

THE EUROPEAN UNION AND THE UNITED NATIONS: TWO ORGANISATIONS, ONE FATE



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In international relations, multilateralism implies that states consider collective opinions and positions and the effects of decisions on others. It means that states share or accommodate foreign policy interests. For many years, the United Nations (UN) was the maximum expression of multilateralism, a forum for avoiding another world war and overcoming the geostrategic confrontation of the Cold War. After the collapse of the Soviet Union, the third wave of liberal democratisation and the consolidation of the EU in the 1990s, multilateralism became real. Today, however, the UN multilateral system has weakened and is more contested than ever. Can the EU help preserve it?

Shared criticisms

Widespread consensus exists that the UN and the EU represent the culmination of multilateral organisation. The two bodies share the values on which the global liberal order has been resting for the last 75 years: multilateralism, respect for the rule of law and human rights, the free market, social welfare and liberal democracy. Even today the EU's existence is still justified on the basis of its assurance of peace and prosperity on the continent. The same goal – sustaining peace – is shared by the UN. In fact, all official EU treaties reference respect for and commitment to the United Nations Charter of 1945 and the Universal Declaration of Human Rights of 1948.

At the same time, both organisations are accused of being too slow, too bureaucratic and of having failed to secure their liberal goals. The UN is still haunted by its failed interventions in Somalia and Rwanda, and the EU its failed peace missions in Bosnia and the Western Balkans. In terms of prosperity, the UN has missed several milestones on reducing poverty and famine, while EU citizens' prosperity was dealt a heavy blow by the 2008

financial crisis and it remains to be seen how the Covid-19 crisis is going to be addressed and how it will affect the continent's prosperity in the years to come. Both organisations are constrained by differences between their member states: over and over again, state-centric views halt the development of multilateral initiatives.

Similarities

The EU's commitment to the multilateral UN system is undeniable. The EU is the biggest contributor to the UN's regular budget, peacekeeping missions and agencies. But with the UK on its way out the EU, only a EU member state will be left with a permanent seat on the United Nations Security Council (UNSC) (Vincze, 2019; Pindják, 2020). And while the German finance minister, Olaf Scholz, asked France to give up its permanent seat in favour of a shared EU one, the French politely refused. The Aachen Treaty signed at the beginning of 2019 between France and Germany recognised that coordination on the UNSC was good and would continue to be so; and

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both countries made it a diplomatic priority to get Germany a permanent seat on the UNSC. In fact, EU member states have been acting in an increasingly coordinated manner on the council, but it is in the United Nations General Assembly (UNGA) – where the EU acquired enhanced observer status in May 2011 – that coordination has been even stronger. Currently then, the EU has the right neither to vote individually nor to sit on the UNSC, although it has a voice in the UNGA debates and may present amendments and proposals. Nevertheless, the EU is represented individually on behalf of its

member states in several UN bodies and agencies, including, for instance, the COPs, the FAO and almost every international conference under the auspices of the UN.

In fact EU member states have shown growing voting cohesion in the UNGA over time, which reflects “how much member states are willing to reconcile their national interests with those of the collective of members, and uphold a common EU position” (Jin and Hosli, 2012). Bargaining plays an important role in EU voting cohesion in international organisations and forums, so voting cohesion may be reinforced or weakened if member states have something to gain or lose in other areas. Spain has not traditionally been a blocking power and has usually aligned its foreign policy with that of the EU, especially with the Franco-German axis (with notably

exceptions like the Iraq war in 2003). In the light of Brexit, it is expected that Spain will further align its position with the Franco-German axis even if Spain has recently tried to play at bargaining, for instance when the Spanish government hinted that it was ready to explore “liquid alliances” with different member states according to its interests. UNSC reform is not a unifying topic, and Spain and Germany do not share the same view. Today, the question that remains is whether the bloc will maintain its cohesion in the light of the nationalist and recentralising drift of some member states.

