

THE EU, THE UN AND EFFECTIVE MULTILATERALISM: The case of UN reform

By Morten Knudsen*

Abstract

The aim of this paper is to examine the EU's support to UN reform. Promoting effective multilateralism is a key element in the EU's external action. The European Security Strategy and many other EU documents strongly emphasise the role that the UN should play in the multilateral system.

During the last couple of years, UN reform has been high on the agenda, both at the UN and within an EU context. Generally, there seems to be a certain disappointment about the results. The ambitious reform agenda launched by Kofi Annan did not lead to a new "San Francisco moment" at the 2005 World Summit, redefining the role of the UN. Most assessments immediately after the 2005 World Summit were cautious, considering that "the glass is half full" (Kofi Annan) or that the outcome merited "at best two cheers, but certainly not three" (David Hannay). Some assessments of the EU's contribution to the process in recent academic literature are also cautious, sometimes downright critical. A number of these assessments will be discussed.

A main argument in this paper is that the EU, within the existing framework, did its utmost to support the reform process. Perhaps the reform package was too ambitious, covering virtually all areas of the UN. Against the background of proposals for such a radical overhaul of the World Organisation, to be endorsed by 192 countries, the outcome had to be less radical than suggested by the Secretary General of the United Nations. Managing expectations is probably a central lesson to be learned from the 2005 World Summit. The EU coordination in preparation of the 2005 Summit was very extensive and even if some important aspects of the reform package were not addressed in detail, the agreement on the basic principles underlying the reform proposals led to strong EU support to the reform process. The comprehensive approach put forward in the various UN reports on UN reform has a strong resemblance with the European Security Strategy. The UN reports as well European Security Strategy build on collective and comprehensive security, and they emphasise the interconnectedness between security, development and human rights/the rule of law as well as the importance of prevention.

Another central argument is that UN reform is a continuing process. The EU has consistently pushed for full implementation of the Summit outcome and still does so. A number of the issues resulting from the 2005 World Summit are still high on the UN agenda – full implementation will take time. Arguably, the process launched by Kofi Annan has provided a blueprint for a reformed organisation that, if fully put into practise, would considerably change the organisation. The time frame for the establishment of a more effective multilateral system is not single events; it will be a long process.

The introduction is a short discussion of effective multilateralism as the underlying philosophy of the EU's external action. The second part, "the EU at the UN", will examine how the EU functions at the UN: how is the EU presented at the UN, which are the main mechanisms for EU coordination, and how efficient is this set-up. In this part, I will also briefly address to need for outreach on UN issues. The third part will examine the EU's support to the UN reform in the run-up to the 2005 World Summit and the implementation of the outcome of the Summit.

* Morten Knudsen is Desk Officer for UN issues in the Council Secretariat. This article solely reflects his opinions and does not engage the Council Secretariat.

I. Introduction: The EU, the European Security Strategy and effective multilateralism

Supporting the UN is the declared aim of the EU. The European Security Strategy strongly underlines the importance that the UN should have in the multilateral system, and a large number of statements and Council conclusions confirm this priority given to strengthening the UN.¹ The Commission Communication "The choice of multilateralism"² states that *"Europe's attachment to multilateralism – and to the United Nations as a pivot of the multilateral system – will help determine whether, and how the institutional architecture established in the years after World War II can continue to serve as the bedrock of the international system"*. Article 10a of the Lisbon Treaty reads: *"The EU shall promote multilateral solutions to common problems, in particular in the framework of the United Nations."*³ Strengthening the UN and the EU's presence at the UN is the implicit rationale behind a large number of coordination mechanisms in New York, Geneva and Brussels.

The idea of an international order based on the rule of law, protecting the weak against the strong and going beyond a narrow interpretation of national interest is not new. These were the ideas behind the League of the Nations and the creation of the United Nations in 1945. In his study "The EU's contribution to global governance"⁴, Martin Ortega notes that a number of central elements of the current international governance system were introduced in the 1990s and that this was a period with considerable progress for multilateralism. He inter alia mentions the reactivation of the UN Security Council after the end of the Cold war, the gradual transformation of the EC into a more political EU with an increased role in foreign policy, the transformation of GATT into the WTO in 1995, the adoption of the Kyoto Protocol in 1997 and the adoption of the Rome Statute for the International Criminal Court⁵. After the terrorist attacks on 11 September 2001, the initial reaction was strong support to the US, also in multilateral fora. The Iraq crisis, however, led to a crisis for multilateralism because of the perceived unilateral behaviour by the United States. The European Security Strategy and the UN reform proposals, partly a reaction to this, led to "a new tide in favour of multilateralism"⁶.

