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## The EU in the UNGA and the UNSC

*Written with Nicolas Verbeek<sup>1</sup>*

The core of the UN system is formed by six organs: the UNSC, the UNGA, ECOSOC, the UN Secretariat (the administration), the International Court of Justice (ICJ) and the Trusteeship Council (nowadays, largely inactive). The EU has observer status in both the UNGA and ECOSOC. The two UN decision-making bodies most publicly perceived and significant in their rulings are undoubtedly the UNGA and UNSC. The EU has a unique cooperative relationship with the UNGA and UNSC: as a flagship model of regional multilateralism, the EU is one of the largest donors through its member states to the UN, an organization that can be seen as the institutional heart of global multilateralism.

With an increase in EU competencies in the field of foreign policy and the rise in the functions and related expectations of the UN in the post-Cold War era, cooperation between these two organizations, which are expressions of the same rules-based global order created under US leadership after the Second World War, has intensified. A look at recent strategy documents on EU priorities in the UNGA reveals the status quo of EU–UN relations: in times of weakened international interest in multilateral institutions, it is in the EU's vital interest to actively maintain a rules-based global order, as expressed in the UN, and to support its reforms in the face of external and internal challenges (Gowan and Dworkin, 2019). Internal challenges can refer, for example, to the need to more closely coordinate the activities of different UN bodies and to reduce inefficiencies within the organization when they occur. External challenges are formed, for example, by the rise of new powers and the need to have them adequately represented in the UN's decision-making structures. Accordingly, close mutual support between

the EU and the UN is an expression of the commitment to preserve the rules-based global order.

However, such an agenda does not automatically translate into consistent action in the face of the complex translation of EU priorities via EU member states, raising questions of EU coordination and cohesion in the UNGA and UNSC (Meyer, 2013). As will be discussed in Chapter 7 of this book, however, UN bodies and entities are also faced with the challenge of coordination in ensuring that they ‘speak with one voice’ when addressing a regional institution such as the EU. Additionally, while there is a close value- and interest-based cooperative relationship between the EU and the UN, it is also true that the UN is largely an expression of a Westphalian world of sovereign states, while the EU has partially taken on a post-Westphalian, supranational dimension. Of course, the EU combines intergovernmental and supranational elements in its decision-making structures (see, for example, Chapter 2); however, nonetheless, this difference makes the partnership between the two organizations less natural than often portrayed and, occasionally, subject to tensions (Monteleone, 2019).

Naturally, the close EU–UN relationship has attracted scholarly attention over the years. Two broad strands of literature can be identified. First, following the growth of the EU’s institutional competencies, the EU presence in key UN decision-making bodies has been intensively studied, that is, the role of the EU *in* the UN (see, for example, Ojanen, 2011). In this context, indications of recent EU actorhood and the Europeanization of the foreign policy of EU member states have been analysed (Delreux, 2014). This has mainly involved conducting studies on the coordination and voting cohesion of EU member states within the UNGA and, to a lesser extent, the UNSC – in essence, the EU contribution to the main UN decision-making processes. For example, this also includes the systematic analysis of the extent to which EU priorities in the UN are carried out and implemented by EU member states, that is, the extent to which member states are able and willing to carry out EU priorities (Drieskens, 2012). In addition to studies of formal practices in voting procedures, this includes gaining an understanding of the development of informal practices and relationships to reveal how the EU can translate its positional power into influence (Cox and Jacobson, 1973; Monteleone, 2011).

The second strand of literature looks at EU support for a wide range of UN programmes and activities, and the corresponding challenges to inter-institutional cooperation. Rather than focusing on the EU’s role in UN bodies, this literature highlights cooperation between the two organizations in overlapping areas of competency, that is, the EU *with* the UN. In particular, the EU’s contribution to UN activities in the field of peacekeeping and security has been highlighted (Yamashita, 2010). Such inter-institutional cooperation is also described in selected parts of this book (for example,

Chapters 7 and 8), with synergies and complementarities in their work being addressed. In summary, the EU is likely to be the regional organization that has made its presence felt most at the UN over time – both *in* the UN and *with* the UN (though the ties between the AU and the UN, notably, in the more recent past, can also be considered to be close and strong – both *in* and *with* the UN).<sup>2</sup>

Important in the analysis of EU–UN cooperation is examining the role of the EU in the central UN decision-making bodies of the UNGA and UNSC, that is, the EU *in* the UN. First, the historical evolution of EU representation in the UNGA and UNSC will be described, with a special focus on the post-ToL phase after 2009 – the period in which the EU increasingly started to attempt to act as a unitary foreign policy actor through institutional innovations.