Internal contestation is one of the main challenges the EU and UN share. Some EU member states directly contest EU values with policies and rhetoric. Poland and Hungary, against which the Commission activated article 7 of the Treaty on European Union over concerns about the rule of law, are just the most visible examples; other countries like Romania, Bulgaria, Slovakia or Malta have had serious problems upholding the rule of law and maintaining an independent judiciary system. Contestation is not only a matter for eastern member states: the increasing numbers of “hyperleaders” in western European countries shows the unease among democratically elected governments about the separation of powers (Gutiérrez-Rubi and Morillas, 2019). What is more, EU external action and member states’ foreign policies have always obeyed legitimate foreign policy objectives that do not always match with the high values and standards that the EU, and thus its member states, claim to defend. The disunity shown in the Global Compact for Migration at the end of 2018 was a clear example (see Comte in this volume). These contradictions erode the legitimacy of the EU when it tries to project its soft power around the world and defend democracy, the rule of law and human rights.

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The UN also faces internal contestation. The legitimacy of the UN Security Council, the body in charge of protecting the world’s peace and security, is weakening as responses (or the lack of them) obey the geopolitical goals of the permanent members. The fact that some permanent members have used the council’s legitimacy to topple regimes that oppose their geopolitical interests has made other permanent members look upon the UN’s system of governance with distrust. Middle Eastern states, for example, see it as a way of imposing a Western view of international relations (see for instance Makdisi, 2019). Moreover, the tendency to postpone goals and objectives and introduce barely modified new milestones has brought exasperation and criticism. For example, the Millennium Development Goals adopted

in 2000 and set for 2015 became the Sustainable Development Goals and the Agenda 2030 in 2016, which was basically an exercise in kicking the can down the road. This governing rationality also resonates with the EU, whose constitution failed to win approval in 2005, meaning member states moved to the Lisbon Treaty four years later without addressing the root causes of the constitutional failure. Never-ending processes of negotiation and dialogue and the deferral of decisions have become business as usual for these organisations (for a critique, see Bargués-Pedreny, 2018).

Reforming or retiring?

BOTH INTERNATIONAL ORGANISATIONS FEEL THE NEED TO REFORM. THE UN IS 75 AND THE EU IS 63, AND WHILE UPDATES HAVE BEEN MADE TO BOTH MANDATES AND OPERATIONAL CHALLENGES, WHOLESALE REFORM IS NEEDED THAT CAN RESPOND TO THE CHALLENGES THE WORLD FACE IN 2020, ESPECIALLY IN THE WAKE OF THE POST COVID-19 WORLD

Both international organisations feel the need to reform. The UN is 75 and the EU is 63, and while updates have been made to both mandates and operational challenges, wholesale reform is needed that can respond to the challenges the world face in 2020, especially in the wake of the post Covid-19 world. Secretary-General António Guterres stated in his “Vision Statement” that reform would be one of the pillars of his mandate. Several member states have repeatedly demanded greater representation on the Security Council. While there are no African, Latin American or Arab countries in the UNSC, European states, especially western European states, are overrepresented.

The EU is not in itself united on the question of underrepresentation on the UNSC. Germany has been seeking a permanent seat on the UNSC as part of an informal group called the G4, along with India, Japan and Brazil. Spain, on

the other hand, has banded together with EU member states like Italy and Malta to form a group called Uniting for Consensus, which has different objectives for UNSC reform. Rather than adding more permanent members to the Security Council, they argue that more non-permanent members should be incorporated whose mandate may be automatically renewed and who should be elected by the regional groups of the UNSC. Uniting for Consensus also wants to modify the veto right of the permanent members and to increase UNSC accountability. It has to be noted that tackling representation on the UNSC is not the only reform pursued by informal groups of member states, as there are also states that demand different working arrangements. For instance, Uniting for Consensus has sought to increase

the UNSC's accountability and transparency, while the countries that make up the Ezulwini Consensus call for ECOSOC to be strengthened. The Small 5 Group (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland) has sought better cooperation between the UNSC and the UNGA and argued against veto rights in the UNSC.

Demands for EU reform are numerous. North-south and east-west divisions still exist and make evident the need for internal reforms. Scholars argue that structural reforms are required, including treaty changes, and even – difficult as it may seem – extending qualified majority voting (QMV) to other areas so decisions can be taken faster.

