

The EU Common Foreign and Security Policy in the UN  
Security Council:  
*Between Representation and Coordination*<sup>1</sup>

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## **Abstract**

*The purpose of this paper is to explore the link between the reform of the United Nations Security Council (UNSC) and the development of the European Union Common Foreign and Security Policy (CFSP). The question will be: to what extent do UN institutional structures influence European integration in the field of foreign and security policy? To answer this question, the paper will analyse, on the one hand, the debate on the European presence and representation within the Security Council, and on the other hand, the increasing coordination of the EU on the issues discussed in this body.*

*The growing role of regional organizations in the multilateral system is one of the most relevant innovations in international relations increasing the pressure to reform the UN. Particularly in Europe, the discussion on the reform of the UN has run parallel to the institutionalization of European foreign and security policy in the TEU. Since Maastricht, CFSP began raising expectations about the possible role of the EU in the UN. Integrationists started to see in the long-term perspective of a common representation for Europe at the UN the ideal culmination of the process of integration in foreign policy. Today, this ambitious expectation remains largely speculative, adding up to the dissatisfaction with CFSP. Yet, the institutional development of the CFSP machinery and especially the incremental expansion of the meaning of article 19 TEU have allowed for an increasing and more effective coordination of the EU member states in the Security Council.*

*On the issue of Security Council reform and of the European presence and representation in the UNSC, the EU member states have been traditionally divided and realism is still the most useful theoretical tool to understand their national preferences. However, by linking this debate to that, more pragmatic and institutionalized, of European coordination, this paper shows how the rationalist explanations are insufficient and need to be complemented by other approaches, notably neo-institutionalism and constructivism. In turn, this eclectic theoretical approach applied to the specific case study of Security Council should cast light on the more general nature and future prospects of CFSP.*

*I will argue that the reform of the United Nations and that of the EU are mutually reinforcing. On the one hand, further European integration pressures the UN to reform. On the other hand, the UN reform (or the prospect of reform) has an impact on CFSP. First, it frames the discourse and national preferences of the member states and, secondly, it opens new institutional opportunities and paths for European integration in foreign policy. In this sense, the structure of the new UNSC could have an effect on the future development of CFSP, either strengthening the current trend towards flexible forms of cooperation, or encouraging new patterns of integration and coordination.*

## Introduction

The reform of the UN reached a crucial phase during the Millennium Summit of September 2005, but a decision on the problem of the UNSC was postponed again. Negotiations continue without result, with the usual opposition between states wanting an expansion in new permanent members and states wanting only non-permanent new seats. Yet, the Security Council needs to be reformed urgently as it is losing both its legitimacy and effectiveness as the institution having primary responsibility for the maintenance of international peace and security. As the German ambassador to the UN put it, in the context of the overall effort to restructure the UN in the new post-Cold War order, the unreformed UNSC “sticks out like a sore thumb”<sup>2</sup>

With the strategic objective of promoting an “effective multilateralism”, the EU is profoundly involved in this process and is one of the most active promoters of reform on all issues but the Security Council, where it does not have a common position. On this matter, member states split in two opposing camps: France and the UK give their support to Germany in its bid for a permanent seat; Italy, Spain strenuously oppose such a development and, so far, were able to build a global coalition in the General Assembly (UNGA) that prevented any reform of the UNSC from taking place. This division, in Europe, reflects the opposing views on what European foreign policy is and should become: a European common and integrated policy or a more flexible intergovernmental cooperation under the leadership of a *directoire* of states. This teleological question underlies the disagreement on the UNSC but is at the core of every important issue on the European foreign policy agenda.

The discussion on the reform of the UN has run parallel to the institutionalization of European foreign policy in the TEU. Since Maastricht, CFSP began raising expectations inside and outside Europe about the possible role of the European Union in the UN. The building of CFSP and the UN reform became somewhat intertwined and related issues as integrationists started to see in the long-term perspective of a single seat for Europe at the UN the natural culmination of the process of integration in foreign policy.<sup>3</sup> Today, this perspective remains largely theoretical and this capability-expectation gap has added to the disappointment towards CFSP.<sup>4</sup> Yet, since Maastricht, the institutional development of the CFSP machinery and, in particular, the progressive expansion of the meaning of article 19 TEU have indeed allowed for an increasing coordination of the EU member states in the Security Council. Moreover, the growing role of regional organizations, and notably the EU, in the UN is one of the most relevant innovations in the international relations system increasing the pressure to reform the UN. Many argue that the new UNSC should take this process of regional integration into account.

This paper will argue that the reform of the United Nations and that of the EU are mutually reinforcing as further European integration pressures the UN to reform, and UN reform opens new venues for European integration in foreign policy. The structure of the new UNSC could have an important impact on the future of CFSP, as a “critical juncture” either

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<sup>2</sup> Nations General Assembly, “General Assembly resumes debate on Security Council reform with several divergent proposals still under consideration”, Press Release, 20 July 2006. Available on [www.un.org/news/press/docs/2006/ga10484.doc.htm](http://www.un.org/news/press/docs/2006/ga10484.doc.htm) (10/9/2006)

<sup>3</sup> See for example Italian foreign minister Gianni De Michelis in 1990. Panos Tsakaloyannis, and Dimitris Bourantonis, “The EU's CFSP and the reform of the Security Council”, *European Foreign Affairs Review*, Vol 2, 1997, p.198.

<sup>4</sup> Christopher Hill, “The Capability-Expectations Gap, or Conceptualising Europe's International Role”, *JCMS* Vol. 31, No. 3, 1993.

strengthening the current trend towards flexible forms of cooperation, or encouraging new patterns of integration and coordination. The UNSC can provide the ideal venue for the EU to express its CFSP in two ways, through a common representation, or through an effective coordination. This paper will analyse these two paths.<sup>5</sup>

To do this, this paper draws on the IR and European integration literature, on the vast UN archive of the debates in the UNSC since 1993 and on a series of interviews collected mainly in New York and Brussels between 2004 and 2008. The first chapter will provide the theoretical and conceptual framework of this work, which draws on the insight of different approaches. In particular, the paper wants to temperate the traditional realist perspective towards the UNSC reform debate, with insights from historical and sociological institutionalism and fusion theory. A clearer conceptual framework of different member states strategies and of coordination is also provided.

The second part will look at how the EU attempts to coordinate and is represented in UNSC. It will look at how the information and concertation practices are evolving towards a more forward looking, integrating dynamic that could, in turn, provide some very interesting opportunities for European common representation at the UN. The third part analyses briefly the possible synergies toward this direction, coming from the Lisbon Reform Treaty.

The fourth part will pick up on the latest phases of the UN Reform process (2007-2008), and will concentrate on the principal models for UNSC expansion that are on the table at the moment. Broadly speaking, some models call for the expansion of permanent membership, while other open new spaces for regional representation and accountability through the possibility of re-election and rotation.

Finally, the last part puts the various elements of analysis together while the two views of the opposing camps in Europe are scrutinized to understand how and if it will be possible to reconcile them. Two scenarios will be drafted of how the EU would stand on the world stage, depending on the type of reform actually implemented: one scenario draws a *directoire* of states leading the rest of the membership. The other scenario predicts further integration in CFSP as the institutional door is left open for a future extension of majority voting, a gradual convergence in national foreign policy visions and a single voice on the world stage.

## 1. Theoretical and Conceptual Framework

Foreign and security policy constitute the realm of high politics<sup>6</sup>. Therefore, member states are still the dominant actors and realism and liberal intergovernmentalism have provided useful accounts of the development of European cooperation and integration in this field. This paper will adopt an eclectic approach and its purpose is not to explore a particular theoretical school but to analyse the major developments in European coordination in the field

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<sup>5</sup> For studies on EU coordination in the Security Council see: Mary Farrell in Katie Laatikainen and Karen Smith (eds) “The European Union at the United Nations, Intersecting Multilateralisms”, Palgrave MacMillan, New York, 2006, Edith Drieskens, Daniele Marchesi and Bart Kerremans, “In Search of a European Dimension in the UN Security Council” in *The International Spectator*, vol 42, No. 3, September 2007, 421-430; H. Young, “How to Unravel the Spider’s Web: EU Coordination at the United Nations”, Presented to the “EU Political Multilateralism and Interaction with the UN” Garnet PhD School, United Nations University, Bruges, 10-14 December, 2006 using public policy and network analysis, J. Verbeke, “EU-coordination on UN Security Council matters”, in Wouters J and al., (eds.), *The United Nations and the European Union: An Ever Stronger Partnership*, T.M.C. Asser Press, 2006 and E. Drieskens, “EU Actress in the UN Security Council, A Conceptual and Theoretical Framework”, Presented to the “EU Political Multilateralism and Interaction with the UN” Garnet PhD School, op.cit., 2006, focusing on principal-agent theory.

<sup>6</sup> Stanley Hoffman *Obstinate or Obsolete: the Fate of the Nation State and the Core of Western Europe*. In: *Daedalus* 95:3, 1966, 862-915

of security at the UN and to link them to the parallel debate on the reform of the UNSC. By so doing, it aims also to cast light on the more general nature of CFSP. The key assumption behind this work is that the UN Security Council offers a good representation of the difficulties surrounding European foreign policy and that this case can provide an interesting empirical ground to understand its general prospects.

In the conclusion to his volume on the UN Security Council, Malone writes that “the status of France and the UK in the Security Council presents a greater challenge to European foreign and defence policy construction than do their occasional differences of substantive view, however sharp.”<sup>7</sup> This rather intuitive proposition actually establishes an hypothesis that there exists link between the UN institutional structure and the development of CFSP. In the following pages, I will try to test this hypothesis by analysing the various facets of this UN-EU link. Not only have EU coordination and representation mechanisms, adapted to the UN context, but a potential change in that context could constitute a “critical juncture” for CFSP, creating new institutional opportunities for integration or closing them.

