Honourable Members of Parliament,

**Introduction: the EU, the UN and ‘effective multilateralism’**

Last week Monday, on 6 June 2016, High Representative/Vice-President (HR/VP) Mogherini addressed the United Nations Security Council on EU-UN cooperation:

*European Union believes in multilateralism and believes in the United Nations*

*multilateralism will be one of the core principles and priorities in our new Global Strategy for foreign and security policy*

This reaffirms the EU’s commitment to effective multilateralism enshrined in the 2003 European Security Strategy. As ‘the world’s most successful case of multilateralism’ the European Union demonstrated since its early beginnings a commitment to multilateralism as the preferred form of global governance. In the 2003 European Security Strategy the EU endorsed ‘effective multilateralism’ as the central guiding principle of its external action.¹ The European Security Strategy also highlights the pivotal role of the United Nations in the global multilateral order.²

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The EU’s commitment to multilateralism in general and to the UN as its principal forum was taken a step further in the 2008 Report on the implementation of the European Security Strategy, where the EU committed itself to the aspiration of assuming a leadership role, and especially with the entry into force of the Treaty of Lisbon on 1 December 2009, which refers not less than 15 times to the UN. Under the current Article 21(1), second para., of the Treaty on European Union, the EU commits itself to ‘promote multilateral solutions to common problems, in particular in the framework of the United Nations’.  

But the Union’s engagement with the UN has in practice been fraught with difficulties. The EU, as a regional international organization with strong supranational features, has been faced with the challenges of multilateral diplomacy in a predominantly state-centric global institution: that is why my presentation has the slightly provocative title ‘Brussels Meets Westphalia’, which is also the title of the book chapter of which I gave the honourable Members of Parliament a copy. The acquisition of participatory rights in various UN bodies required an investment of considerable diplomatic and political capital, and the implementation of the obtained rights frequently led to additional controversies. Despite its considerable economic and political clout, the EU has not – yet – been able to assume a leadership role in the UN framework.

Just a brief note regarding the position of the EU in other international organizations. The UN and the organizations of the UN system are not the only global institutions that are state-centric. In fact, most international and regional organizations continue to be of the ‘Westphalian’ kind. There are notorious exceptions, such as the World Trade Organization (in which the EU is a full member and in which the European Commission typically speaks for all 28 EU Member States, which are themselves Members of the WTO), the G20 (not a formal organization but where the EU is considered a member in its own right) and a number of specific organizations where the EU has a strong position and/or has even succeeded the Member States (regional fisheries organizations, for instance). The allocated time does not permit me to elaborate on this, but I can refer to some of our other research in this respect.

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Legal Framework for EU engagement with the UN

Status

The UN remains a predominantly state-oriented institution, and therefore a challenging environment for EU foreign policy and diplomacy. Only a small minority of UN bodies allow other international organizations to join as full members. The vast majority either limit their participation to narrow observer rights or exclude any formal participation at all. The EU has continuously sought to ensure a strong presence in the UN. Initially, full membership was regarded as the preferred status and ultimate goal. But the EU’s efforts for status enhancement only yielded slow and partial successes, and met considerable obstacles, both external and with the EU’s own Member States. Until today the EU only acquired member status in the FAO and in the Codex Alimentarius Commission.

Instead, it has observer status in most UN bodies. The rights of observers usually include the right to attend (formal) meetings and the right to speak, but generally exclude the right to vote, to raise points of order and to submit candidates. Observers are usually seated apart from the Member States. They may typically speak only after all the Member States have spoken and are allocated shorter speaking time slots than the Member States.

These limited participation rights may conflict with the Union’s effective exercise of those competences that have been conferred on it by its Member States and may hinder its effective participation in the UN. The EU has sought to improve its observer status by turning it into a full membership or by enhancing it with additional rights. This has proven to be a difficult process.7

In a number of bodies the EU is not formally represented, most importantly in the UNSC but also in the International Monetary Fund, despite the Union’s wide-ranging exclusive and shared competences on matters covered by the mandate of the IMF. In October 2015 the Commission presented a proposal for a Council Decision aiming to establish unified representation of the Eurozone in the IMF in October 2015. The proposal foresees a number of steps in order to align the Union’s internal competences with its participation rights, including the attainment of observer rights for the Eurozone and the strengthening of the internal coordination process.8

External representation

Post-Lisbon the EU is now represented through its own officials in areas of EU competence. The Commission represents the Union in all areas of EU competence that do not fall under the CFSP. Concerning issues that fall under the CFSP, the tasks of external representation are

7 See, on the UN General Assembly, supra note 5.
divided between the HR/VP and the President of the European Council. The Union Delegations are responsible for the representation of the Union at the UN. EU Delegations to UN bodies exist in Geneva, New York, Paris, Nairobi, Vienna and Rome. The Member States remain competent to conduct their own foreign policy, albeit in line with the principle of sincere cooperation.

Internal coordination

Internal coordination is necessary to ensure that all actors ‘speak with one voice’ and vote consistently, to ensure that the positions taken by Member States are in line with existing EU positions, and to determine, whenever both the EU and its Member States have member status in a UN body (‘mixity’), who will exercise the voting and speaking rights with regard to each individual agenda item. Despite progress made since Lisbon, coordination remains a complex and time-consuming process, spread over multiple venues, bodies and channels, involving a variety of actors.

EU-UN cooperation on the ground

EU-UN cooperation has been assigned particular importance by EU primary law in the areas of development cooperation, humanitarian aid and peace-keeping/conflict prevention.