The European Security Strategy (ESS), adopted by the Council in December 2003⁷, defines the main security threats that contemporary Europe faces. A crucial element in the ESS is the emphasis on the need for a collective and comprehensive security. Security is seen as

“indivisible” – a state is not safe if its neighbour remains unsafe. Security should be seen in much broader terms than traditional military considerations – political considerations are at the core of the ESS. The European Security Strategy states that *"the best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order"*.

The background for this philosophy is of course the EU's own recent history. The first attempts to create a European Union go back to the immediate aftermath of World War II, at the same time as the UN was created. The founding idea is arguably the same as expressed in the first words of the UN Charter: *"to save succeeding generations from the scourge of war"*. Whereas the efficiency of the UN in the first many years of its existence was seriously hampered by the bi-polar world order of the Cold War, the EU gradually succeeded in creating a system that prevents war and violent conflict between its member states. Common institutions, deeply entrenched habits of consultation and negotiation, and, in some areas, voluntary pooling of sovereignty, have made a significant contribution to peace as well as unprecedented prosperity and welfare in Europe.

The European Security Strategy emphasises the values that are the foundation for the European Union in a wider international context. The organisation that best embodies these ideals is the UN, and this commitment is explicitly underlined in the ESS: *"We are committed to upholding and developing International Law. The fundamental framework for international relations is the United Nations Charter. The United Nations Security Council has the primary responsibility for the maintenance of international peace and security. Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority."*

II. The EU at the UN

The EU has an important role within the UN. The 27 EU Member States together command more than one eighth of the votes in the UN General Assembly, in which each of the 192 UN Member States has an equal vote. Furthermore, the candidate countries as well as potential candidate countries and neighbouring states as well as EEA states very frequently align

themselves with EU positions – often a dozen or so of countries. The EU is today a unified and influential actor in many UN fora. The number of UN General Assembly Resolutions on which the EU Member States voted unanimously rose from 86% in the 46th session of the General Assembly (1991/92) to 97% in its 53rd session (1998/99), and has remained at around this level until the present.⁸

In the context of the Security Council, Article 19 of the EU Treaty stipulates that those EU Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Most observers agree that this aspect of EU coordination is improving. The so-called "Article 19 consultations" take place once a week at two levels (Heads of mission and experts dealing with Security Council matters). There has been a shift from retrospective briefings to more prospective exchanges of views, allowing participants not just to be informed, but increasingly to state their views on agenda-items still to be considered. There is also an increasing openness on behalf of the EU-members sitting on the Security Council not just to provide information on the deliberations of the Security Council, but also to be receptive to opinions of the other Member States on items under consideration.⁹

Besides their numerical presence, the EU Member States are also the UN's largest financial contributors. The EU Member States provided around 36.6% of the UN's regular budget in 2006, and around 38.9% in 2007. The European Community and the EU Member States are by far the largest donor to official development assistance, contributing 55.6% of global development aid. The EU Member States are likewise the largest financial contributor to UN peace-keeping missions, to the tune of 38.6% in 2006 and 40.6% in 2007, and they also provide around half of the budgets of UN funds and programmes.

The main actors in the coordination process are the Presidency, the Council Secretariat and the Commission. The coordination takes place both in Brussels and at the UN capitals. The Brussels-based working party CONUN meets once per month and discusses horizontal UN issues such as UN reform and administrative issues in order to provide input to New York. This working-party is also responsible for drafting the EU priorities for each UNGA – these priorities are subsequently agreed by PSC, Coreper and the Council. A number of other Brussels-based working parties frequently lay down positions on issues to be discussed in UN fora – e.g. on human rights, counterterrorism, international law and environmental issues. The bulk of the coordination, however, takes place in real time at the UN headquarters. For many EU diplomats in New York, EU coordination is an important part of everyday life.

The Presidency is particularly important to the day-to-day work of the EU, it represents it in talks with other UN Member States, regional groups and organizations, and it makes declarations in the name of the Union. In most cases, the Presidency speaks alone on behalf of the 27 EU Member States and the countries that have aligned themselves with the EU position. Diplomats from the Presidency chair EU coordination meetings on issues discussed in the six Main Committees and other subsidiary bodies of the General Assembly and in the Economic and Social Council. More than 1300 internal EU coordination meetings are held every year in New York in the premises of the Council Secretariat. A large number of coordination meetings also take place in Geneva and Vienna.

