

The European Union and the Reform of the United Nations: Towards a More Effective Security Council?

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with Hubertus Juergenliemk and Yolanda Spies

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Abstract

This paper aims to assess the possible impact of the Lisbon Treaty on the EU's presence and performance at the United Nations and outline the prospects for future developments under three main dimensions: coordination (among EU member states and institutions); representation (of the EU as a single actor); and impact (measured in terms of what the EU and its member states collectively achieve). In particular, these benchmarks will be used to evaluate what influence the positions of the Union's institutions and member states produce on the crucial issue of UN Security Council's reform. Moreover, it offers an analysis of the EU's cooperation with other regional entities, primarily the African Union, at the UN and provides a model for testing the possible role of regional organizations and the evolution of regionalism within the UN system.

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Introduction

“Globalism” and “regionalism” can be identified as the two driving approaches of the EU’s presence on the international stage. The European Security Strategy (ESS) has reconciled these trends by declaring the EU’s commitment to “effective multilateralism” and placing the United Nations (UN) at the core of this concept. In the 2008 Report on the Implementation of the ESS, the EU pledged to continue the reform of the UN system, begun in 2005, and support the crucial role of the Security Council (SC) in the maintenance of international peace and security.²

The Lisbon Treaty has been conceived to foster the Union’s capability to implement effective and coherent external action, including at the United Nations and within its most powerful body. It gives the EU a legal personality, and in principle one voice internationally with the European Council President and the High Representative for Foreign Affairs and Security Policy supported by an External Action Service (EEAS). The EEAS brings together officials from member states, the Council and the European Commission, thus allowing it to speak with one voice to carry greater weight than individual member states.³

Arguably, the EU’s place as an international power depends more on its actions than on its status at the United Nations.⁴ Inaction has often appeared preferable, reinforced by a widespread aversion to risk.⁵ This attitude has also inhibited the

² The European Union’s two key documents refer to “globalism” and “regionalism” both in regard as (security) challenges, as solutions sought at these levels and thirdly as the EU’s ambition to become a “global player”. However, the relationship between regionalism and globalism is problematic: while they can be mutually reinforcing, an increased focus on regionalism can prevent global solutions, too. Therefore, it is argued that the increasing focus of the EU on regionalism impacts negatively on its ambition and recognition as a global actor. This in turn limits the role the EU can play in the UN reform process. The EU’s main strategic documents, the 2003 European Security Strategy and the 2008 Implementation Report, provide us with a crude indicator to show how European preferences have shifted from globalism to regionalism. While “global” issues were outlined 22 times in 2003, they were only mentioned 9 times in 2008. References to “regional” issues were 12 in 2003 and 13 in 2008.

³ G. Edwards, “The Pattern of the EU’s Global Activity”, in C. Hill/ M. Smith (eds), *International Relations and the European Union*, Oxford: Oxford University Press, (2nd ed), 2011, p. 59.

⁴ R. Gowan and F. Brantner, “Navel-gazing won’t help at the UN”, in *EuropeanVoice.com*, 4 April 2010, available at <http://www.europeanvoice.com/article/2010/10/navel-gazing-won-t-help-the-eu-at-the-un/69084.aspx>.

⁵ G. Edwards, “The Pattern of the EU’s Global Activity”, in C. Hill/ M. Smith (eds), *International Relations and the European Union*, op. cit, p. 66 and C. Coker, *War in an age of risk*, Cambridge: Polity Press, 2009.

development of a single perspective on the UN Security Council's reform, which is still impeded by the divergent positions of the Union's member states. While the EU can present itself as a role model for regionalism, it should lead by example on reform of the United Nations. The EU needs to establish itself as a credible, reliable, responsible and accountable entity. The Lisbon Treaty offers additional opportunities to do so, but will it be sufficient?

Based on these considerations, this paper aims to assess the EU's contribution to the effectiveness of the UN through the analysis of its presence and performance within the Security Council. The Security Council is a crucial endeavour for the European Union, as a "legitimiser" of its external actions in the field of peace and security, a "legislator" by means of specific resolutions and the promotion of international recognition of norms, and an "amplifier" of its voice and power to influence the global agenda.

The EU's presence at the UNSC is characterised by both "intergovernmental" and "integration" tendencies and needs to be evaluated both in terms of "coordination" among the EU members (permanent and non-permanent) of the Council and "representation" of the EU as a unitary entity. If speculations on the idea of a collective EU permanent seat can be sterile, emphasis instead should be placed on the opportunities that have come up as a result of the Lisbon Treaty, which suggest considering how to reinforce those practices already in place.