The basic question will be: *to what extent UN institutional structures influence European integration in the field of foreign and security policy?*

To answer this question, this paper will adopt a dual and diachronic perspective, analysing the European and UN structures in their evolution in time. The focus will be on the debate on UN Security Council reform that started in the nineties.<sup>8</sup>

Since European Political Cooperation (EPC) in 1970, European coordination in foreign policy has remained largely intergovernmental in character and the ‘second pillar’ still displays a very limited transfer or spill-over of competences to the supranational level. Although, the European Parliament and, in particular, the Commission do play an increasing role, mainly through their wide range of normative, institutional and financial instruments, the member states remain the key actors. This is definitely the case for the matters discussed in the UNSC. As a consequence, it is tempting to adopt a exclusively realist approach toward these matters and to focus only on member states preferences.<sup>9</sup> This approach was very useful in two main ways. On the one side, it has helped elucidating in detail the interests of member states in the problem of reforming the UNSC. On the other hand, it has shown that these preferences have been particularly stable in the last fifteen years (at least since the entry into force of the TEU in 1993) and that there is little evidence of convergence or of socialisation on this issue. Realist analysis has also concentrated inevitably on the big players, the UK, France, Germany and Italy. Indeed, the interplay of this quartet on UNSC reform, offers plenty of material for classical rationalist interpretation. Germany, following reunification, has started claiming an equal status in the UNSC as the other permanent members. Italy has immediately opposed this eventuality fearing a loss of status as the only big EU member states without such privileged position on the world stage. The UK and France, have slowly but surely realised that the entrance of Germany in its national capacity was the only way to legitimise their own permanent seats, which were seen increasingly by the wider UN membership as relics of their colonial past. For this reason, they have progressively supported Germany in order to diminish the pressure inside and outside Europe to relinquish their own seats in favour of a common European representation. Notably, in the first phase of the UNSC reform process, in the mid nineties, their support for Germany had been a lot less enthusiastic:

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<sup>7</sup> David Malone, “Conclusions”, in (ed), Malone, *The UN Security Council: From the Cold War to the 21<sup>st</sup> Century*, Lynne Rienner, London, 2004, p. 636

<sup>8</sup> For an historical overview of this problem: Panos Tsakaloyannis. and Dimitris Bourantonis , op. cit..

<sup>9</sup>. Katie Laatikainen and Karen Smith, op.cit (2006) explain that realism is still very insightful in explaining EU actorness in the UNSC

the situation in Europe, with the newly established EU, was perceived as too fluid to allow such a development. German reunification was too close in time, and the Union had not yet embarked the endeavour of the enlargement to the East. The evolution of the international situation, with Europe powerless over a collapsing Yugoslavia, convinced the two big states that it was time to forge a smaller club inside the Union, providing leadership and steering and effective in projecting Europe as a power in the world scene.

However, even in the domain of UNSC, a purely rationalist analysis that only takes into account member states interests offers an insufficient explanation of the problem. It will be instead useful to adopt the insights coming from historical and sociological institutionalism in order to both understand member state behaviour and grasp the complexities of European coordination in the UNSC<sup>10</sup>. In particular, the backdrop of the debate on the UNSC reform, will serve to understand the evolution of EU coordination. In fact, both the process of European political integration and of UN reform have largely proceeded hand in hand, informing each other. This paper tries to identify in what way the UN existing institutional setup conditioned the development of CFSP. In this sense, the concepts of path-dependency, appropriateness and fusion can temper the rationalist realist claims in explaining the current situation and constructing plausible scenarios for the future.

Before entering the core of the analysis a further conceptual clarification is needed to understand the complexities of the EU institutional set-up in the UNSC, and the different behaviour of member states and institutions. Why is it important for the EU to coordinate and be visible within the UN? The different actors in CFSP have very different answers to these questions and have adopted different strategies.

In this sense, Keukeleire and MacNaughtan’s typology is very useful in showing how different categories of objectives have coexisted in the history of European foreign policy integration.<sup>11</sup> On the one hand, there are **external objectives**, which have to do with the classical foreign policy goal of being effective towards a determined area or issue. On the other hand, there are **inter-relational objectives** (aiming at increasing cooperation and socialisation with the other member states), **integration objectives** (aiming at promoting the process of European integration) and **identity objectives** (aiming at asserting the European identity versus the others). Through this typology it is possible to explain the emergence of the concept of ‘effective multilateralism’ as a response to the objective of EU member states to assert European identity, in contrast to American foreign policy, following the crisis over Iraq. Promoting effective multilateralism (including the reform of the UN) then, is not necessarily an attempt to increase the European effectiveness in the United Nations, or the effectiveness of the UN itself. This is shown also by the very minor improvements on this topic agreed in the Reform Treaty as compared with the long list suggested by the Commission in its 2003 paper “The Choice of Multilateralism”<sup>12</sup>.

This ambiguity in member states strategies is reflected also on the issue of coordination with and within the UN. Coordination can be seen as a series of formal and informal mechanisms designed to increase internal effectiveness (that is the capacity of the EU to reach a common position and to speak with a single voice in the UN) and external effectiveness

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<sup>10</sup> Paul Pierson, Increasing returns, path dependence, and the study of politics. In: American Political Science. Review 94, S., 2000 251-267 and March, J. and Olsen, J, Rediscovering Institutions: the Organizational Basis of Politics, New York, The Free Press, 1989

<sup>11</sup>Stephan Keukeleire and Jennifer MacNaughtan The Foreign Policy of the European Union, (Basingstoke: Palgrave Macmillan - The European Union Series), 2008, chapter 2

<sup>12</sup> European Commission, *The European Union and the United Nations: The choice of multilateralism*, COM(2003) 526 final, Brussels, 10.September.2003. Available at: <http://www.europa-eu-un.org/documents/en/COM%202003-526%20EN%20FINAL%20PDF1.pdf>,

(that is the capacity of the EU to actually promote this position in the UN).<sup>13</sup> Although some authors have argued that these two dimensions of coordination are mutually reinforcing<sup>14</sup>, the work of Smith and Laatikainen has shown that this is far from clear as internal coordination involves often sacrificing on coordination with third countries, in terms of time, resources and flexibility. In addition, also here, the perception of the significance of internal and external coordination varies between member states. Some, for instance, will give priority to internal effectiveness (i.e. intra-EU coordination) as a means to foster inter-relational, integration and identity objectives. This will include promoting forms of common EU representation in the Security Council. Others will give priority to external effectiveness: they will prefer flexible arrangements or core groups to promote Europe’s external objectives and power and they will appreciate the sheer number of EU member states seating in the Security Council.

Because it touches the core of national sovereignty, the issue of the EU coordination and representation in the UNSC is characterised by the innate ambiguity enshrined in the process of European integration. Here, however, the clash between federalist and intergovernmental strategies is accentuated by the fact that there is barely any open discussion within the EU and in Brussels on this topic. Member States therefore, have not been able to develop a common discursive framework about what is “good for Europe” in the UNSC, and all parties use the EU as a rhetorical argument to justify rather different positions. The fusion argument is relevant here in explaining the incremental process of limited and hazy institutionalisation in the UNSC. Wessels writes that “the concurrence of different trends within one and the same constitutional architecture is no mere coincidence, but a fundamental pattern of the EU construction. Ambiguities in the written text that indicate intra- and inter-institutional tensions are no accidental by-product of EU summitry; rather, they illustrate the basic logic of increasing the efficiency of EU institutions, while also preserving a high degree of national participation.”<sup>15</sup> While the new figure of the High Representative and Vice-president of the Commission is an “ideal-typical case for fusion”<sup>16</sup>, the development of the practice of article 19 information and coordination on UNSC matters is also a clear case in point.

Finally, for big member states this divergence of interests and of rhetoric is further complicated by the spectrum of UNSC reform, where the European arena is intertwined with the global one. This paper will show how the debate on ameliorating European coordination and effectiveness at the UN is largely informed by the international problem of UNSC reform and the related issue of European representation in that body.

Taking stock of these complexities, the following scheme provides a conceptual map of the different interpretations that can be given to improvements in coordination and representation in the UNSC. This map will inform the analysis below.

<b>Objective</b>	<b>EU Coordination</b>	<b>EU Representation</b>
<b>Integration</b>	<ul style="list-style-type: none"> <li>• Stronger role for common EU institutions.</li> <li>• Possibility of taking decisions by qualified majority</li> <li>• Institutional memory among EU member states serving as elected members in the UNSC</li> </ul>	<ul style="list-style-type: none"> <li>• Presence of institutional actors in the UNSC, presidency, Council Secretariat and Commission.</li> <li>• EU seat or common representation</li> <li>• Mandate from EU to member states (MS) of the UNSC</li> </ul>

<sup>13</sup> Katie Laatikainen and Karen Smith, op.cit., introduction.