The European Commission is also a major player at the UN. It works closely with the Presidency to represent the EU's position in several areas, especially in development, the environment and humanitarian aid¹⁰. The European Commission is competent to speak on behalf of the EU in such areas as trade, fisheries and agriculture. It maintains representations at UN headquarters and at the seat of large UN organizations in other cities. The European Community was granted permanent observer status in 1974. As an observer at the UN and in most of its specialized agencies, the European Community has no vote. Nevertheless, it is the only non-state party to more than 50 UN conventions and agreements, such as the United Nations Framework Convention on Climate Change (UNFCCC). It has full participant status at a number of UN conferences, such as the Commission on Sustainable Development (CSD) and the Intergovernmental Forum on Forests (IFF). In 1991, the European Community was made a full member of the Food and Agriculture Organization (FAO).

The Council Secretariat of the EU has Liaison Offices in New York and Geneva. The Council's Liaison Office in New York (NYLO) was established in 1994 in order to serve as a support structure to the newly established Common Foreign and Security Policy (CFSP). The tasks of the Liaison Office are twofold: it assists the Presidency and the Member States of the Union in their coordination process. NYLO staff is part of the EU Troika. An important task of the Secretariat is to ensure the continuity of the external action of the EU by serving as an archive and as drafting partner for the many EU statements and UN resolutions. Besides acting as an institutional memory, NYLO also has a role in providing meeting rooms and logistical support to the EU coordination meetings. Recently, an electronic communication system has been put in place in order to facilitate the practical coordination between the Presidency, the Member States' delegations, the Commission and the Council Secretariat. This system that is used for convening meetings and circulating drafts is an important contribution to the coordination process. NYLO finally also serves as a UN antenna for the Brussels

headquarters, informing about developments in New York. There is an important flow of information to Brussels and reports on UN related activities feed into the policy making process in Brussels at all levels.

Scholars generally agree that that has been considerable improvements in the EU's coordination on UN matters. The EU is perceived as a unified actor, in particular in the General Assembly. Esa Paasivirta and Dominic Porter write that "*the story of the EU at the UN over the last decade is one of continuity and progress*"¹¹. The judgement that EU Member States can achieve more than when acting together than when acting alone is quoted as a main driving force behind the increased EU presence at the UN. They also underline that the two organisations' common commitment to multilateralism and international cooperation make the definition of common goals easier.

The assessments in "The European Union at the United Nations - Intersecting Multilateralisms"¹² are more sceptical. While the authors agree that "Europeanization is occurring in varying degrees across the UN system", they question the EU's ability to provide leadership at the UN. A conclusion from various chapters in the book is that the EU at the UN is best understood in terms of intergovernmental, realist explanations¹³. Esa Paasivirta and Karen Smith consider that the "EU within the UN diplomatic context" does not "transcend the Westphalian order".¹⁴ The general assessment is progress in EU coordination, but also emphasis on the limits of the EU action.

A crucial challenge facing both the EU and the UN is the complexity of the two organisations. In an analysis of the prospects for the interaction between the EU and the UN, Thierry Tardy writes¹⁵: "*[...] things become complicated in the case of the UN and the EU as both institutions are also known for the multiplicity of actors they represent. As far as the UN is concerned, the member states, the Secretariat and its departments, as well as the numerous operational agencies (UNDP, UNHCR, WFP, etc.) are involved in the EU-UN relationship as actors. Even more evident is the compartmentalisation of the EU, legally, politically and operationally split between several bodies, in particular the member states, the Secretariat of the Council and the European Commission.*" Anyone who has been involved in coordination processes between the two organisations has probably occasionally had the feeling that this complexity can be overwhelming. Nevertheless, in most cases coordination functions surprisingly well and both organisations work to increase their internal coherence. In an EU context, the foreign policy provisions in the Lisbon Treaty will undoubtedly contribute to

increased coherence of the EU's external action. The EU coordination mechanisms at the UN in the context of the CFSP are of a mainly intergovernmental character, and this will still be the case after the entry in force of the Lisbon Treaty. Increased staff for the EU institutions in New York and closer cooperation between the Commission delegation and the Council Secretariat Liaison Office in New York (possibly a merger between the two) increase the capacity to give input to common policies and to help with the practical modalities for coordination.