In terms of the EU in the UNGA, the latter can be seen as a parliamentary-style decision-making body, which brings together all 193 member states of the UN, debating and adopting resolutions on most issues of international relevance covered by the UN Charter. Although its resolutions are not legally binding (see, for example, Hurd, 2011), UNGA resolutions have a significant symbolic and political impact since they represent the collective will of the international community.

Accordingly, UNGA resolutions also have a significant influence on the development of customary international law (Joyner, 1981). As one of the six principal organs of the UN, the UNGA serves as the UN’s main deliberative, policymaking and representative organ. The UNGA is responsible for the UN budget, appointing the non-permanent members to the UNSC, appointing the Secretary-General of the UN, receiving reports from other parts of the UN system and making recommendations through resolutions. It also establishes numerous subsidiary organs to advance or assist in its broad mandate. The UNGA is the only UN organ wherein all member states have equal representation (UN, 2021).

As early as 1974, the ECC had been granted observer status.<sup>3</sup> Represented by the European Commission, speaking on issues of exclusive competency and the rotating presidency, as well as intervening when a common position on foreign and security policy was debated, the EU’s role developed mainly in issues related to development (Blavoukos and Bourantonis, 2017c: 48f). As the need to intervene in security issues with non-military instruments emerged, the EU started to become more relevant in itself and as a complement to its member states (Monteleone, 2019). Over time, the EU developed a more prominent role in the UNGA and other bodies, such as ECOSOC, but not so much in the UNSC.

The EU obtained enhanced observer status in the UNGA in 2011 as a culmination of the increased presence of the EU at the UN in several areas (humanitarian assistance, sustainable development, human rights,

security and so on) over time. In 2009, the ToL substantially modified the EU's representation by appointing the HR/VP (Article 221 of the TEU) to coordinate and represent the EU in international organizations and introducing the EEAS. In line with the EU's enhanced role in foreign policy, an enhanced observer status was envisaged in the UNGA setting (Laatikainen, 2015a). The first draft resolution for an enhanced observer status, which was presented in the UNGA in September 2010, was clearly voted down. According to Blavoukos and Bourantonis (2017c), this was because: (1) UN members were critical of the introduction of a non-Westphalian element; and (2) the draft resolution was framed in only EU-centric terms and did not take seriously the potential fears of smaller UN states that felt challenged. There was little time to gather support for the resolution, which was to be adopted in the autumn UNGA meetings, as the EEAS had only recently been set up (in essence, the EEAS became operational in the spring of 2010, while the proposal had to already be discussed in the autumn 2010 UN general debate). As the original draft resolution faced much objection, it ultimately failed to be accepted by the UNGA. However, after a revision process and various negotiations to secure the support of members that had been sceptical as to its purpose, the resolution was finally adopted (see, for example, Serrano de Haro, 2014; Blavoukos and Bourantonis, 2017c; Blavoukos et al, 2017; Smith, 2020). In a new attempt, in which the draft resolution explicitly emphasized the Westphalian nature of the UN and the EU presented itself more as a 'normal' (intergovernmental) regional organization, the application for enhanced observer status was accepted on 3 May 2011 (Document A/RES/65/276) (Serrano de Haro, 2014).

Accordingly, with UNGA Resolution 65/276 of May 2011, the EU has been granted enhanced observer status, whereby the EU obtained special rights, such as the right to intervene in general debates, the right to orally submit proposals and amendments, the right to respond to positions concerning the EU, and, finally, the right to have UNGA communications circulated as documents of the respective meetings (Serrano de Haro, 2014). In some ways, this change was needed by the EU to still speak on behalf of its member states before individual members would be able to present their priorities; before the ToL, the rotating presidency of the European Council had assumed this role.<sup>4</sup>

On the other hand, the observer role of the EU implies significant limitations compared to the full membership of UN member states: no right to vote; no right to co-sponsor draft resolutions and decisions; and no right to put forward candidates in the UNGA. At this stage, the EU is the only international organization with such extensive rights in the UNGA, but other international organizations that represent its members in the UN are also theoretically eligible to claim the right to enhanced observer status (Monteleone, 2019).