<sup>14</sup> e.g. Philippe Andrianssens, Rapprochement between the EU and the UN: History and Balance of Intersecting Political Cultures, *European Foreign Affairs Review* 13: 2008, p. 18

<sup>15</sup> Wolfgang Wessels, Keynote Article: The Constitutional Treaty – Three Readings from a Fusion Perspective, *JCMS* 2005, Volume 43 Annual Review, pp. 11-36, p. 14

<sup>16</sup> *Ibid.* p. 26

<b>Identity</b>	<ul style="list-style-type: none"> <li>• Development of common positions and alignment of MS</li> <li>• Coordination between EU MS both inside and outside of the UNSC</li> </ul>	<ul style="list-style-type: none"> <li>• More visibility</li> <li>• Position voiced by EU actors or representatives of EU actors.</li> <li>• EU seat or common representation.</li> </ul>
<b>Inter-relational</b>	<ul style="list-style-type: none"> <li>• Effective communication and inclusion between EU MS inside and outside the UNSC</li> <li>• Information to EU MS outside UNSC</li> </ul>	<ul style="list-style-type: none"> <li>• Inclusiveness</li> <li>• Effective rotation on elective seats among EU MS.</li> </ul>
<b>External</b>	<ul style="list-style-type: none"> <li>• More flexibility</li> <li>• more rapid coordination</li> <li>• coordination in Brussels and New York resulting in guidelines, instead of rigid positions</li> </ul>	<ul style="list-style-type: none"> <li>• Major EU MS in the Security Council</li> <li>• More discretion for negotiation.</li> <li>• Rapid availability of EU tools across pillars.</li> </ul>

## 2. The EU Coordination and Representation in the UNSC

As is the general rule for the UN, only states can be member of the UNSC. This is the first and definitive institutional impediment to any EU and CFSP presence and actorness in this UN body. However, beyond this legalistic interpretation, the is present in the Security Council, mainly through its member states. For the whole 2007, as many as five of the 15 members of the Security Council were members of the EU (France, the UK, Italy, Belgium and Slovakia). In effect, if one looks at the sheer number of members, the EU is in a very favorable position of clear overrepresentation: two permanent members, and, at any given time, up to four elected members (coming from the three different electoral groups).<sup>17</sup> However, while this situation feeds the resentment from all those excluded at the UN and adds to the pressure to reform the UNSC membership, it often does not translate into a cohesive and recognizable EU activity within this body. Yet, a coherent voice of the EU member states on the matters under discussion in the UNSC is crucial to the credibility of CFSP and of the EU as a whole. Consequently, there is a strong pressure to enhance EU coordination inside and outside the UNSC and to then represent this coordinated and coherent CFSP position in an effective way on the UN stage. While this has been done with considerable success in the UN General Assembly and other UN bodies<sup>18</sup>, things in the UNSC have been developing much more slowly and painfully, if at all. This difficulty can be explained with two additional, deeply interrelated, factors. First, through UNSC coordination/representation, the CFSP penetrates into the core of the prerogatives of France and the UK, and inevitably limits their autonomy as UN permanent members. These two member states have no intention to relinquish their status as “great powers” and have therefore resisted any European interference.<sup>19</sup> Second, while the EU has proven capable of designing long-term and comprehensive foreign policy approaches, it has a structural difficulty in coordinating on short-term, and often robust, crisis management, which is the principal domain of competence of the UNSC. This is why Security Council coordination and

<sup>17</sup> Up to two from the Western European and Others group (WEOG), one from the Eastern European Group (EES) and, if only theoretically, one from the Asia group (Cyprus)

<sup>18</sup> See the considerable body of research on EU voting cohesion in the UNGA, e.g. Paul Luif, “EU cohesion in the UN General Assembly”, in: ISS, Occasional Papers, No. 49, December 2003 and Maximilian Rasch, *The European Union at the United Nations*, PhD Thesis, University of Essex, 2006

<sup>19</sup> Christopher Hill., *The European Powers in the Security Council: Differing Interests, Differing Arenas*, in LAATIKAINEN K.V. and SMITH K. (Eds.), 2006

representation is a crucial and challenging dimension of the development of European foreign policy.

Importantly, this cooperative effort is displayed at least at three different levels: in the capitals, in Brussels and in New York. The national policy on Security Council matters is formulated mostly in the capitals, and this is particularly true for all matters related to the reform of the UN body, which are part of the long-term strategic concept of each member state. It is generally recognized that Europeanisation and Brusselisation have been rather limited so far.<sup>20</sup> The two caveats mentioned above concerning the prudence of member states and the nature of the issues on the UNSC agenda constitute the main obstacles. In Brussels, UN issues are debated in various council working groups, and in particular in the CONUN (once a month) and in the PSC. CONUN (responsible also for UN reform), however, is often only an information session where issues are debated in general terms and following the agenda predetermined by the presidency<sup>21</sup>. Every six months the group meets at UN director level and there is an attempt there to provide some steering on UN policy. However, member states rely on their delegations in New York to do most of the work, including feeding them with information. Equally, for what concerns the PSC, the attempt to guide EU action in the Security Council is hampered by distance and by the very fact that often member states post their most senior ambassadors in New York, and these often are recalcitrant to receive steering from their junior colleagues in PSC. In addition, a key institutional problem is having an alignment between these various meetings, both in terms of timing and agenda.

New York, therefore, remains critical both for the day to day follow up of the negotiations and for the response to crises. And in the New York scene, the primary audience is the wider UN membership, not the European Union, especially on matters on the Security Council agenda. Although, a certain degree of socialization is common among European diplomats, this is often not enough to make them forget their job description as representatives of their national interest and prestige on the world stage.

Article 19 is the pivotal element of EU cooperation at the United Nations and codifies a practice that was already established in New York through the slow development of European Political Cooperation since 1970. Today Article 19 of the TEU states:

*“1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the common positions in such forums.*

*In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.*

*2. Without prejudice to paragraph 1 and Article 14(3), Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.*

*Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter”.*<sup>22</sup>

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<sup>20</sup> Maximilian Rasch, op.cit.

<sup>21</sup> Interview with Commission official, Brussels, 16 January 2008

<sup>22</sup> TEU, art.19

As it is clear from the second part of the article, the TEU established three types of obligations for the Member States serving in the Security Council: information (to the wider EU membership), concertation (among Members serving in the Security Council) and the “defence of the positions and interests of the Union”. Formally, then the article does not mention coordination nor representation, although there is a general duty to coordinate within international organisations.

In this sense, the institutionalization of this article in New York acquires different formats according to the actors and issues involved and the importance of the question under exam. Cooperation started with meetings on Friday mornings at the Heads of Mission level, already before the TEU. At this stage the issues discussed were the general on the agenda of the UN, while UNSC was absolutely “taboo”.<sup>23</sup> The two permanent members were jealous of their privilege in the Council and forced also the non-permanent members not to speak about such issues. This gradually changed through the EPC process and paradoxically, it was the UK ambassador Lord David Hannay, who in 1993 was the first to bring a Community position to the UNSC during a public meeting on the situation of Yugoslavia.<sup>24</sup>

Following this development, there has been incremental progress also on the representation side and notwithstanding the initial impediment of the lack of statehood and legal personality of the EU. Today, when on a particular issue debated in the UNSC there is consensus, the EU can put forward its common position in the UNSC. This has a double impact on the visibility of the EU in the world stage. Firstly, the Presidency (or much more rarely, on specific CFSP issues, the High Representative and on economic issues, a Commissioner) is invited to speak in the public meetings of the UNSC on behalf of the European Union. Secondly, the EU members seating in the UNSC give their statement after expressing their alignment to the EU position. It follows that the European Union gets to speak for as many times as are the member states seating in the UNSC.

For what concerns the coordination facet, a major breakthrough for the internal dynamic of CFSP was realised in the year 2000 when, under the French Presidency, Spain presented a paper on a “briefing” to be held weekly on issues debated in the UNSC. This pragmatic and informal solution assumed later the definition of “Art. 19 coordination meetings”. The letter of article 19 calls for consultation and information, however there was a strong pressure by the members states excluded from the Council to develop the practice of the *briefing* into that of more meaningful *meetings*. The format has been standardized.<sup>25</sup> “Article 19 meetings” are held on Thursdays afternoon in the Commission delegation building, where, since 1995, is installed a Liaison Office of the Council Secretariat, which attends the reunion together with a representative of the Commission delegation. Charing the meeting is a diplomat of the member state holding the Presidency, supported by an official of the Secretariat while on the other side of the table seats a representative of the Commission.

The content of discussion at these meetings is probably the most dynamic dimension in CFSP coordination in New York. The Presidency circulates among the European missions the agenda of the meeting, which can be modified by the member states and remains quite informally drafted and open to new points. First, the members that are sitting inside the Council brief the other EU members on what has been discussed during the week. Secondly, the monthly agenda of the UNSC is informally “debated”, with delegates from the various member states raising questions to the members sitting in the Council. This practice was

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<sup>23</sup> Francesco Paolo Fulci, “L’Unione Europea alle Nazioni Unite”, *Rivista di studi politici internazionali*, No.269, Gennaio-Marzo, 2001, p.39.

<sup>24</sup> Ibid.

<sup>25</sup> See the internal working paper adopted by the Council of Minister on the implementation of article 19 TEU, 16 July 2002, SN 3133/02

strongly sponsored under the Swedish Presidency in 2001 when the meetings became increasingly forward-looking. The states that want to maintain a higher profile in the UN, but that are not permanent members and especially Germany, Italy and Spain, are those that are keener towards this practice. Their idea is to institutionalize it to transform it in a real preparation to the UNSC meetings. This would allow them to “keep a foot” in the Council even when they are excluded from it.

This development however, is still very remote, at even the meetings are still mostly just “briefings”. Yet, as a member of the Commission delegation noted “the instrument of article 19 meetings, even if limited, is something that is absolutely advantageous for the EU member states.”<sup>26</sup> While the EU members are allowed to ask questions, the other UN members have to wait outside the informal UNSC meeting room and rely on information leaking out, or on the statements of the President of the Security Council, which are watered down, available also to the press and do not assess the different national positions inside the UNSC.

### ***Proposals to improve coordination and representation***

After the first diplomatic confrontation of Italy and Germany on the issue of UNSC reform ended with a resolution of the General Assembly in 1998, the debate on reform was internalized in the EU. The events that led to the NATO intervention in Kosovo, with the bypassing of the UNSC, had probably a strong impact in the determination of some member states to better coordinate their action in the Council, and to raise the profile of the EU. However it was also the bloc on the UNSC reform. The Kohl German government was divided and criticized at home for having pushed too much for a national seat, so at least until the end of 2001, there was an attempt to Europeanize the approach to UN reform.<sup>27</sup> The left to center Schroeder government and in particular the Foreign Minister Fischer was favorable to a EU seat in the UNSC as a long term goal.<sup>28</sup> This had a dual consequence on the German strategy: externally Germany proposed to devote its possible permanent seat to the European interest; internally it supported the possibility of a “European embryonic seat” or “European Laboratory.”<sup>29</sup> The diplomatic services of Germany, Spain and Italy worked intensively between the capitals and New York for about two years in preparation for the German and Spanish elective membership to the UNSC for 2002-2004.