Another key aspect of the EU's role at the UN – and also in a broader sense of the EU role in international relations – is the relative economic and diplomatic decline of the West. Many recent studies agree on a trend towards an increasingly multi-polar world “more interdependent, more complex and more instable”¹⁶, where the relative influence of the West diminishes because of the emergence of new powers and global actors. At the UN, the initiatives by the EU and by western powers are often met by suspicion by NAM and G-77. This has often been discussed in various EU fora, and there are attempts to reach out to the rest of the UN Membership in a more systematic manner. This necessary outreach, addressed in the European Security Strategy under the heading “working with partners”, is more necessary than ever against the background of the North/South polarisation at the UN and the emergence of new and self-confident players at the UN and in the international system as such. This requires thorough analysis and in-depth understanding of the positions of the third countries in question, and it requires targeted and precise messages in order to mobilise the necessary support for strengthening multilateralism in concrete contexts.

III. The EU and UN reform

The High Level Panel and the 2005 World Summit

At the eve of its 60th birthday, many observers - and to a large extent the Secretary General of the UN - saw the UN as in a state of crisis against the background of the failures in Rwanda and Somalia, peacekeeping overstretch as well as a number of "scandals" (in particular "oil for food" and peacekeepers accused of sexual exploitation of the populations they were supposed to protect). The Security Council's lack of agreement on the Iraq war also contributed to this feeling. The attempts to reform the organisation, launched by Kofi Annan, were wide-ranging and ambitious. In his address to the UN Membership at the opening of the General Assembly in 2003, he stated that:

“Excellencies, we have come to a fork in the road. This may be a moment no less decisive than 1945 itself, when the United Nations was founded.”

He announced the establishment of a “High-Level Panel on Threats, Challenges and Change” (in the following HLP) with a broad mandate for reforming the organisation. As a logical consequence of its strong support to the UN, the EU closely followed the work of the HLP and presented a 14 page written contribution in May 2003¹⁷. One of the recommendations in the EU paper was that the UN and other relevant bodies to “*work closely across the whole cycle of conflict to ensure a smooth transition from conflict management and peacekeeping to long-term reconstruction until the danger of instability, or a return to conflict, has passed.*”

This proposal, later included in the HLP report as a proposal to establish a Peacebuilding Commission, was consistently one of the EU’s priorities.

The report of the HLP was published in December 2004¹⁸. The report set out 101 recommendations for an in-depth reorganisation of the UN. It strongly emphasised the need for a comprehensive security concept, underlining the link between development, security and human rights. It also set out proposal for reform of the Security Council and the establishment of criteria for the use of force. Kofi Annan was invited to address the European Council on 16-17 December 2004 as a sign of EU support to the process.

The EU began an intensive analysis of the document with a view to forming a position. The Brussels-based United Nations Working Party, in close coordination with the relevant CFSP working parties (counterterrorism, human rights, weapons of mass destruction etc. - some 10 groups were involved), went through all the recommendation of the HLP report and set out guidelines for an EU approach. The UN reform was also examined in detail at the weekly meeting of the EU Ambassadors to the UN and at expert level. There was agreement on the main themes:

- Relevance of effective multilateral institutions and rules: Against the background of its commitment to effective multilateralism, the EU should contribute to making the UN more efficient.
- The question of sovereignty: a right of the State, but also a responsibility towards the State's own people (responsibility to protect) and toward other States (responsibility to respect and further develop international law).

- Security based on development: State security as well as human security, with development as central element.
- Prevention, in order to avoid human disasters. Development should be the first line of defence.

Against the background of these overarching principles, it was possible to identify a number of priorities, in particular the fight against terrorism, human rights, the establishment of the Peacebuilding Commission and the responsibility to protect. The conclusions of the European Council on 16-17 June 2005 reflected the importance the EU attached to the preparation of the UN Summit.¹⁹ Concerning development, the EU committed itself to a target of ODA/GNI ratio of 0,56% by 2010 and to an increased financial assistance for sub-Saharan Africa. The EU realised that a meaningful outcome on broader issues presupposed a strong commitment on the development agenda in order to pave the way for “a grand bargain”. In the European Council's conclusions, the EU broadly endorsed all the main items on the reform agenda. The conclusions on institutional reform read: *"The European Council recognises the need to reform the main UN bodies, among them the General Assembly, ECOSOC and the Security Council"*. The detailed modalities for reform of the Security Council were however not discussed at EU level.

