info](mailto:fornet@fornet.info).

Stephan Keukeleire, 'The European Union as a Diplomatic Actor: Internal, Traditional and Structural Diplomacy', *Diplomacy and Statecraft*, vol. 14, no. 3, 2003.

Hanspeter Neuhold and Ernst Sucharipa, eds, *The CFSP/ESDP after Enlargement: A Bigger EU = A Stronger EU?*, Favorita Papers of the Diplomatic Academy Vienna, no. 2/2003, Vienna, 178 pages.