The idea came from Italy that wanted to tame the German changed attitude by Europeanizing the debate with a concrete proposal (integration objective or “integrative balancing”). This consisted in having the delegation of one of the European non-permanent members “hosting”, a delegate from the European Presidency and one from the High Representative Secretary General for CFSP.<sup>30</sup> The idea varied from that of simply assisting to

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<sup>26</sup> Interview, Commission Delegation in New York. Cit.

<sup>27</sup> For an home critic to the German bid see for example Former German Chancellor Helmut Schmidt, quoted in German UN Aspirations Backed by Europe , Deutsche Welle, 24/09/2004, Available at <http://dw-world.de> , 22/3/2005.

<sup>28</sup> Asked on whether the claim for a German seat was realistic the neo-elected Foreign Minister said. “For me, a European seat would be preferable, to best fit the logic of European unification. But this is not in sight. That is doubtless why the issue of a permanent seat for Japan or Germany is so significant. Both are non-nuclear powers and both play a key role in the global economy. But this will also be very, very difficult” Interview with the German Foreign Minister Joscha Fischer, *Die Zeit*, 12.November 1998. Available at:

<http://www.globalpolicy.org/security/docs/fischer.htm> . Fischer has never abandoned the idea that a European seat would be the best solution : “The decisive question is whether or not there will be a European seat. I am very much in favour of this. However, we cannot realistically expect this to be achieved quickly ...” in Interview with Federal Foreign Minister Fischer on current political issues on n-tv television, 28.July.2004, available at: [http://www.auswaertigesamt.de/www/en/ausgabe\\_archiv?archiv\\_id=6026](http://www.auswaertigesamt.de/www/en/ausgabe_archiv?archiv_id=6026)

<sup>29</sup> For a brief discussion and critic of this proposal see: Fulci, 2001, op. cit., p.41 and S. Blavoukos and D. Bourantonis, op. cit., p. 18-41.

<sup>30</sup> Fulci, op. cit, p.41.

the Security Council meetings and collecting information to that, eventually, of the national delegate leaving the floor to let the EU delegates intervene in the debate. This project would have not necessitated any amendment of the Charter and would have granted the EU with greater visibility and a better knowledge of the international situation. The delegates from the HR/SG and the Presidency would remain in a listening mode, and this would allow them to have a better view of the issues under discussion to then coordinate outside the Council in New York and eventually in Brussels with the member states. Even the High Representative for CFSP Solana supported this initiative in a briefing to the European Parliament in November 1999.<sup>31</sup> However, the two permanent members are not ready to accept the presence of a representative of the EU in the UNSC by default. They prioritise “external effectiveness” and their view is that it is not desirable to maintain in the Security Council a too cohesive profile among the European members. This would be interpreted as a sort of ‘blockism’ by the other UNSC members, who would then probably also try to create among themselves artificial groups paralyzing the UNSC.<sup>32</sup> A common position requires an effort of internal negotiation among the EU member states, and once specified, it does imply a static contractual profile. That is why the permanent members currently prefer negotiating informally among themselves in the UNSC, with the United States, Russia and increasingly with China. They define in this way their national position, and then impress it upon the rest of the EU member states. This strategy is advantageous because it allows them to maintain a more autonomous profile in the UNSC and to preserve their status. Once the decision is made, if there is consensus among the EU member states the EU Presidency or more rarely the HR/SG is invited to the Security Council open meeting to rap up the pre-cooked meal.

With the entrance of Germany and Spain in the Security Council in 2002, the proposal eventually declined and was not re-proposed explicitly even with the election of Italy in 2006. As a consequence, other proposals for EU “concertation” in the UNSC are being explored by Italy and Belgium during their term as rotating members.<sup>33</sup> These are more pragmatic and result-driven and include increasing the coordination among the EU members seating in the UNSC, in the capitals, in Brussels and in New York. The presidency is also invited in these meetings and serves as a link with the rest of the EU membership. Clearly, though, these efforts are not institutionalized and can vary depending on the EU members actually elected in the UNSC and on whether they are interested in EU coordination. Further, one may expect a general preference towards favoring a roll-back in these practices on the part of UK and France.<sup>34</sup>

Evidence that the structural-institutional critique to the Italian-Spanish-German proposal is actually driven by purely national interests comes from the offer made by France to Germany to “include a German diplomat in Paris’ delegation to the UN”.<sup>35</sup> In practice France, in homage to its ever closer cooperation with the European partner, would have accorded to Germany the way to remain in the Council after the end of the term as non-permanent member in December 2004. Apparently the pact was proposed by France already in 2003 as a fall back position in case of a failure to reform the UN. As the governmental source of the *Financial Times* commented, it would have meant the “sharing” of the permanent seat<sup>36</sup>

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<sup>31</sup> Michael Mann, Solana Backs Fixed EU Seat on the Security Council, Reuters, November 17, 1999. Available at <http://www.globalpolicy.org/security/reform/solana.htm>

<sup>32</sup> A. Mählmann, Op. Cit., p. 27

<sup>33</sup> See Drieskens, Marchesi and Kerremans, 2007, op.cit.

<sup>34</sup> Antonio Missiroli and Sven Biscop have suggested a possible window of opportunity for France and the UK in that sense, with the new term for elected members, when it is likely that the WEOG and EES group will have non-EU members (Croatia has been already elected; for the WEOG group Austria, Iceland and Turkey are running). IAI Conference, Rome, 30 November 2007.

<sup>35</sup> Hugh Williamson, “Germany to fight for seat on Security Council”, *Financial Times*, 9.November.2004.

<sup>36</sup> Ibid.

between the two countries forming the “Europe motor”. Germany refused, to avoid diluting the pressure on UNSC reform, something that instead is in the interest of France to do (inter-relational objective). In fact, a similar arrangement was actually put in place by Brazil, which in 2004-2005 hosted an Argentinean diplomat in its delegation to the UNSC.

***Obstacles and Prospects for coordination and representation: realist, institutional and sociological perspectives***

There are three main factors that limit the positive trend of EU cooperation on security issues and that make this an incremental and gradual process. First, from a realist point of view, there is the resistance of the two permanent members to any attempt to interfere with their exclusive prerogatives as permanent members. The EU is invited in public meetings of the UNSC when basically the decisions have already been taken and the states are just formalizing their positions. The Presidency is kept out of the most important moment of negotiation and deliberation, which takes place within the closed doors of the small room of informal consultations, the “*sancta sanctorum*” of Security Council’s exclusiveness.<sup>37</sup>

Secondly, the French and British behaviour is only possible within an “institutional context”, which locked them into a privileged position. If it is true that their position in the UNSC hinders a certain type of development in CFSP, e.g. more EU coordination and representation in the UNSC, this condition/context is historically established in the UN Charter. This is further safeguarded by the letter of the TEU provision that at the very last sentence of article 19 prioritizes their interest and responsibility towards the UN as permanent members, over their membership of the European Union.<sup>38</sup>

A similar but reverse logic pushes the temporary rotating members to cooperate with the other EU member states and inform them, although this effort varies.<sup>39</sup> In this sense, the deadlock at the UN institutional level (no UN reform) produces pressure on them to coordinate/integrate to gain permanent access to the Security Council. This was clearly the case following 1998, when also Germany, frustrated in its bid to a permanent seat, saw in the EU coordination process an anticipation of the EU presence in the Security Council (integration objective) or an occasion to access this body from the outside. On the contrary, as Mählmann notes, the permanent members use these meetings to dilute the pressure toward reforming the composition (inter-relation objective).<sup>40</sup>

Thirdly, from a sociological perspective, the practices and norms surrounding Security Council membership hinder the capacity of member states to push for change. As a Belgian Permanent Representative put it, when the EU member enters the Security Council, it “enters into another world with its own rules of procedure, tacit understandings, negotiation culture and political dynamics”, where simply defending EU common positions could be counter-productive.<sup>41</sup> Even the most reformist and integrationist member states are limited by what is ‘appropriate’ in the UNSC,<sup>42</sup> and once they actually enter the UNSC they have to act in symphony with the permanent members, if they don’t want to be marginalised. There is no way to ‘force the hand’ in the Security Council or to impose a solution that is not shared by

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<sup>37</sup> Francesco P. Fulci, op. cit., p.38.

<sup>38</sup> Panos Tsakaloyannis. and Dimitris Bourantonis claim that this sentence was introduced to “foreclose” the debate on a EU representation”, op. cit., note 25, p.200.

<sup>39</sup> Interview in the Commission Delegation in New York, April 2005, see also Drieskens, Marchesi and Kerremans, op.cit.

<sup>40</sup> Anja Mählmann, Brussels goes New York : the EU and its institutions as actors on the United Nations stage, College of Europe, 2002. For the terms Keukeleire and MacNaughtan, op.cit.

<sup>41</sup> See for instance Verbeke, in Wouters (eds) op.cit. p. 54

<sup>42</sup> Interview, Council Secretariat, December 2006, Drieskens, Marchesi and Kerremans, op.cit.

the rest. The somewhat cautious, 2007-2008 Italian term in the Security Council, provides a perfect example in this sense.<sup>43</sup>

The final result of these rational, institutional and social logics is conducive to a sort of limited fusion.<sup>44</sup> In this sense, federalist and intergovernmental strategies coexist within a complex institutional configuration, where the overall EU presence is increasing incrementally while, at the same time, the member states maintain and actually enhance their control and legitimacy.<sup>45</sup>

We can then turn briefly to the European reform process, which is arguably parallel to the one taking place at the UN. Pending the ratification of the 2007 Lisbon Treaty, it is worthwhile looking at this text, and to analyse what modification it introduces that are more interesting for EU’s role in the UN Security Council.

### 3. Developments with the Lisbon Treaty

The Common Foreign and Security Policy is certainly influenced by a number of EU domestic and international factors such as the end of the Cold War, the German reunification and the Eastern enlargement and the disintegration of Yugoslavia. The main thesis of this paper is that the institutional set-up in New York should also be factored in within this equation.