Kofi Annan's report “Towards Larger Freedom: Towards Development, Security and Human Rights for all” was officially published on 21 March 2005. It followed closely most of the HLP recommendations but with a stronger emphasis on the development aspects (based on the Sachs /“Millennium Project” Report). It was organised around four main chapters (development and environment; peace and security; rule of law, human rights and democracy; and institutional reform) with an Annex setting out the key points for a Summit outcome document. A central idea underlying this report - as it was the case in the report of the HLP - was the concept of inter-linkage between security and development.

It however became increasingly clear that it would be difficult to reach broad agreement on a “ambitious and balanced outcome” within the UN membership, critics outnumbered supporters, and the Non-Aligned Movement increasingly focussed on the development aspects, refusing changes in other areas. The EU agreed to carry out large number demarches to third countries on the basis of agreed "Master messages" in order to create momentum for a broad consensus - it was agreed to carry out some hundred demarches in capitals. The issue of UN reform was also

on the agenda of most of the regular political dialogue meetings of the EU during spring and summer, many on the level of Foreign Ministers or Heads of State.

In the final phase, the negotiations were further complicated by the policy pursued by the newly nominated US Permanent Representative to the UN, John Bolton. The US put forward a large number of amendments to the existing text, making it even more difficult to reach consensus between the EU (supported by a number of like-minded countries) and NAM/G77. The final result did not live up to the EU's expectations. An assessment of the outcome²⁰ of the 2005 Summit must necessarily conclude that Kofi Annan's San Francisco moment did not arrive. On the positive side, the UN Membership agreed on the establishment of a Peacebuilding Commission and a standing Human Rights Council. The Summit Outcome document opened possibility for progress on management reform. The outcome document also endorsed the responsibility to protect. On the negative side, there was hardly anything on disarmament and non-proliferation - Kofi Annan called this "a real disgrace".²¹ There was no consensus on a definition of terrorism. On Security Council reform - an issue that was not discussed in detail at EU level - the Outcome document considered that the Council should be made more representative, but failed to say how. Security Council reform undoubtedly remains the most important single issue on the UN reform agenda. Given the deep divisions among the UN Membership, it seems unlikely that the General Assembly will be able to muster the two-thirds majority required for a Charter amendment any time soon²².

Follow-up and implementation of the UN reforms

In the Council conclusions of 7 November 2005, the EU stated that "*World leaders agreed at the UN World Summit in September an extensive and balanced package of reforms for the UN. The EU will play an important role in achieving full and early implementation of the reforms agreed, and will continue to work towards achieving important reforms in the UN system on issues not covered at the Summit. The European Union is deeply committed to the United Nations, to upholding and developing international law, and to effective multilateralism as a central element of its external action.*"

Since then, the implementation of the Summit outcome has consistently been high on the EU agenda. The issues agreed at the 2005 Summit have been and still are under discussion in New York, Brussels and Geneva. A tentative overview of the state of play could look as follows (the list does not pretend to be exhaustive):

- The Peacebuilding Commission was proposed by the High Level Panel to fulfil a gap in the UN system by assisting countries during the transition from conflict to peace. It is now up and running. As pointed out, both the EU and the UN are complicated organisations. The EU has agreed on internal consultation mechanisms and on arrangements for the representation of the European Commission and the EU Presidency, assisted by the Council Secretariat, behind a nameplate reading "European Union". Due to the complexity of the EU/EC representation at the UN, the nameplate however reads "European Community". The assessment of the work of the PBC in the three countries under examination (Burundi, Sierra-Leone and Guinea Bissau) is by and large positive, even if important challenges remain. The arrangements for EU/EC representation work in a satisfactory manner, giving possibility for a comprehensive approach, taking into account areas falling within the Commission's competences as well as areas covered by the CFSP and ESDP. So far, the results are encouraging, both concerning the results that the PBC delivers and concerning and the EU participation to the process.
- The 2005 Summit adopted the Responsibility to Protect - the outcome document stipulates that a State has a responsibility to "protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity." Should a state fail to do so, that responsibility to provide such protection devolves to the international community, acting through the Security Council and on a case by case basis, "to take collective action, in a timely and decisive manner," including the use of force pursuant to Chapter VII of the UN Charter. This was one of the EU priorities in the run-up to the Summit and the implementation stays high on its agenda. In its priorities for UNGA 62, the EU *"stresses the need for the General Assembly and the Security Council to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, bearing in mind the principles of the Charter and international law"*. There is no doubt that the adoption of the principle is an important conceptual breakthrough. To translate the ambitious principle into protection on the ground will however require further efforts of the UN membership, in particular the five permanent members of the Security Council.
- The Human Rights Council (HRC) was established to replace the Human Rights Commission, implementing a recommendation by Kofi Annan that human rights should be recognised as the third pillar of the UN, alongside with peace and development. The main differences between

