

# BULLETIN

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## The European Union at the United Nations: Towards Effective Multilateralism

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*The European Union and the United Nations should be seen as partners in multilateralism. They share the same fundamental values and goals. With the Lisbon Treaty in force, the European Union has more power to implement foreign policy decisions. The EU also improves its visibility and influence at the United Nations. A big step forward and an undoubted success of EU diplomacy is the newly received “super observer” status within the UN General Assembly. This is a major victory for the EU in its attempts to enhance its role on the global stage. It will enable the European Union to play a more significant role at the UN.*

**Background.** The United Nations is an international organization. Its statute (the UN Charter) reflects the 20<sup>th</sup> century international order, and one of its main organs—the Security Council (UNSC)—is charged with the maintenance of international peace and security. The European Union (EU) is a *sui generis* regional organization. The impact of the EU integration has not only brought significant political and economic change, and not just to the Member States, but also has resulted in the EU having substantial influence on their external relations. Traditionally, only sovereign states were the sole subjects of international law, but the list of subjects now includes international organizations and has evolved to cover non-state actors, such as individuals, non-governmental organizations (NGOs) and others. Under the Lisbon Treaty, the EU has acquired a legal personality. The continuous evolution of the Union is well-reflected in the revisions of the EU’s primary legislation—treaties. UN reform is slow and takes place in the existing legal framework, without prejudice to the provisions of the UN Charter, which retains primacy over other international legal obligations, including even the EU’s treaties. Article 103 of the UN Charter states that obligations of UN members under the charter override their obligations under any other treaty. The two organizations share the same fundamental values and goals: the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for international law. The UN was established to maintain international peace and promote cooperation in solving international economic, social and humanitarian problems. The purpose of integration lay at the root of the EU, which has developed into a huge single market with the euro as its common currency. The United Nations brings together all the countries on the globe. Before being allowed to join the EU, open only to European countries, candidates must fulfil economic and political conditions. The EU integration process is leading towards a supranational system (similar to federalism) in nearly all areas. UN reform is slow and conservative and changes do not affect the *status quo*. At the UN, the EU did not enjoy the same privileges as Member States (analogous to the Holy See and Palestine), therefore, a draft resolution was introduced on the “participation of the European Union in the work of the United Nations,” which was adopted on 3 May 2011.

**Towards Effective Multilateralism.** The EU is formally committed to effective multilateralism with a strong UN at its core. Strengthening the United Nations and equipping it with the proper tools to fulfil its responsibilities and act effectively, is seen as a European priority. However, there is a need for major reform of the organization to improve the efficiency and transparency of the UN, enhance the management of its financial resources and to achieve comprehensive reform of its main organs, especially the UNSC in order to strengthen its legitimacy, regional representation and effectiveness.

Before the EU was created, the European Community was granted permanent observer status by the 29th session of the UN General Assembly in 1974. The EU was represented by the state holding the Presidency and the European Commission, prior to the Lisbon Treaty. Following Lisbon's entry into force, the EU replaced the European Community as an observer at the United Nations General Assembly. Now, the President of the European Council, the High Representative for Foreign Affairs and Security Policy, the President of the Commission and the Head of the European Union Delegation are responsible for representing the EU at the UN. EU representatives are ensured seating among the observers. They do not have the right to vote, to co-sponsor resolutions or decisions or to put forward candidates. They are allowed to be included on the list of speakers among representatives of major groups and may participate in the general debate of the GA, have their communications circulated directly, submit proposals and amendments orally and exercise the right of reply.

The EU Member States coordinate their actions in international organizations and at international conferences. The High Representative of the Union for Foreign Affairs and Security Policy is responsible for the organization of this coordination. In international organizations and at international conferences where not all the Member States participate, those that do must uphold the Union's positions. They should keep the High Representative informed of any matter of common interest. In particular, the members of the UNSC (France and the UK as permanent members and other members currently elected) are required to keep their EU partners informed about the Security Council's activities. They will, in the execution of their functions, defend the positions and the interests of the Union, but without prejudice to their responsibilities under the provisions of the UN Charter.

According to Declaration 13 attached to the Lisbon Treaty, the European Union and its Member States shall remain bound by the provisions of the United Nations Charter and, in particular, by the primary responsibility of the UNSC and of its Members for the maintenance of international peace and security. Additionally, Declaration 14 stresses that the provisions for the Common Foreign and Security Policy, including those related to the High Representative of the Union for Foreign Affairs and Security Policy and the External Action Service will not affect the existing legal basis, responsibilities and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organisations, including a Member State's membership on the UNSC. These statements actually set the limits for a Common Foreign and Security Policy. Emphasizing the pivotal role of the UN Charter, and the respect for the full sovereignty of the European permanent members of the UNSC means an affirmation of the primacy of national sovereignty: common policy ends where veto power begins.

**Challenges and Consequences.** The adoption of the resolution granting "super observer" status is an unquestionable success for EU diplomacy despite the fact that a similar status at the UN also will be open to other regional organizations. This status constitutes a major victory for the EU in its attempts to enhance its role on the global stage. A commitment to effective multilateralism as the overriding strategic concern and the will to strengthen the coherence and visibility of the EU as a global actor makes the EU a natural ally of the UN. EU Member States have both the hard and soft powers needed to consistently push forward reform of the UN. This process probably will be slow, and its success will depend on the future shape of the EU. As the EU gradually strengthens its position at the UN, it eventually could lead to the EU itself taking a seat on the Security Council. That also would be an authoritative factor, which would reflect changes within the EU. For the EU's initiative to obtain a seat at the UNSC to have any chance of success, there needs to be a common approach that includes the UK and France, because they would have to give up their permanent seats on the Security Council in exchange. Helping the EU achieve the status of global actor is in the Polish interest. Support for this also would underline the growing importance of Poland in the world. From this perspective, the most important task for Poland is to strengthen its position in the EU. This increases the chances of the successful implementation of issues important for Poland in other forums, including the UN.