It has been argued that, as a consequence of the 2004 and 2007 enlargements, the EU CFSP is currently at a crucial crossroad.<sup>46</sup> The option on the table is either pushing forward the process of supranational integration, and in a way, *communitarizing* the foreign policy of the member states or, on the other hand, strengthening the mechanisms of enhanced and flexible cooperation while maintaining a strong member states control and participation. The latter alternative is the most probable at this stage and entails exploring more consistently the diversified patterns of flexibility including mobile contact groups and more permanent directories.<sup>47</sup> The question is whether the two paths are mutually reinforcing, as argued by the fusion theory, or whether there is no way back once an institutional decision is taken. The reform of the UN Security Council could play in this difficult context the role of a catalyst, or of “critical juncture”, building momentum towards one or the other direction of CFSP development.

The Lisbon Treaty<sup>48</sup> has maintained most of the institutional reforms that were contained in the Constitutional treaty, particularly in the domain of external relations. Although the text has not been ratified it traces the path of future institutional development. Considerations on the opportunity of establishing an EU seat in the Security Council were

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<sup>43</sup> Ibid.

<sup>44</sup> Wolfgang Wessels, “An Even Closer Fusion? A Dynamic Macropolitical View of the Integration Process“, *JCMS*, Vol 35, No 2, 1997, pp. 267-99

<sup>45</sup> See, for instance, the arguments of A.S. Milward., *The European Rescue of the Nation-State*, Routledge, London, 2000

<sup>46</sup> Heinz Gartner, Adrian Hyde-Price, Erich Reiter (ed.), “Europe’s New Security Challenges”, *Rienner Publishers*, London, 2002.

<sup>47</sup> Peter Schmidt, “The Compatibility of Security Organizations and Policies in Europe”, In Heinz Gartner, Adrian Hyde-Price, Erich Reiter (ed.), *ibid.* p.161 and Jan Zielonka, *Europe as Empire: The Nature of the Enlarged European Union*, Oxford University Press, Oxford 2006

<sup>48</sup> Formally signed on 13 December 2007, the Treaty Amending the Treaty on European Union and the Treaty Establishing the European Community Lisbon Treaty: Henceforth known as the Lisbon Treaty.

already part of the IGC on a Political Union that prepared the Maastricht Treaty<sup>49</sup>. Consequently, during the 2003 Convention on the Future of Europe, the issue of the representation of the EU at the UN was extensively debated in the working group VIII on external action and III on legal personality.<sup>50</sup> The spectrum of a European seat in the Council was put forward and then turned down both for legal and political considerations. It was agreed that it was more “realistic” for now to only moderately enhance the capability of the EU members of speaking with a single voice in the UNSC. Many, nonetheless, among which the European Parliament has been a forerunner,<sup>51</sup> consider the European constitutional development as a slow process that necessarily will lead to a common representation at the UN.<sup>52</sup> This would rationalize the EU action in that forum, although it will definitely reduce the European numerical representation in that forum.

The most important institutional element to be agreed upon for such a development to unfold in a meaningful way, remains the passage to qualified majority decision-making in CFSP. This occurrence was ruled out in the Lisbon treaty as in the Constitutional Treaty and is unlikely to re-present itself in the coming years. In addition to this, the strategic cultures and national preferences of member states still diverge a lot. Therefore, without majority voting, the ideal situation of a common seat in the UNSC would have dreadful consequences of ineffectiveness, with the whole EU condemned to presenting lame positions or to constantly abstaining.<sup>53</sup> Although the achievement of common positions on matters of war and peace happens increasingly more often within the EU, a fracture such as that happened in the case of Iraq is enlightening of what could happen in the UNSC if the EU had a seat. The result was disastrous for the credibility of European Union CFSP.

### ***Legal personality for the EU and Art. 34***

The first development coming from the Lisbon treaty is that the Union finally assumes legal personality and that the separate “Community Pillar” disappears.<sup>54</sup> This provision, resisted for years by France and the UK, could have in the long-term a beneficial effect for the EU in the UN and not only in the UNSC. The EU, in fact, can now as such assume obligations and sign treaties with the United Nations. Also here though, the innovation would not have all its effect until the United Nations reforms itself to accept the membership also of regional organizations. The simple European provision granting personality to the EU would not be sufficient for the Union to take a seat as such in the UNSC, which shows once again how the two reform processes are linked. Notwithstanding these doubts, there is no question that, at least in principle, the granting to the EU of international personality is a major step forward from a legal and institutional point of view.<sup>55</sup> In turn, the EU personality could lead to major developments in various UN bodies, and notably in the General Assembly. Here the EU will

<sup>49</sup> Panos Tsakaloyannis. and Dimitris Bourantonis , op. cit

<sup>50</sup> European Convention, Working group VII 10, CONV 385/02, 5 November 2002, par.7 <http://register.consilium.eu.int/pdf/en/02/cv00/00385en2.pdf> , and the Revised draft final report, Working document 21 REV 1, Working Group VII, Brussels, 22 November 2002, par. 68. <http://european-convention.eu.int/docs/wd7/5573.pdf>

<sup>51</sup> See the Resolution of the European Parliament on the Reform of the United Nations, PE 357.491\ 1 6 June 2005 (Rapporteur Armin Laschet). The resolution sees a European Seat as the only desirable development, although it acknowledges the necessity of a provisional reform that would not hinder this long term goal.

<sup>52</sup> Also the Relex Commissioner Benita Ferrero-Waldner spoke in favour of a EU seat in New York. Honor Mahony, “External relations Commissioner calls for EU seat in UN”, *EU Observer* ,25.January.2005.

<sup>53</sup> Bardo Fassbender, “The Better Peoples of the United Nations? Europe’s Practice and the United Nations”, *The European Journal of International Law*, Vol.15, No.5, .2004, 882.

<sup>54</sup> New article 47 TEU

<sup>55</sup> Inge Govaere, Jeroen Capiiau and An Vermeersch, “In-Between Seats: The Participation of the European Union in International Organizations” *European Foreign Affairs Review* 9: 155–187, 2004.

have to apply for an enhanced observer status, as the simple succession to the EC would relegate it to speaking at the end of every debate, after all member states.<sup>56</sup> The Reform treaty in fact, also eliminates the rotating presidency, which has constituted until now an easy way for the EU to present common positions through the mouthpiece of an actual UN member. In the UNSC for instance, since neither the new permanent president of the Council (art 9B) nor the double-hatted High Representative for Foreign Affairs and Security Policy, and Vice President of the Commission (HR/VP) will be formally linked to a member state, they will have to speak following art 39 of UNSC provisional rules procedure (observers and other parties), while as to now the EU presidency was able to speak following art 37 (for member states). However in the Security Council this should not constitute in itself a big hurdle, as long as the HR/VP is supported/invited by the member states. Art 39 would anyway constitute an advantage in terms of visibility/identity, as the EU would speak behind its own nameplate instead than a member state’s one.

A second interesting aspect comes from the reformulation of article 19 (now article 34) that now states:

*“Member States which are also members of the United Nations Security Council will concert and keep the other Member States and the High Representative fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.”*

The reference to the “permanent members” is finally eliminated. Though in the European context this change of formulation could help re-establish the equality among EU member states inside the Council, it does not have any effect on the prerogatives of France and UK as veto holders in the UN framework. Fassbender minimizes both the *raison d’être* and the implications of this amendment. This view is supported by the preservation of art.19’s last sentence that prioritizes the UN responsibilities over EU membership.<sup>57</sup> Nevertheless, even this minor change in the formulation is a further acknowledgement of a gradual evolution from the initial national perspective and testifies of the great pressure for the modification of this article both during the Convention and the IGCs.

### ***The High Representative for Foreign Affairs and Security Policy***

The third and probably most important development coming from the Lisbon Treaty in the CFSP domain is the establishment of the double-hatted HR/VP.<sup>58</sup> This, together with the other new figure of the long-term European Council President is supposed to give consistency to the external action of the European Union, also by eliminating the division in pillars. This innovation was long awaited to tackle the problem of the dispersive representation of the EU. The HR/VP could give the EU a single voice in New York, especially in combination with the new provision of article 34.3 third paragraph that states:

*“When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the High Representative be invited to present the Union’s position.”*

The insertion of this provision should not mislead. It is the codification of an already established practice that has seen the High Representative Javier Solana invited more and more often in the UNSC open meetings to express a CFSP common position. In short, the presence of the HR/VP or of his/her representative in the Security Council will continue to be

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<sup>56</sup> Politically, though, applying for enhanced status could have a domino effect on other regional organisations with observer status in the GA

<sup>57</sup> Bardo Fassbender, op. cit., p.881.

<sup>58</sup> In particular see new art. 18 and 27 TEU

dependent on the good will and invitation of the member states (including France and the UK). Obviously, when such a common position has been negotiated by unanimity among the capitals and in Brussels, the EU members in the Council are by definition bound to it.

To change the quality of EU coordination in the Council the role of the HR/VP should be also enhanced in the ascending phase of the decision making process, in the closed door meetings of the Council, at least to allow him/her to be well informed of the situation. Nevertheless, the innovation is considerable and there great expectations towards the possible impact of this new institution.<sup>59</sup> As the Convention had already noted, a unified figure dealing with CFSP would definitely “improve the visibility, clarity and continuity of the Union on the global stage”,<sup>60</sup> in particular for its responsibility in the growing EU capabilities in crisis management. In addition, the effectiveness of the HR/VP would be greatly strengthened by the establishment of the *External Action Service*. Although, the actual configuration of the service is still to be negotiated in Brussels, it is quite clear that the creation of this service would have immediate spill-over effect on the whole EU machinery in New York, rationalizing and streamlining the external and diplomatic action by merging the Commission delegation with the Liaison Office of the EU Council. The new EU delegation will then have to be properly staffed, also to be able to take on the tasks currently performed by the rotating presidency. The secondment of national diplomats in the service should provide expertise on UNSC functioning and insight of national positions.