the HRC and the Human Rights Commission are its enhanced status, the election rules and the schedule of meeting - the HRC is a standing body. The EU has strongly supported the HRC - the EU priorities for UNGA 62 state that *"The EU also expects the UN Human Rights Council (HRC), after the completion of its institution-building process in mid-2007, to play an increasing role in the promotion and protection of human rights throughout the world as well as in the UN, and will continue to work actively towards increasing the credibility and effectiveness of the HRC"*. This is still the EU line, even if results so far are disappointing. It remains a challenge for the EU to ensure that it becomes a real improvement compared to the Human Rights Commission.

- Management reform has also consistently been among the EU priorities. There has been some progress, notably the creation of an Ethics Office, enhanced whistleblower protection and improvements of standards of conduct for misconduct in peace-keeping operations. The record on management reform can be characterised as "modest but respectable"²³. The EU priorities for UNGA 62 state that *"the EU is placing renewed emphasis on securing progress on management reform of the UN Secretariat with a view to enhancing its accountability, efficiency and effectiveness, where some encouraging results have been achieved. But it is urgent to continue efforts to improve governance and oversight, such as the establishment of an operational Independent Audit Advisory Committee. The EU attaches equal importance to following up on decisions already taken in respect of the reform of Human Resource Management, the Administration of Justice and procurement systems."* Management reform however easily gets bogged down by a North-South confrontation, with NAM/G77 being very reluctant to give up the role on the 5th Committee in the management of the UN. The EU closely coordinates its positions on management issues; it is an area that is likely to be on the agenda for a long time to come.
- System-wide coherence. The Outcome Document called upon the Secretary General to offer proposals on how best to achieve more "tightly managed entities" in the areas of development, humanitarian assistance, and the environment, as well as gender equality. Secretary-General Annan appointed a High-level Panel on UN System-Wide Coherence, which issued its report on 9 November 2006. The new Secretary General Ban Ki-moon gave "broad support" to the Panel's approach, stressing, in particular, the goal of "delivering as one" at the country level in response to country-determined priorities. The "System-wide coherence process" within the UN system is a daunting task, but it is also

with a big potential for improving the UN system's work of the ground. The aim is increase the coherence of the UN's operational activities in the in the areas of development, environment and humanitarian assistance, taking into account mainstreaming of gender issues. Even if the time-horizon for full implementation is long, progress is encouraging, in particular against the background of experience in the eight designated pilot-countries (Albania, Cape Verde, Mozambique, Pakistan, Tanzania, Uruguay, and Vietnam). This process is closely followed at EU level, both 2nd Committee experts in New York and relevant Working Parties in Brussels.

In addition to this list, two issues not directly linked to the 2005 Summit, but increasingly important for on the EU and the UN relationship, deserve brief mention: First EU-UN cooperation in crisis management. Since the September 2003 "Joint Declaration on UN-EU Cooperation in Crisis Management"²⁴, there has been very considerably progress in this area. The EU inter alia launched three ESDP mission on the African continent in close cooperation with the UN, and contacts at senior level and at working level are getting more and more frequent. The two organisations are getting to know each other on a practical and operational level in the context of cooperation in crisis management. And global warming. This is one of the top priorities, both for Ban Ki-moon and for the EU. The recent joint paper on "Climate change and international security"²⁵ by the Commission and the Secretary General/High Representative submitted to the European Council states that *"in a changing international political landscape, major emitters and emerging economies will also have to be engaged and commit to an ambitious global climate agreement under the UN framework."* These are two key areas that are going to be high on the agenda of the both EU and the UN in the coming years.