In sum, both organisations are committed to undertaking reforms (albeit slowly). The outcomes, objectives and the participating actors may differ but both the UN and the EU are starting their respective processes of endowing their governing bodies with meaning and legitimacy. The EU was due to launch the Conference on the Future of Europe in May 2020 (postponed because of Covid-19) and the UN has already launched a global reflection process to celebrate the 75th anniversary through resolution 73/299. As the new decade begins, both organisations need to reinvent themselves.

The reflection process launched by the United Nations seeks to strengthen the commitment of member states to multilateralism. The EU has been trying to reinforce this, too, especially now that the transatlantic link is weakening and Brexit is becoming real. In fact, the global vision the European Union espouses is the same as the one the UN aspires to: a multilateral world, where respect for the rule of law and cooperation prevail when addressing conflicts. On UN day in 2018, former High Representative Federica Mogherini said:

IN ANY CASE, THE PREFERENCE FOR A MULTILATERAL SYSTEM ALSO PREVAILS IN THE 2016 EU GLOBAL STRATEGY. SO THE WORLD THAT THE UN AND THE EU (AND SPAIN) DESIRE IS ONE LED BY STRONG MULTILATERAL INSTITUTIONS AND RESPECT FOR HUMAN RIGHTS. YET THE WORLD SEEMS TO BE HEADING THE OTHER WAY.

More than ever, our partners are looking to the European Union to stand up exactly for multilateralism and the rules-based international order with a strong United Nations at its core: as European Union, we are determined to preserve it. Investing in our partnership with the UN is natural as we share the same fundamental values and goals. Together, we join forces in our work around the world and in Europe, for sustainable development,

peace and security, and humanely and respectfully managed migration. And together we fight for education for all, gender equality and human rights (Mogherini, 2018).

The president of the European Commission, Ursula von der Leyen, insisted on the same idea in her opening statements in the European Parliament: “we want multilateralism, we want fair trade, we defend the rules-based order because we know it is better for all of us. We have to do it the European way” (von der Leyen, 2019).

EU member states such as Spain share the same commitment. The strategy to guide its external action published in 2015 states that Spain abides by existing multilateral frameworks, although it sees the need to reform and adjust them to the new realities and changes taking place in a world that did not exist 25 years ago. Spain is still very much committed to the UN system (the UN is mentioned 54 times in the strategy) and supports the UN peacekeeping missions and external missions, if they have a UNSC mandate. In fact the law that regulates external action stresses that Spain will defend and promote the respect and development of international law, in particular the principles of the UN Charter.

However, there is growing awareness that the world is changing and a rules-based international order is fading away. Indicative of this awareness is the difference between the two opening sentences of the two EU security strategies: while the opening sentence in 2003 was “Europe has never been so prosperous, so secure nor so free”, the EU Global Strategy of 2016 began “the purpose, even existence, of our Union is being questioned”. The EU has gone from “projecting itself into the world” with the aim of transforming it, to “protecting the EU from the world” and seeking to remain unchanged in spite of the world. In that regard, the ambitious multilateral strategy in 2003 that would integrate the visions of the three leading member states on international relations, in 2016 became a plea for reform of the multilateral rules-based order in order to adapt pragmatically to the new reality (Morillas, 2018). In any case, the preference for a multilateral system also prevails in the 2016 EU Global Strategy. So the world that the UN and the EU (and Spain) desire is one led by strong multilateral institutions and respect for human rights. Yet the world seems to be heading the other way.

A multilateral system under siege

The US, China and Russia, all permanent UNSC members, are challenging the multilateral system; each one from a different perspective. The US, a long time guarantor of the liberal order, is retreating from it and switch-

ing to the isolationism that guided US foreign policy in the early twentieth century. Examples abound, such as the withdrawal from the Paris Agreement, the Iran nuclear deal and the cuts to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) or the World Health Organisation (WHO).