Although the EU's enhanced observer status in the UNGA was celebrated as a success of EU diplomacy, not all initial European ambitions were satisfied by Resolution 65/276. Despite recognition of the EU's foreign policy competency, the EU was provided with fewer participatory rights than would have been needed under the ToL for the EU to play a truly global role within the UN (Laatikainen, 2015b). In short, the EU is still dependent on EU member states to promote its political agenda in the UNGA. Furthermore, the resolution did not bring any progress in the EU's efforts to enhance its status in other UN bodies because the EU's enhanced observer status in the UNGA is difficult to replicate in other bodies in an existing non-conductive international political environment (Van Seters and Klavert, 2011).

With the EU's continued dependence on its member states for representation in the UN and the EU's clear ambition to speak with one voice, as expressed in the ToL, the EU's actorness in the UN has become an important area of academic study, meaning the study of the increased coordination and cohesion of member states in the UNGA and UNSC with the aim of performance enhancement (Strömvik, 1998; Luif, 2003; Laatikainen and Smith, 2006a; Kissack, 2007; Rasch, 2008; Jin and Hosli, 2013; Burmester and Jankowski, 2014a, 2018; Panke, 2014, 2017; Laatikainen, 2015a). Historically, the Luxembourg Report at the basis of the EPC in 1970 committed the EU member states to cooperation on foreign policy issues in international institutions, whereby common voting on resolutions in the UN was expected (Monteleone, 2019). With the adoption of the SEA in 1987, the EPC was integrated into the community framework, and especially since the 1990s, with the Maastricht Treaty and the launch of the CFSP, EU coordination of voting became a central European agenda item in the UN (Article J.5[4] of the Maastricht Treaty). Commitments to increased cohesiveness were included in subsequent EU treaties, so that common voting in UNGA resolutions became a measure of the political will to Europeanize foreign policy (Laatikainen and Smith, 2006b; Luif, 2003). The focus on the voting cohesion of EU member states in the UNGA, however, has generated some criticism. For example, it has been argued that EU members work so hard to reach a common position that once they have, they lack important room to manoeuvre in subsequent negotiations with other states and groups (Laatikainen and Smith, 2017).

Overall, studies confirm a progressive increase in the voting cohesion of EU member states in the UN – though no automatism can be assumed (Young and Rees, 2005). Systemic contexts, such as the US position, regularly play a significant role in the defection of EU member states (Valášek, 2019). Regarding Resolution 65/276 in 2011, it should also be noted that, despite its shortcomings, the resolution has had significant positive representational effects for the EU in the UN. Coordination of the EU member states' positions occurs via regular and frequent meetings at EU delegations (since

the ToL), with the EU delegation at UN headquarters in New York being particularly important for the coordination of EU positions within the UN (see, for example, [Smith, 2020](#); [Laatikainen and Smith, 2020](#)).

In terms of voting cohesion, the overall level for the EU is high in comparison with other regional organizations. Generally, there are three main possibilities to assess voting cohesion among groups of actors in an organization (see, for example, [Hosli et al, 2010](#)). In essence, some measures account for ‘yes’ and ‘no’ votes exclusively, while others treat ‘abstentions’ as a separate category and do account for them. The ‘elegance’ of one of the most prominent cohesion measures, the Agreement Index (AI), is that it weights each vote category (yes, no and abstain) equally and, with this, assesses the cohesion of votes cast by members in a specific group in equal ways across these three vote possibilities. It is likely that abstentions, in terms of the ‘signal’ they send, are to be placed in between negative votes and positive ones on specific resolutions.

In an analysis based on the AI, covering the time span 2003–17, EU cohesion has been found to have oscillated between about 90 and 97 per cent (see [Makubalo, Hosli and Lantmeeters, 2020](#)), which is certainly high in international comparison. A spike in terms of the level of EU cohesion can notably be seen around the year 2006, with another one again in 2011. An explanation for the latter could be the Arab Spring and reactions to it globally, with a potentially unified level of reactions reflected in EU voting cohesion on related UNGA resolutions; however, it could also be the first testimony to EU cohesion after the enhanced observer status had just been implemented.