CONCLUSION

The EU and UN reform

Half full or half empty? The reform agenda proposed by Kofi Annan and strongly supported by the EU was only partially agreed at the 2005 Summit. Far from redefining the role of the UN and "creating a broad framework for collective security"²⁶, the outcome rather represented a piecemeal approach to UN reform. As set out above, some results were however quite considerable, and the implementation continues.

Paul Kennedy concludes his recent study on the UN²⁷ by writing that *"the world organisation is, by its very nature, so complex and massive that a single recipe for improvement would be absurd. Doing nothing at all is impossible, given humankind's needs for better cooperation and governance; and trying to batter through Charter amendments that totally transform existing power relationships would have no chance of succeeding. So we need a middle way, one that produces some changes now, with the possibility of more to come"*.

Seen it this perspective, it is not surprising that the reform package was only partially agreed. The EU continues its support to the reform process and to work to strengthen the UN in many different contexts. As far as the results of the EU's strong support to the reform process, it is difficult to judge to what extent the EU support influenced the process. A number of scholars are sceptical of the EU's ability to influence the process. Martin Ortega says that *"the Europeans [...] have punched below their weight during the preparations of the forthcoming negotiations"* (the quotation dates from June 2005).²⁸ Laatikainen and Smith are even more sceptical and write that *"the EU investment in multilateralism is in its infancy". [...] Neither the EU nor the UN will disappear from the multilateral stage, but both appear likely to reflect multilateral processes that muddle through rather than blaze new trails of effective multilateralism for the foreseeable future"*.²⁹ They also consider that the EU failed to provide sufficient leadership.

It is however obvious that the EU's support to the UN goes far beyond support at a mere rhetorical level. During the run-up to the 2005 Summit, the EU did carry out a very considerable internal coordination and did its utmost to reach out to the wider UN membership. Within the existing framework, the EU could hardly have done more to support the process. Concerning EU "leadership", it has often been noted that too much EU "leadership" at the UN is not necessarily a good thing. If proposals are perceived as being part of an EU agenda, parts of the UN membership will have adverse reactions. In an article on UN reform, Danièle Smadja notes that *"promoting effective multilateralism does not necessarily mean that a single leadership is what the UN needs. It needs the engagement of key actors in a sustained way and the capacity of its main bodies to deliver when action is required"*.³⁰

It remains a key challenge to persuade key actors to be engaged in a sustained way, and this is a major challenge for the EU.

Looking into the future

It is premature to enter into detailed discussions of the possible consequences of the Lisbon Treaty. The foreign policy provisions in this treaty aim at increasing the coherence and the efficiency of the EU's external action. The creation of the post of "the High Representative of the Union for Foreign Affairs and Security Policy", also one of the Vice-Presidents of the Commission (Lisbon Treaty, Article 9e), and "assisted by a European External Action Service" (Article 13a, paragraph 3), will provide an institutional set-up that will enhance the coherence and the efficiency of the EU's external action. There is little in the Lisbon Treaty that as such affects the EU's presence at the UN³¹. The implementation of the Lisbon Treaty is likely to be incremental, and much will depend of the EU member states' political will to further deepen the cooperation on foreign policy issues. The recent history of the EU at the UN is one of progress in the cooperation between the two organisations, and the EU is getting increasingly efficient, both as regards its internal coordination process and as regards its capacity for outreach to the wider UN Membership. Promoting effective multilateralism and the UN is a learning process. Against the background of the EU member states' strong support to the values embodied in the UN Charter and the European Security Strategy, UN reform and the strengthening of the UN is likely to stay high on the EU agenda in the coming years.

¹ The European Security Strategy, Council conclusions on the UN, the EU priorities for the latest session of the UNGA as well as other relevant EU documents on the UN can be accessed on <http://consilium.europa.eu>.

² The European Union and the United Nations: The choice of multilateralism", Communication from the Commission to the Council and the European Parliament, COM(2003) 526 final, Brussels, 10 September 2003,

³ Also available on <http://consilium.europa.eu>.

⁴ "Building the future – the EU's contribution to global governance", Chailiot Paper no. 100, (2007)

⁵ For information about the EU's consistent and strong support to the ICC, see the brochure "The EU and the ICC" (February 2008), available at <http://consilium.europa.eu> (foreign policy, ICC).

⁶ op. cit. p. 43.