In conclusion, there is some evidence, that the provisions of the Lisbon treaty, if ratified, would establish some incremental improvements in the institutional context of EU presence in the Security Council. The HR/VP would be equipped with the necessary status and tools to play a role in the current configuration, and to go beyond that, in case in the future the idea of a EU laboratory or even of a common representation, becomes a reality. Needless to say, the letter of the treaty will then have to be put in practice, and the initial phase will be crucial. Also for this reason, the UK insisted on adding a declaration to the Treaty, stating that the reforms should not have repercussion on members states participation in the UNSC.<sup>61</sup>

It was shown how the problem of the reform of the Security Council has always accompanied the debate on the development of CFSP, since the 1990s. To a certain extent the lack of reform of the UNSC, has translated in efforts to improve upstream EU coordination. I will now turn briefly to analyse some of the UNSC reform proposals on the table, to test again the initial hypothesis of the link between CFSP and the UN structure.

#### 4. UN Security Council Reform

After the so-called “procedural battle” of 1997-1998, during which for the first time Germany and Italy confronted each other diplomatically on the issue of Security Council reform, the UNSC reform debate was put aside. However, while the structural driving factors to change remained the same (the UNSC’s lack of legitimacy, representativeness and effectiveness), the UN reform momentum picked up again in 2003-2004 leading to the 2005

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<sup>59</sup> Interviews in the Council and Commission. 2005 and 2007,2008.

<sup>60</sup> European Convention. Final report of Working Group VII on External Action CONV 459/02, Brussels, 16.December.2002. Par. 67

<sup>61</sup> Drieskens, Marchesi, Kerremans, op.cit, p.425. In this context, the position of the UK is also informed by the public opinion’s scepticism towards the EU and towards the Reform treaty in particular. The Foreign and Commonwealth Office, for instance, included in its website, the idea that the Lisbon treaty would lead it to eventually relinquish its permanent seat in the UNSC as one of the “myths” on the new treaty. See FCO website <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1184758750520>

Millennium Summit. The Summit, did produce some reforms of the UN structure, functioning and policies, contained in the Outcome Document<sup>62</sup> and latter discussed in the follow-up. Some of the innovations, such as the Peace Building Commission and the Human Rights Council are definitely worth noting, and are already providing new venues for European representation. However for what concerns the UNSC the situation remained stalled, with discussion postponed repeatedly to December 2005, summer 2006<sup>63</sup>, and February 2007, and November 2007. At the beginning of 2008, the process seems again to have gained pace, as the UNGA President Srjan Kerim is trying to step up the 15 years long consultations within the Open Ended Working Group into an actual intergovernmental negotiation over a single paper and some “negotiables” to begin before the end of the 62<sup>nd</sup> UNGA session.<sup>64</sup> Also here though, it is hard to say whether the process will lead to any result even if the member states were to accept the suggestions proposed by the facilitators in early 2007 about agreeing on a framework for a temporary reform, e.g. until 2020.<sup>65</sup>

Although, since the beginning of the 1990, the UN membership has displayed considerable ingenuity in proposing new and different reform models, what is quite clear is that the actual positions have remained mostly immobile. The same is true for Europe, where the main positions crystallized around 1993, with the TEU. In effect, the deadlock on Security Council does not depend only on the fracture inside Europe but is a genuinely global puzzle.

In the following pages I will analyse only the reform proposals on the enlargement of membership, which is by far the most important theme, although the dossier includes also many other issues such as the working methods, the relations with the wider membership, or the use of the veto. In this reform cluster, the first aspect that it is important to keep in mind is the trade-off that exists between expanding the membership and the representativeness of the UNSC, and decreasing its efficiency in taking swift and meaningful action.<sup>66</sup> Of course, effectiveness is the first concern of the current permanent members, and notably the US, while the rest of the UN membership is more keen on the rhetoric on legitimacy and equitable representation.

Following the report of the High Level Panel on Threats Challenges and Changes (HLP)<sup>67</sup> one can identify three main proposals currently on the table. The A model proposed by the HLP, modified and presented as a resolution by the G-4 (Brazil, Germany, India and Japan); the B model (or Blue model) supported by the Uniting for Consensus (UfC) movement of the middle sized countries (e.g. Italy and Pakistan) and the green model, a fall-back position sponsored by those that don't want an increase in permanent members.

Among these models, A and B proposed by the HLP can still be considered as good ideal-types of the alternative options on the table. Both A and B models propose an increase of 9 members, up to 24, with a more equitable representation of the developing countries and, at the same time, without excessively affecting the efficiency of the Council. In fact, veto would not be accorded to any of the new members. Instead, a mechanism of “indicative

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<sup>62</sup> United Nations General Assembly, 2005 World Summit Outcome, 15 September 2005, A/60/L.1

<sup>63</sup> For a good summary of the last UN meeting on the issue of Security Council Reform see: United Nations General Assembly, General Assembly resumes debate on Security Council reform with several divergent proposals still under consideration, Press Release, 20 July 2006. Available on [www.un.org/news/press/docs/2006/ga10484.doc.htm](http://www.un.org/news/press/docs/2006/ga10484.doc.htm)

<sup>64</sup> For the latest developments, see [www.reformtheun.org](http://www.reformtheun.org)

<sup>65</sup> United Nations, Report Of The Facilitators To The President Of The General Assembly On The Consultations Regarding “The Question Of Equitable Representation On And Increase In The Membership Of The Security Council And Other Matters Related To The Security Council” April 19, 2007, New York

<sup>66</sup> For the position of the UN membership on the issue see, [www.reformtheun.org/index.php?module=uploads&func=download&fileId=1732](http://www.reformtheun.org/index.php?module=uploads&func=download&fileId=1732) 14/3/2008

<sup>67</sup> High Level Panel on Threats, Challenges and Changes. A more secure world: Our shared responsibility, United Nations, New York, December 2004

voting” is designed to limit the use of the existing veto rights. This would precede the actual voting in giving a “public indication of the positions on a proposed action”.<sup>68</sup>

Another important element in common is the distribution of the seats in the Council in four “major regional areas”: Africa, Asia and Pacific, America and Europe. For the Security Council, then, there would be a rationalization of the electoral groups, with a major impact on the European states, that would see the current two regional groups WEOG and EES merged in a single entity. Every one of the four regions would get 6 members in the Council comprising both permanent, non permanent or other categories of members (6 X 4 = 24).

Looking at the differences, Model A “provides for six new permanent seats (...) and three new two-year term non-permanent seats”.<sup>69</sup>

#### MODEL A

REGIONAL AREA	Number of States	Permanent seats (Continuing)	Proposed new permanent seats	Non-permanent seats (Continuing)	Proposed two-year seats (non-renewable)	TOTAL
Africa	53	0	2	3 <sup>70</sup>	1	6
Asia and Pacific	56	1	2	2	2	6
Europe	47	3	1	3	- 1	6
America	35	1	1	2	2	6
<b>TOTAL</b>	191	5	6	10	3	24

Model B, “provides for no new permanent seat but creates a new category of eight four-year renewable-term seats and one new two-year non-permanent (and non-renewable) seat”.<sup>71</sup>

#### MODEL B<sup>72</sup>

REGIONAL AREA	Number of States	Permanent seats (Continuing)	Proposed four-year renewable seats	Non-permanent seats (Continuing)	Proposed two-year seats (non-renewable)	TOTAL
Africa	53	0	2	3	1	6
Asia and Pacific	56	1	2	2	1	6
Europe	47	3	2	3	-2	6
America	35	1	2	2	1	6
<b>TOTAL</b>	191	5	8	10	1	24

#### ***Model A: new permanent and non permanent members***

The two proposals would have completely different meanings and opposed impacts on the EU CFSP. In Europe, Model A was immediately embraced by Germany. At the 59<sup>th</sup>

<sup>68</sup> High Level Panel Report, Op. Cit., par. 257.

<sup>69</sup> Ibid., par. 252

<sup>70</sup> Currently one of the non-permanent members alternates from Africa to Asia, in order to allow an Arab state (either from Asia or from Africa) to be always in the Security Council

<sup>71</sup> Ibid., par. 253

<sup>72</sup> The two tables reported are a synthesis of the tables of the High Level Panel Report Op. Cit., p 81 and the tables reproduced in Francesco P. Fulci, “All’ONU l’Italia non merita di essere declassata”, *Affari Esteri*, No.145, 2005, p.75.

UNGA in September 2004, Germany, Japan, Brazil and India signed a common declaration stating that they would have supported each other’s bid to a permanent seat in the UNSC. An analysis of the evolution of the German position is relevant at this point. Germany had become increasingly more assertive in campaigning for a seat since the beginning of 2004 when the end of its term as non-permanent member in the Council was approaching. Chancellor Schroeder gave speeches at the Security Academy in Berlin and then in front of the Federal Parliament on March 25<sup>th</sup> 2004 in which he expressed the will of Germany to become a permanent member, in consideration of its contribution and commitment to the UN. Schroeder mentioned the support of France, Japan and Russia. The campaign escalated when, on the 14<sup>th</sup> of July, Germany and France circulated a common paper to all the delegations in New York demanding the support for an enlargement of the UNSC in a way very similar to the proposed 1997 Razali plan, also known as the quick fix (expansion of non permanent and permanent members with incorporation of Germany and Japan among the latter group)<sup>73</sup>. France expressly supported the German ambition.<sup>74</sup> Shortly after, also the UK expressed its support for the G-4.<sup>75</sup> A large majority of countries supports the principle of Model A, of expanding permanent and non-permanent members. The trouble is that, as former Italian UN ambassador Fulci argues, this wide support is only in principle, spurred by the will of all the developing countries to have a representative of the Southern hemisphere permanently seating in the UNSC, This type of support tends to disappear rapidly when it is time to choose which state would actually seat in the UNSC. This is why for many states the only acceptable “fall-back” position is an enlargement of only non-permanent members, as was recognized by the Non Aligned Movement and by the African Union.<sup>76</sup> The African Union, in this sense, has so far played a crucial role in impeding the reform, as it has constantly campaigned for two African veto wielding seats, while the G-4 lobbies more realistically for permanent seats without veto.