The EU holds the top rank among the world’s biggest development aid donors. Together with its Member States it accounts for more than 50 per cent of the total official development assistance. A part of these funds is channeled through the various UN organizations which are active in the area of development cooperation, among them most importantly the FAO and the UN Development Programme (‘UNDP’). Cooperation between the EU and the FAO is particularly close, as evidenced by the fact that the FAO is the only UN agency that granted the EU membership status. The EU is FAO’s largest extra-budgetary donor through its voluntary contributions, currently funding over 150 FAO projects world-wide. The top beneficiary of the financial contributions of EuropeAid to the UN is the UNDP, with whom the EU has cooperated for the past 15 years.

The EU is equally active in the field of humanitarian aid, EU and its Member States are among the top donors in UNHCR.

Lastly, peacekeeping, conflict prevention and international security are among those policy areas where EU-UN cooperation has gained particular momentum in the past decade. The EU-UN partnership in the field was strengthened by the 2003 Joint Declaration on UN-EU Cooperation in Crisis Management, which established a joint consultative mechanism – the Steering Committee – in order to strengthen the inter-institutional cooperation. The Union has participated in an increasing number of military and police operations, maintaining a geographical focus on Europe and Africa. The 28 EU Member States today contribute more than two-fifths of the budget for UN peacekeeping operations, but it must also be noted that

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EU military personnel (including police, observers and troops) only amount to 5 per cent of the personnel deployed in all UN peacekeeping operations. Room for improvement remains, particularly with regard to the planning of mandates, training coordination and the contribution of military capabilities. Both organizations are currently undertaking steps to address these challenges. But overall, the partnership between the UN and the EU on peacekeeping activities has grown continuously stronger over the past years, prompting the UN Secretary-General to anticipate an ‘era of “partnership peacekeeping”’.

Challenges and opportunities

The Lisbon Treaty has reformed the institutional external relations architecture of the EU. This has strengthened continuity in EU external action and thus holds the potential to considerably increase the effectiveness and coherence of EU action within the UN framework. The creation of the posts of President of the European Council and HR/VP as well as the establishment of the EEAS not only buffer the Union’s external action from the six-monthly changes entailed by the rotation of the Council Presidency, they also allow for the creation of an institutional memory and provide third countries with the necessary ‘European phone number’. EU Delegations at the various UN bodies have successfully assumed their new responsibilities. Coordination in both settings – in Brussels and on the ground – is now largely chaired by EEAS officials, which may contribute to lessening the often perceived distance between the decision-makers in the capital and the diplomats in the Delegations. Coordination itself has undergone some changes in order to make it more efficient and to ensure a more strategic planning of EU action in UN fora.

Apart from these institutional aspects, it is the multilateral nature of the EU that might prove to be an advantage in the UN framework after all. Not only do the EU’s ‘multiple voices’ come with the benefit of the extensive expertise, capacities and third country networks of the 28 Union Member States, but the EU, as a prime example of peace and stability through regional integration, may itself serve as a model and leader of successful multilateralism.

That being said, the Union is still far off from realizing its full potential in the UN and the UN system. Speaking with one voice is not enough. The EU often fails to translate its internal cohesiveness into actual impact. One of the reasons is that the Union is frequently in a numerical minority position in the UN setting and therefore has to rely on forming strong cross-regional, coalitions. However, its capacities are still primarily bound by the time-consuming internal coordination process. Furthermore, as a negotiator the EU is widely perceived as a slow and inflexible ‘bloc’, which comes to the table with painstakingly elaborated and hardly amendable positions. A number of developments indicate that the relevant EU actors are well aware of the problem and are looking for solutions.

In addition it is the lingering fear of some Member States of a silent ‘competence creep’ and of a loss of standing in international fora that frequently stands in the way of a stronger EU presence at the UN. There is also an external lack of support that hinders the Union’s effective participation at the UN. Third states have in the past been reluctant to grant the EU participation rights in UN fora, based on a mix of concerns about endangering the state-centric system of the UN and the principle of sovereign equality of states, as well as on a lack
of sufficient knowledge about the exact nature and workings of the EU and other regional integration organizations.

This has consequences for EU-UN cooperation on the ground. The disconnect between the Union’s significant financial contribution and its lack of participation rights at the policy level raises the question whether the EU is ‘a payer or a player’ in its relationship with the UN.

The EU should not let itself be relegated to the ‘payer’ role but should play an active part in the agenda-setting and strategy development in line with its own policy preferences and values. This means not only that the Union must actively seek to bring its status in UN bodies in line with its scope of competences and actions, but also that it must make the most of those rights that it has been granted.

Conclusion

The EU’s commitment to ‘effective multilateralism’ has found expression in an ever stronger partnership with the UN. Development cooperation, humanitarian aid and crisis management are only three of the policy areas where EU-UN cooperation has developed into a stable alliance of common objectives and values. Nevertheless, a lot of potential is still lost due to inconsistencies between the EU and the UN legal framework, the organizational challenges associated with a Union of 28 Member States and fears of both EU and non-EU states about a loss of status and influence.

There are strong indications that relevant EU actors are well aware of the existing problems and a number of necessary reforms have been undertaken in the past years.

The EU’s commitment to the UN remains strong. To cite the HR/VP (at the UNSC, 6 June 2016): ‘Our European Union will always come back to the United Nations, to the core of the international multilateral system, to the stubborn idea of a cooperative world order.’

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