Although voting cohesion is also high for some other organizations in a global context (see, for example, [Jin and Hosli, 2013](#)), it has been pronounced for the EU over time and has is tending to increase. As a longitudinal analysis for the time span 1958 to 2012 revealed, for example, the voting cohesion of EU states (accounting for the changing size of EU membership over time) was almost 94 per cent for resolutions categorized into the cluster ‘Middle East’, 82 per cent for ‘international security’, almost 86 per cent for ‘human rights’, 76 per cent for ‘decolonization’, 82 per cent for ‘development’ and about 80 per cent for all other resolutions ([Jin and Hosli, 2013](#)). Given that voting cohesion has been even higher later on, the effects of the enhanced EU coordination efforts after the implementation of the ToL seem to have been positive in terms of the level of cohesion of EU member state voting on resolutions in the UNGA.

Since the ToL, the president of the European Council, the HR/VP, the European Commission and the EU delegation all have the right to present EU positions in the UN. They usually make their interventions in formal meetings ahead of representatives of individual UN states – thus ensuring effectiveness in the delivery of EU messages and positions. This is seen as

a major achievement of the resolution in terms of EU coherence. Before 2011, the EU state holding the EU rotating presidency spoke on behalf of the EU in the common time slot allocated to UN states. The changes made have enabled a systematic and exposed positioning of EU stances.

EU representatives now have the right to speak in the general debate of the UNGA, which is held at the beginning of each session. Since 2011, this has resulted in an annual speech by the president of the European Council in the UNGA general debate on behalf of the EU as a collectivity. Each year before the UNGA (held in September), the European Council identifies priority issues for the EU at the UNGA. Beyond this high-level representation, the EU delegation to the UN in New York represents the EU at the UNGA on a day-to-day basis. This involves: (1) coordinating the positions of the 27 EU member states in order to develop common positions and statements; and (2) facilitating the voting of EU member states in the UNGA.<sup>5</sup> In summary, the EU is active in all six main committees, with regular statements on the issues debated. Comparable to a parliamentary setting, the thematically organized main committees analyse matters referred to them by the UNGA and present reports and draft resolutions to the plenary.

While the expanded representational capacities under UNGA Resolution 65/276 have also increased coherence among EU member states in terms of positions and visibility since the ToL, the main obstacle to coherence on all issues – an EU that speaks with once voice in the UNGA – remains the deep-seated divergent national views, interests and domestic political set-ups of the EU member states. Even the introduction of the CFSP at the EU level has not been able to put aside clearly discernible divisions in national interests; rather, intra-European coalitions of interest on various UNGA issues constitute a generally stable pattern (Jin and Hosli, 2013). Therefore, EU member states remain in the driver's seat, though the overall visibility and coherence of the EU at the UNGA has increased. Accordingly, EU performance depends on homogeneous preferences, the attribution of competencies and the existence of a favourable negotiation context (Galarotis and Gianniou, 2017). Nevertheless, compared to other regional organizations, such as the AU, the Arab League or ASEAN, the coherence of European member states' positions is strikingly high (Burmester and Jankowski, 2014b).<sup>6</sup>

The UNHRC is an intergovernmental subsidiary body of the UNGA; it was established on 15 March 2006 and is responsible for strengthening the promotion and protection of human rights and addressing human rights violations worldwide (Ramcharan, 2011). In the area of human rights, the EU has been successful in leveraging its observer status (see Chapter 4). In close cooperation with like-minded countries on the global level, the EU has a track record of numerous successful resolutions on human rights issues presented in the UNGA. Although, in practice, consensus building



on specific human rights issues is not simple, even between EU member states, the EU has so far taken a very active position as a regular observer in the UNHCR, for example, sponsoring annual resolutions on freedom of religion and belief in both the UNGA and UNHCR (Smith, K.E., 2010).