⁷ There is an extensive literature on the European Security Strategy and effective multilateralism. See in particular Biscop, Sven and Drieskens, Edith: "The European Security Strategy: Confirming the choice for collective and comprehensive security" in Wouters, Jan, Hoffmeister, Frank and Ruys, Toms (ed) "The United Nations and the European Union: An Ever Stronger Partnership" (The Hague, 2007). The chapter includes an interesting analysis of the genesis of the ESS and its link to UN reform. Howorth, Jolyon: "The Security and Defence Policy in the European Union" (London, 2007), also has an interesting discussion on the ESS (pp. 199-206)

⁸ See the table on p. 11 in Laatikainen and Smith (ed). "The European Union at the United Nations - Intersecting Multilateralisms" (London, 2006).

⁹ "EU coordination on UN Security Council Matters" by Johan Verbeke (chapter 3 in "The United Nations and the European Union: An Ever Stronger Partnership", op. cit) provides a detailed description the practical modalities for the implementation of Article 19 TEU.

¹⁰ “The Partnership between the UN and the EU. The United Nations and the European Commission working together in Development and Humanitarian Cooperation”, United Nations (2006) gives a comprehensive overview of the many contacts between the Commission and the UN on these two issues.

¹¹ “The United Nations and the European Union: An Ever Stronger Partnership”, op. cit, p. 48

¹² Op. cit. 21

¹³ Op. cit. p. 21.

¹⁴ It could be argued that this is expecting too much from the EU. The UN was arguably created to defend the existing system, not to create a new system where nation states would play a different role. Article 2, paragraph 7 of the UN Charter reads: “*Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state [...]*”. The UN is also a stronghold of the nation state as far as decision making processes is concerned. A discussion whether the EU should or should not “transcend the Westphalian order” at the UN goes beyond the scope of this paper. See Cooper, Robert, “The Breaking of Nations”, London (2003), in particular pp. 75-80, for a discussion of post-modern security.

¹⁵ Tardy, Thierry: “The European Union and the United Nations”: Global versus Regional Multilateralism”, *Studia Diplomatica*, Brussels, vol. LX, 2007, n. 1

¹⁶ *Le Monde en 2025*, ed. Nicole Gnesotto (Paris 2007) Nicole Gnesotto discusses the relatively diminishing influence of the EU and likeminded States in “The growing powerlessness of the West” (“Europe’s world”, n 6, 2007). The also the final chapter in “Building the future – the EU’s contribution to global governance” (op. cit.) and “Preparing for the multipolar world: European Foreign and Security Policy in 2020”, Charles Grant with Tomas Valasek (Centre for European Reform December 2007).

¹⁷ Available at <http://consilium.europa.eu>.

¹⁸ “A more secure world: Our shared responsibility”, available at <http://www.un.org/secureworld>

¹⁹ The GAERC conclusions of 18 July and the EU priorities for UNGA 60 also reflected the importance the EU attached to the Summit, the reform process and the strengthening of the UN.

²⁰ See UN doc. A/60/L.1.

²¹ Quoted in “The Economist” of 15 September 2005.

²² The open-ended working group on Security Council reform established in 1993 continues its deliberations. The state of play of the discussions as of September 2007 can be found in UN doc. A/61/47.

²³ See the paper by Birenbaum, David “UN reform: Progress, prospects and priorities”, Woodrow Wilson International Centre for Scholars (2007) for an interesting analysis of the state of play of the implementation of the reforms agreed at the at the 2005 Summit.

²⁴ The joint EU-UN declaration and the Joint Statement of 2007 on this can be found on <http://consilium.europa.eu> along with the information on the specific ESDP operations. There is an abundant literature on the issue, for a short introduction, see Cloos, Jim: in “The United Nations and the European Union: An Ever Stronger Partnership” (The Hague, 2007), op. cit. pp. 259-265.

²⁵ Doc. 7249/08

²⁶ Kofi Annan in the foreword to the report of the High Level Panel.

²⁷ The Parliament of man. The United Nations and the Quest for World Government”(2006), p. 277.

²⁸ Ortega, Martin (ed.) “The European Union and the United Nations”. Chaillot Paper 78 (Paris, 2005)

²⁹ Op.cit. p. 22.

³⁰ Smadja, Danièle: “The European Union and the reform of the United Nations”, in “The United Nations and the European Union: An Ever Stronger Partnership”, op. cit. p. 371.

³¹ Even if the legal and political context has changed, the study by Anne Harmonic: “L'Union Européenne à l'ONU - perspectives ouvertes par le Traité constitutionnel” (Rennes, 2007) provides useful food for thought on this issue.