### ***Model B: new four-year renewable seats (Blue Model)***

Model B’s structure is instead more congenial to states that don’t want an expansion of permanent members. It takes out the prohibition of re-eligibility for a certain category of states that are prominent in their region for their contribution to the United Nations according to Article 23.<sup>77</sup> Interestingly, the Panel extended this aspect to both models, recommending that the contribution criteria be applied to all the states aspiring to permanent membership (model A) or to the four-year renewable seats (model B). Until July-August 2004, model B

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<sup>73</sup> The Razali proposal, named after the Malaysian Ambassador then President of the GA, was presented in March 1997 and is available at <http://www.globalpolicy.org/security/reform/raz-497.htm>, 15/4/2005

<sup>74</sup> Franco-German Paper on Security Council Reform, German UN-Mission, New York, 14 July 2004, par.7.

<sup>75</sup> Speech by the Foreign Secretary, Global Security is our Shared Responsibility, New York, 23.September.2004.

[http://www.ukun.org/articles\\_show.asp?SarticleType=17&Article\\_ID=768](http://www.ukun.org/articles_show.asp?SarticleType=17&Article_ID=768)

<sup>76</sup> See for example, NAM XII Summit, Final document, Durban, 2-3 September, 1998, chap.66 <http://www.nam.gov.za/xiisummit/index.html> 5/4/2005

<sup>77</sup> Paragraph 254 of the HLP Report states that in electing the new permanent members or the longer-term members, preference should be given by the General Assembly to those States that are among the top three financial contributors, or voluntary contributors or troop contributors, in their relevant regional area. Op. Cit. p. 82. Such a provision, appreciable per se, was immediately criticized by everybody for model B, in the sense of not institutionalizing such a “preference” and to make every state eligible for the longer-term seats. See for example, Marcello Spatafora, Statement Permanent Representative of Italy to the UN, UN General Assembly, Informal consultations on Cluster IV “the imperative for collective action : strengthening the united nations” NEW YORK May 2, 2005, available at: [http://www.italyun.org/docs/statemen/2005\\_05\\_02\\_CLUSTER4.htm](http://www.italyun.org/docs/statemen/2005_05_02_CLUSTER4.htm) , 5/5/2005

was the only one discussed inside the Panel of wise men.<sup>78</sup> Afterwards the G-4 states were then able to lobby the Panel to add the alternative model A by threatening to trash the whole report if an alternative was not presented

Model B’s main difference with Model A is that the new category of seats will still be elective, and, as argued by the proponents, would enhance the accountability of the members elected to the UNSC to their regional constituency. It would therefore also entail the setting up of some kind of regional mechanism for electing the rotating member. While this seems a possible task for Europe, it could create some difficulties in the other regions. What if a region is not able to elect a long-term member? In this sense, Model B is complicated, and the concept of renewable or rotating seats, on which it stands, has been criticized for creating another category of membership, without clear cut understanding of what would be the criteria of eligibility. Finally, the model is looked with suspicion by the small member states, which will see a relative reduction in their already bleak chances of ever in the Council. Nevertheless, as an expert of this question put it, while Model A creates members, Model B creates seats, therefore avoiding establishing new status quo situations that would not be flexible and adaptive to the changing world.<sup>79</sup> For this reason, today like it has been for fifteen years now, the debate on UNSC membership expansion is really a debate on whether to have new permanent members, or whether to only expand non-permanent seat. In this sense it is worth to mention the “Green Model” proposal presented by the movement ‘Uniting for Consensus’, led by Italy, Spain, Pakistan and other traditional members of the so-called ‘Coffee Club’, and that has been trying to rally consensus towards only non-permanent member expansion as a fall-back on everybody’s “dream solution”<sup>80</sup>

The Green model<sup>81</sup> would add 10 new elective seats. The seats would be equally distributed to the regional areas and would leave the possibility of re-election. This model would avoid the third category states of Model B (blue) while at the same time obtaining a similar result. All states would be eligible to the 20 non-permanent seats, without preconditions, but regional groups would be free to develop their own rotation mechanisms for these seats, in order to have some states achieving membership more often than others. This model would then also channel a potentially growing role for regional organizations and it would leave the door open for more ambitious solutions that would need charter modifications, as that of regional representation.

### ***Implications for the EU***

In general, Model A is more simple to understand and to communicate to the media and probably more easy to implement. Depending on the vision that one has of the future of CFSP, Model A can present advantages or serious shortcomings. In fact, while it is true that a permanent seat to Germany would enhance the voice of Europe in the world (especially considering the German commitment to CFSP and its continued assurances that the seat would be used “in the interest of the Union”), European states would lose an elective seat with the foreseen new regional distribution of seats. With France, the UK, Germany and Russia permanently in the UNSC, there would be 43 states from Western and Eastern Europe rotating between 2 two-year non renewable elective seats. Facing this lost opportunity to retain a seat frequently it is no wonder that countries such as Italy, Spain are not very enthusiastic about

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<sup>78</sup> “The United Nations. A winning recipe for reform? After Iraq, some ideas for rescuing the UN”, *The Economist*, 22.July.2004.

<sup>79</sup> Diplomat 2, Interview via electronic correspondence, 25 April 2005

<sup>80</sup> M. Spatafora, Speech by H.E. Ambassador, Permanent Representative of Italy, on Security Council Reform United Nations General Assembly, New York, July 20, 2006, available [www.italyun.org/docs/statemen/2006\\_07\\_20\\_Spatafora.html](http://www.italyun.org/docs/statemen/2006_07_20_Spatafora.html)

<sup>81</sup> Global Policy Forum. Website. <http://www.globalpolicy.org/security/index.htm> 15/3/2007

the proposal. An important attenuation of this prospect was wisely included by the Panel and is now under intensive discussion, in order to decrease the “once and for all” feeling, that raises the resistance to reform: paragraph 255 recommends for a review in 2020 of the composition of the UNSC in order to possibly make some modifications. However, considering the difficulties encountered for this first reform it is unlikely that a review after fifteen years would have any success.<sup>82</sup>In effect, this idea which was included also in the 2007 facilitators report would hardly solve any problem, as the G-4 demand to serve in the UNSC for the whole temporary period, while their opponents obviously continue to lobby rotation and election over shorter periods.

Notwithstanding this, according to positions expressed in the General Assembly, an important number of European states still sustain the German bid for a permanent seat. Though it is difficult to identify clearly these states, since in Europe the position on this issue are often maintained only implicitly, Belgium, the Czech Republic, Denmark, France, United Kingdom, Greece, Iceland, Latvia, Lithuania, Poland, Portugal and Ukraine have all expressed their support for the position of the G-4<sup>83</sup>. An interesting study would attempt a further explanation of such preferences, beyond the reasons underlying the French and British position, which are well known.<sup>84</sup>Most of the time, expression of support are motivated by the overarching lack of confidence that the reform will actually ever occur. In this sense, supporting a powerful country aspiring to permanent membership can guarantee diplomatic gains, and sometimes financial, gains at zero cost. This is no different in the EU, where member states have carried out exclusively national strategies and where the Brussels arena has been bypassed completely. Finding a consensus on the UNSC was impossible and, as Hill argues, the resistance of the two European Permanent Members to discuss a European seat in the framework of CFSP has “backfired” the acrimonious competition between Italy and Germany as the latter decided to take the national path towards a seat.<sup>85</sup>

All this seems to corroborate our main hypothesis, that there is a link between UN reform and CFSP. On the one hand, the success of either one of the models, considered as ideal-types, could have a lasting and different effect in terms of institutional opportunity and path dependency on the future development of European foreign policy.<sup>86</sup>On the other hand, it was shown how also the stalemate in reforming the UN level has had an impact on CFSP, as it has raised the willingness of the key EU member states to coordinate.

## 5. Building CFSP and Reforming the UN Security Council

After having analyzed the “conundrums” of the reform of the UNSC<sup>87</sup>and having discussed the challenges behind the intra-EU coordination, it is possible to advance some educated guesses on what would be the impact of a possible reform on the development of CFSP. The question is, will the reform enhance Europe’s role as a single actor? Two models of reform have been proposed and are still under discussion in New York: Model A and Model B. The former could elevate Germany to permanent membership in the Council, in

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<sup>82</sup> High Level Panel Report. Op. Cit., p. 82.

<sup>83</sup> See the November 2008 round of consultations in the UNGA. Factsheet at [www.reformtheUN.org](http://www.reformtheUN.org)

<sup>84</sup> C. Hill, “The European Powers in the Security Council: Differing interests, Differing arenas”, in K.V. Laatikainen and K. Smith (Eds.), op.cit pp. 49-70

<sup>85</sup> Ibid, p.57

<sup>86</sup> For similar conclusion from a realist point of view see Christopher Hill, “The European Dimension of the UN Security Council Membership Debate”, *International Spectator*, Vol. XL, No 4, October-December 2005

<sup>87</sup> W. Zacher. Op.Cit

recognition of its impressive contribution to the United Nations. This new status would probably come deprived of the veto power but it would in any case greatly increase Germany's ability to influence the Council's decisions. The latter model instead would create for Europe as a region, two new national four-year elective seats, allowing the chosen members to be re-elected by the regional constituency. Any European state contributing prominently to the maintenance of peace and security and to the UN would be eligible for those seats. After this brief introduction it is convenient to elaborate on the two possible scenarios..