Before the ToL, the observer status of the EU meant that EU representatives were not allowed to make statements on behalf of the EU in the speaking slots of UN member states, which, in practice, meant that the European Council rotating presidency spoke for the EU in the UNHRC (Gowan and Brantner, 2008). Overall, this led to complex internal coordination challenges in consensus building among EU member states, making the EU a rather slow and inflexible actor in the UNHRC. However, it has been argued that EU representation in the UNHCR is overall better streamlined today, for example, through the introduction of new actors like the EU Special Representative on Human Rights (Wahl, 2019), and the enhanced observer status, together with strong coordination efforts through EU delegations, have further facilitated this process.<sup>7</sup>

EU action within the UNGA is quite different from its representation and capacity to act within the UNSC, the primary UN body responsible for the maintenance of international peace and security, and thus the highest authority on global security affairs. The UNSC consists of five permanent members (the US, Russia, France, China and the UK) and ten rotating, non-permanent members (elected for two-year terms by the UNGA). The UNSC responds in line with Chapter VIII of the UN Charter to threats to international security through legally binding measures, including: (1) calls for peaceful settlement; (2) the imposition of sanctions; and (3) mandates for the use of force with the aim of restoring international peace.<sup>8</sup>

In 2021, after the UK's withdrawal from the EU in the context of Brexit, France is the only EU member state with a permanent seat on the UNSC. This means that the EU has lost influence in the UNSC, as it is, above all, the permanent seats with veto power that allocate significant diplomatic power.

In 2021, besides France as a permanent member, only Ireland sat as a further EU member state in the UNSC; in 2019, there were five non-permanent members, and in 2020, there were still four non-permanent EU member states in the institution (UN, 2019). Generally, EU cohesion in decision-making processes in the UNSC is more difficult to achieve than in the UNGA, not only because of the composition of this institution, but also because of the relevance and high stakes attached to this forum (Monteleone, 2019). Accordingly, EU treaties recognize the special nature of the UNSC and require less coordination of EU member states in this forum, so that EU cohesion in the UNSC has often been identified as yet to come (Drieskens, 2009; Hill, 2006), though EU member states represented in the UNSC have been encouraged to inform and aim to collaborate with other EU states on issues discussed and decided upon in the UNSC.

According to Article 34 of the TEU (see, for example, [EULEX, 2016](#)), EU member states at the UNSC are required to coordinate their positions as best they can, that is, to defend the positions and interests of the EU and to inform other EU member states and the EU HR/VP about current developments. They are also instructed to invite the HR/VP to the European Council in appropriate situations to present EU positions. In practice, these requirements lead to: (1) statements on UNSC issues by the HR/VP on special occasions; and (2) more regular statements by the EU delegation to the UN and EEAS senior officials on behalf of the EU, EU member states and sometimes even neighbouring countries holding the same position ([Monteleone, 2019](#)). Moreover, there are weekly information-sharing meetings between EU member states in the UNSC and other EU member states ([Mayr-Harting, 2020](#)). Against the backdrop of EU directives, the practice of coordination between EU member states in the UNSC has also increased considerably over time, with the UK and France as permanent UNSC members often being used as transmission belts for EU positions in the past ([Marchesi, 2010](#); [Pirozzi, 2010](#); [Monteleone, 2011](#)).

This does not mean that EU members in the UNSC always agree. However, a considerable increase in cooperation is notably due to two aspects: (1) changes in working habits ([Verbeke, 2006](#)); and (2) the willingness of EU states to stress the European dimension in their UNSC mandates ([Drieskens, 2009](#)). This is symbolized in the recent habit of joint action and statements by current, former and future EU members of the UNSC, and the highlighting of the European dimension in the ‘split term’ (2017–18) between Italy and the Netherlands ([Monteleone, 2019](#)).

Further key initiatives to create a European dimension in the UNSC were, for example, the creation of a working document on best practices in EU coordination in the UNSC by the Netherlands, Poland and Sweden – then non-permanent UNSC members – in December 2018, and the twin presidency in the UNSC of France and Germany in March/April 2019 (see [Wouters, 2020](#)).

As part of a larger debate on UN reform, many scholars have assessed EU cohesiveness, or the lack thereof, for example, by examining EU member state positions on UNSC reform ([Hill, 2006](#); [Drieskens et al, 2014](#)). Various proposals have been advanced since the 1990s to provide the EU with a (combined) seat on the UNSC ([Blavoukos and Bourantonis, 2011b](#): 733; [Pouliot, 2016](#): 173) but have met resistance, including within the EU. Further proposals to modify the current UNSC membership have been introduced by various state coalitions, but little consensus has emerged (see, for example, [Hosli and Dörfler, 2020](#)).