China has been a reliable partner in a number of multilateral agreements, but it remains a soloist. The main challenger to US hegemony in the multipolar world, it is building alliances beyond the traditionally Western-led institutions through organisations such as the Asian Infrastructure Investment Bank. The support China offers to Africa (for example to Kenya, Zambia, Angola, the Democratic Republic of Congo and Ethiopia) is not attached to the rigid norms and conditionality that often comes with Western-led development aid (Sun, 2014; Li, 2017). Finally, debates over human rights also put the multilateral system under stress. China has a completely different conception of human rights to Western liberal democracies and links their protection and achievement to state sovereignty in all circumstances. Some commentators have underlined how China, like Russia, has been undermining human rights from within the United Nations, exerting pressure through the UN Budget Committee (Colum Lynch, 2018). Russia seems to have filled the power vacuum left by the US in several military conflicts, becoming an indispensable part of the solutions in Libya and Syria, for example, but also infringing the rules of the multilateral security order in Europe by invading Crimea and disrupting the eastern part of Ukraine (Remler, 2019; UNGA, 2019).

In sum, the UN's multilateral system appears to have weakened and is more contested than ever. Can the EU and Spain help preserve it?

Opportunities for the EU

Dworkin and Gowan (2019) have outlined four policy areas where the EU can act to save the multilateral system: international trade; human rights; security, migration and human protection on Europe's southern periphery; and the control of new technologies. These areas are formidable challenges that the EU can only aim to shape if it recovers internal unity and cohesion.

1. On trade, the EU can try to act as a mediator between China and the US at the dawn of a new trade war. The EU has substantial expertise in international trade and smart diplomats with good reputations in multilateral forums even without the United Kingdom, which is expected to maintain close collaboration with the EU, including in multilateral forums like the UN and the WTO.

2. Human rights are trickier. The EU can count on medium-sized powers like Japan and Canada but it will not have the complicity of the great powers, or of other regional medium-sized powers (Saudi Arabia, Pakistan and Venezuela, for example).
3. However, it is in the area of migration where the EU's possibilities of shaping the discourse, policies and potential solutions in multilateral forums went sour; especially because of the lack of unity following the Global Compact for Migration and the polarised and politicised positions of different member states in this debate.
4. Finally, artificial intelligence (AI) and new technologies is a field where the EU can still set the rules and shape the agenda, offering an alternative to the US and China's opposed perspectives.

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According to Gowan and Dworkin (2019), this alternative could be to enforce "values-based principles for the responsible stewardship of trustworthy AI"; to act as a regulatory superpower and a big potential market and investment powerhouse and provide an ethical approach to the regulation of AI when it comes to data management and data privacy; and, finally, to use the UN's multilateral forum to assist countries suffering from "cyber-colonisation" (Pauwels, 2019).

Conclusion

A multilateral world is the world the UN and the EU strive for. It is a world governed by rules, where decisions are adopted after deliberation and never unilaterally. However, facing Brexit and the weakening of the transatlantic link, old allies have become doubtful friends, if not competitors. Transnational cooperation must therefore be placed at the heart of their actions. It is time that the UN was reformed, not only in the representation of the UNSC but also in the way it works internally. Making the UNSC transparent and accountable to the UNGA is

key and the EU must do its part to secure these goals.

Regarding reform of the UNSC, the EU should adopt a common position, either on the inclusion of Germany as a permanent member or the reforms advocated by Italy and Spain. Ideally, if the EU can speak with one voice in

the UNGA, the logical next step would be to give it a seat on the UNSC. Leaving aside the debate over whether France should vacate its seat in favour of a permanent EU one, the already-strong cooperation in the UNSC between permanent and non-permanent EU member states could be strengthened. The EU will be taken seriously as a geopolitical power and global actor if it works to strengthen cohesion, which is nowadays far from optimal.

We must remind ourselves that, in the words of Secretary-General Dag Hammarskjöld, “the UN was not created to bring us to heaven, but to save us from hell”. The Dutch journalist Geert Mak added that this statement also applied to the EU. David Shearer, long-time senior UN official and former member of the New Zealand parliament made a remark that is valid for both: “if you didn’t have the UN you’d have to invent it”.

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