### ***Scenario A. Directoire in CFSP***

Model A must be analysed in the perspective of an enlarged EU. In this context it seems inevitable that the EU member states endorse some kind of flexible engagement into foreign policy issues, so that those "willing and able" can take the lead.<sup>88</sup> This pattern is already at test in Iran, where the so called EU-3, notably, Germany, France and the UK are running a concerted effort to manage the proliferation threat coming from Teheran.<sup>89</sup> Started in 2003, this cooperation in CFSP appears quite effective, and in 2004 also the High Representative for CFSP Solana became part of the delegation, in order to maintain the link with the EU and the other member states. As the discussion was transferred at the UNSC level, Germany was associated to a contact group of the Permanent five (called P5 + 1 or G-6), which obviously raised many eyebrows in Rome, as it gave de facto permanent member status to Germany<sup>90</sup>. At the European level though, this model of cooperation is not institutionalized, and can serve optimally the purpose of the EU in the various area of engagement, with different groups forming according to the issue, in a sort of division of labour.<sup>91</sup>

With a reform of the type prospected in Model A, and with Germany as a permanent member, this flexible system would become more and more institutionalized and stabilized. The influence of the core of the big three member states would grow in Europe and in the world. Germany, as the biggest state in the EU should be able to triangulate between the interests of its closest partner, France and those of the UK, using its important relation with the United States.<sup>92</sup> Schmidt argues that this would entail a "pluralistic structure of the transatlantic liaison" that would see this European vanguard of states increasingly active in carrying out foreign policy.<sup>93</sup>

The problem with this approach is twofold. First, it is static in nature. This is inherent in the concept of allotting a national permanent seat.<sup>94</sup> Even though the traditionally integrationist approach of Germany leaves room to believe that it would use its weight to enhance the EU interest and profile in the UN,<sup>95</sup> this attitude will probably not be sustainable in the long-run. Model A lacks intrinsically of accountability and this could lead to an inexorable drift of German foreign policy towards privileging national concerns. This is to be expected especially when taking into account the social-institutional logic of what is the

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<sup>88</sup> Stephan Keukeleire, 'EU Core Groups - Specialization and division of labour in European Union foreign policy', CEPS Working Document, No. 252 / October 2006

<sup>89</sup> Steven Everts, Engaging Iran: A test case for EU foreign policy, Center for European Reform, Working Paper, March 2005

<sup>90</sup> F. Venturini, op.cit.

<sup>91</sup> S. Keukeleire, "EU core groups", op. cit.

<sup>92</sup> Helga Haftendorn & Michael Kolkmann, "German Policy in a Strategic Triangle: Berlin, Paris, Washington ... and What about London?", in: Cambridge Review of International Affairs, Vol. 17, No. 3, October 2004.

<sup>93</sup> Peter Schmidt, Bowling by the same rules? EU-United Nations Relations and the Transatlantic Partnership, Journal of Transatlantic Studies, Berlin, 2005, p. 8

<sup>94</sup> Very interest on the problems of permanent membership: J. Paul and C. Nahory, op.cit.

<sup>95</sup> Karl Kaiser, "A Security Council Seat for Germany" in: *Transatlantic Internationale Politik*, Vol. 5, No. 3, 2004, pp. 23-31

appropriate behaviour within the UNSC. In short, even though in the rhetoric Germany appeals to a permanent seat as a temporary solution in view of a common EU representation, as Nuttal argues, there is a concrete risk that it will become itself part of the establishment.<sup>96</sup> Therefore, it is plausible that this reform would hinder the progress made by the EU in UNSC coordination, or at least it would deprive it of meaning by circumscribing and shifting the problem of coordination to the three member states having permanent membership in the UNSC. On the other hand the efforts to create ascending mechanisms in the EU towards the expression of a single voice (e.g. forward looking article 19 meetings, qualified majority voting) would be put in the backburner.

Secondly, the other EU member states would have to rely on the big three for information and leadership, as the possibility of being elected to the remaining Security Council seats would be reduced considerably. In the long-term this could reduce their sense of responsibility, diminish the overall activeness of the EU and overburden the directorate.

### ***Scenario B. Enhancing coordination and accountability in CFSP***

It seems like the model B ideal type, avoiding the creation of new permanent seats would accommodate better a European Union willing to speak with a single voice. In effect, some of the members of the ‘Uniting for Consensus’ movement, went as far as to propose a ‘regional model’ in which new permanent seats would indeed be created, but would be allocated to states rotating in representing their regional group. In Europe, these ideas have been especially put forward by Italy and Spain.

There are some considerations to be made. First, the position of both the Italian and Spanish government is strongly informed by national interest. In this sense, the European integration and identity objectives also hide frustration of these member states for not being able to aim at permanent membership themselves. In addition, the ambitious project of regionalising the UNSC also serves the purpose of delaying a quick functional reform. The call for inclusiveness, legitimacy, and democracy, sounds hollow in the halls of the United Nations and there are some obvious interests behind the strive for equality among sovereign nations. However, these national interests happen to match those of an integrated approach toward CFSP (integration objective).

In fact, this regional model has a clear potential to stimulate an integrated EU CFSP. The EU would be allotted one regional seat, while another (allocated to the EES) would probably be shared among all the European states that are not members of the EU. The member states would then establish some kind of mechanism of rotation or election of the state responsible for expressing the interest of the whole EU in the UN organization. The most positive aspect, for what concerns the EU, is that the elected member state to hold the regional permanent seat would be accountable to the membership and would therefore maintain strong links of information and coordination with the other member states.<sup>97</sup> Even the fall-back position, e.g. the ‘Green model’, would end up having similar effects. In fact, what is key to all these models is the removal of the prohibition to be immediately re-elected to the non-permanent seat. Logically, some member states would try to maintain their seat and would therefore enhance their accountability towards their regional constituency.

On the other hand, the regional model will clearly entail a lot of time to be negotiated and, as the Italian Ambassador still put it in July 2006, it is an ideal aspiration that cannot be easily achieved.<sup>98</sup> In proposing it, the middle and small powers in the UN want to open a long debate about regionalism at the UN and cooperation of the UN with regional organizations.

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<sup>96</sup> Simon Nuttal, Compact seminar on EU CFSP, College of Europe, March 2005

<sup>97</sup> Marcello Spatafora, op. cit.

<sup>98</sup> The report of the facilitators of April 2007 still considers regional accountability as an interesting principle to be added to the global accountability of the members of the UNSC. UN, 2007, op.cit.

This risks further eroding the UNSC authority as the principal vehicle of multilateral action. For the process of building an integrated CFSP however, this possible redirection of the debate towards regionalism could have positive consequences. It would probably force the member states to explore new ways of carrying out foreign policy at the United Nations, while at the same time, the institutional instruments contained in the Lisbon treaty become available.

## Conclusions

The purpose of this paper was to demonstrate that there exists an important link between the institutional structure at the United Nations and the development of a Common Foreign and Security Policy.

CFSP is driven mainly by domestic and external factors that are independent from the UN level. However, it was argued in this paper, the UN arena also plays a role in carving institutional paths and opening opportunities that can catalyse or hinder the built up of a European foreign policy. UN institutions and processes should be given here a broad and not only legalistic interpretation, as a series of unwritten rules, norms and codes that constrain a purely rationalist understanding of states' behaviour. Within this institutional context, the sociological "logic of appropriateness", for instance, can offer interesting insights on the EU's presence in the UNSC. Therefore, even in the domain of the Security Council, realist approaches can be usefully tempered by insights from other conceptual frameworks such as historical and sociological institutionalism as well as fusion theory.

To answer the basic question of: *to what extent do UN institutional structures influence European integration in the field of foreign and security policy?*, the paper looked mainly at the case of EU coordination and representation in the UNSC, in the dynamic context of EU and UN reform. In this sense, the link between the two reform processes was identified in two steps: (1) by showing how a lack of UN reform has induced, so far, a certain type of behaviour in the EU member states, notably pushing them to promote coordination; (2) by offering educated guesses on the plausible impact on the EU of two alternative models of UNSC expansion.

Concerning the first analytical step, the paper provides evidence, that some member states are promoting more coordination for *integration* and *identity* objectives, while others are supporting this increase of coordination for *inter-relational* and *external* objectives. The consequence of this ambiguity is an undetermined process of "fused institutionalisation", where an increase in EU presence has gone hand in hand with the resilience of member states' control. This process has been stimulated and informed, on both sides, by the discourse on (the lack of) a UNSC reform.

Concerning the second, more speculative, step, the paper looked shortly at the current state of the UNSC reform process. The EU is strongly involved in the broader UN reform process also in the framework of the rhetoric of 'effective multilateralism'. At the core of this rhetoric lays a more legitimate, representative and effective UNSC. The fact that today, the Union is not capable of taking any common stand on changing the Security Council is a very instructive lesson that UN reform has to teach to CFSP. What would be the implications for the European foreign policy if a reform was to be approved? The possible reform of the Security Council could represent a "critical juncture" for the future development of CFSP. A reform granting permanent membership to Germany would probably strengthen the existing trend in CFSP towards a 'concentric circles' pattern of foreign policy. It would consolidate and institutionalise the *directoire* structure that the three big member states have already established on Iran. Not surprisingly, France and the UK support fully Germany in its

ambition: while European overrepresentation in the UNSC would worsen, Germany’s presence, in its national capacity, would actually legitimize their own position as permanent members. The success of this strategy would have a double effect. In the short term, it would be strongly divisive in Brussels. On the longer term, the institutionalization of the *directoire* could either produce the rallying of the states behind the leadership of France, Germany and the UK in a flying-geese kind of pattern, or; re-launch national foreign policies, in a pattern of dispersion and sporadic cooperation on a ‘coalition of the willing’ basis.

The other trend of CFSP goes towards further integration, more coordination and, ultimately, towards the need for qualified majority voting. This study has flagged out some areas of development: there is some dynamism in the way the EU coordinates on UNSC issues and there are some opportunities, mainly on the representation side, which could be opened by the Lisbon Treaty, if this is ratified. This trend is the most vulnerable to the reform model proposed by the G-4. On the contrary, a Model B reform, which does not create new permanent members, could revitalise it. In fact, this model would maintain some institutional venues open for increased EU coordination and more accountability of the member states serving in the UN Security Council towards the rest of the EU membership. However, it is far from sure whether the EU would be ready to embrace this institutional opportunity, as the key member states are unwilling to relinquish their sovereignty and status in the UN. That permanent membership given by the UN Charter to the UK and France is still the most obvious example of how the UN structure influences CFSP.

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