In general, many UN states have been unwilling to open membership to non-state entities, such as the EU ([Winther, 2020](#)) – this also led to opposition to the EU’s initial proposal for an enhanced observer status in

the UNGA. After all, the UN is based on a system in which member states constitute the core units of the organization, based on the principle of ‘one state, one vote’. Following a kind of ‘path of least resistance’, in a 2018 unofficial proposal, Germany suggested transforming the French permanent seat on the UNSC into a shared EU permanent seat; however, this proposal was not supported by France. Instead, France argued for an enlargement of the UNSC, with new permanent member states, such as Japan, Brazil, India, Germany and two African states (*DW*, 2018). In this context, in July 2018, the EP called for increased efforts to reform the UNSC – in particular, to limit the veto power of the UNSC’s permanent members in cases such as war crimes or crimes against humanity – cases in which, in the past, the decision-making process has been actively undermined by the national interests of individual actors (*European Parliament*, 2018). Calls for a more limited use of vetoes have also characterized earlier discussions on UNSC reform and been attached to several proposals for potential enlargement of this institution by more members. Nonetheless, there are both global political forces arguing that EU states should hold one combined UNSC permanent seat and member states from within the EU claiming that just one large member state – France – holding a permanent seat no longer reflects global geopolitical or EU internal realities.

Opposition to (formal) reform of the UNSC and to specific member state constellations proposed for the institution have led to ‘blame games’ in the UNSC (*Verbeek*, 2021) and, with this, may have caused damage to the UNSC’s reputation. Calls for the composition of UNSC membership to better reflect today’s global order have been frequent and often encompassed the call for a permanent seat for the EU (see *Pindjak*, 2020). Overall, the debate on UNSC reform – whether in the form of an EU seat or the integration of EU members (with Germany being a likely candidate) into the circle of permanent UNSC member states – has revealed divergent positions between EU states. While the UNSC’s working methods have been adapted, not least as a consequence of the seeming impossibility of formal UNSC reform, EU information-sharing and representation mechanisms in the UNSC have increased (see, for example, *Marchesi*, 2010).

Of course, European states do not necessarily represent the most visible actors in the broader debate on UNSC reform; more focus seems to be on other aspirants from the currently under-represented Global South, including Brazil (*Mahbubani*, 2021). With the UK’s withdrawal from the EU in late January 2020, moreover, the EU has lost a representative and veto power in the UNSC to enforce its CFSP. While no broad debate has yet flared up at the European level in the post-Brexit context on possible UNSC reform initiatives with regard to changes in the EU’s representation at the UNSC, recent developments suggest that Brexit may breathe some new life into the deadlocked debate: the idea of a permanent EU seat on the UNSC

was advocated at various points in 2019 by German politicians, including Annegret Kramp-Karrenbauer (former Chair of the German Christian-Democrat Party) (see *DW*, 2018). At the same time, however, Brexit has not interrupted the German campaign for a separate UNSC seat, as suggested by the signing of the Franco-German Treaty of Aachen, in which France explicitly pledged support for the German campaign for a separate German UNSC seat in 2019. According to *Wouters* (2020), a possible synthesis could be that the search for a German permanent seat represents a short-term ambition, with the substitution of such a seat by an EU permanent seat serving as the ultimate long-term goal. A long-term permanent EU seat in the UNSC can only be meaningful, however, as long as there is majority voting under the CFSP – an issue intensively being negotiated in the EU in the post-Brexit phase (*Latici*, 2021).

Clearly, the EU's patterns of representation in the UNGA as compared to the UNSC differ, and it can be stated that 'coherence' (or cohesion) of the EU position in the UNGA is more prevalent in general. While there have been several attempts to streamline EU member state priorities in the UNSC, the decision-making structures of this institution, combined with the complexity of the representation of EU states within it, have rendered the goal of EU collective action in this institution more complex in practice. Nonetheless, a long-term ambition is that the EU will obtain a collective (permanent) seat in the UNSC.