Consequently, the EU's performance at the UN should be measured through its "impact", based on the outcome that the Union's institutions and member states collectively achieve on a particular policy issue. In this paper, this benchmark will be used to assess what influence the positions of the Union's institutions and member states produce on the crucial issue of UNSC reform. The reform of the UNSC remains one of the most contentious matters within the EU and options for a common position have not been developed, or even discussed. The contribution of this analysis would be to identify a number of possible points of convergence among the main EU member states, based on the recent evolution of their positions and partnerships at the UN, and the role of the EU's institutions after the entry into force of the Lisbon Treaty.

Moreover, our assessment will take into consideration the impact of recent campaigns conducted by the EU within the UN, such as the resolution for an

enhanced observer role at the UN General Assembly. We will also consider its cooperation with other regional entities, primarily the African Union, with a view to speculate on what effect such cooperation could produce on the evolution of the approach to regionalism at the UN. In all cases, we will focus on the EU's actions with particular reference to the UNSC reform process. The final aim is to verify whether the post-Lisbon EU has shown the potential to effectively connect its own vision of "effective multilateralism" to its diplomacy at the UN.

1. Globalism and Regionalism in the EU's Commitment to Effective Multilateralism

The milestone in the process of defining the European Union's approach to effective multilateralism can be identified in the 2003 Iraq crisis. It weakened both the UN and the EU by delegitimizing the role of the UN Security Council as guarantor of international peace and security and dividing EU member states. As a consequence, the EU decided to put a strong emphasis on supporting the UN, in an attempt to revitalise both multilateralism and its own actorness on the world stage.⁶

This decision resulted in the adoption of two pivotal documents for EU-UN relations, both produced in the same year. The European Commission Communication, *The European Union and the United Nations: The choice of multilateralism*, presented the EU's commitment to multilateralism as a defining principle of its external policy.⁷ The European Security Strategy (ESS), *A Secure Europe in a better world*, specified the EU's role in an international order based on "effective multilateralism" and stated that "strengthening the United Nations and equipping it to fulfil its responsibilities and to act effectively is a European priority".⁸ This trend has been confirmed in the *Report on the Implementation of the European Security Strategy*, adopted in December 2008, when EU leaders recognised once again that "the UN stands at the apex of the international system" and affirmed that "everything the EU has done in the field of

⁶ L. Van Langenhove, I. Torta, T. Felicio, *The EU's Preferences for Multilateralism; a SWOT Analysis of EU/UN Relations*, UNU-CRIS Occasional Papers No. 0-2006/21, Brugge, United Nations University - Comparative Regional Integration Studies, p. 9, available at <http://www.cris.unu.edu/fileadmin/workingpapers/20060919114318.O-2006-21.pdf>.

⁷ European Commission, *Communication from the Commission to the Council and to the European Parliament. The European Union and the United Nations: The choice of multilateralism*, COM (2003)526 final, Brussels, 9 September 2003, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0526:FIN:EN:PDF>.

⁸ *European Security Strategy. A secure Europe in a better world*, Brussels, 12 December 2003, p. 9, available at <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

security has been linked to UN objectives”.⁹ By referring to multilateralism, the EU intended to square the circle of legitimizing its actions, accepting the use of force, and justifying itself before the European public.

In the EU’s approach to “effective multilateralism”, globalization and regionalization are viewed as by and large complementary processes. On one side, the EU’s strategy recognises the UN as the main guarantor of international peace and security. On the other side, the EU depicts itself as a regional player, which “should be ready to share in the responsibility for global security and in building a better world”.¹⁰

In fact, looking at the strategic priorities identified by the EU in the ESS, what emerges is the presumed coexistence between regionalism – “building security in its neighbourhood” – and globalism – “promoting effective multilateralism”. These two (potentially opposing) tendencies find their synthesis in the conception of a multi-layered system of global governance, which “does not imply exclusive policy jurisdiction by one actor but rather a partnership among a variety of actors”.¹¹ This conception is intrinsic to the EU’s nature, “hanging halfway between being a region in the form of a highly developed security community, and being a great power in its own right with actor quality at the global level”.¹² The EU can therefore be seen as a paradigm of “new regionalism”: the region is seen in a global context and responding to global challenges.¹³ As recently underlined by the EU High Representative, Lady Ashton, in her address at the UN Security Council, “regional organizations are building blocks for global governance, with a dual responsibility. First, a responsibility to enhance security, development and human rights in their own region. And second, to support UN efforts to promote these goals around the world.”¹⁴

⁹ *Report on the Implementation of the European Security Strategy. Providing Security in a Changing World*, S407/08, Brussels, 11 December 2008, p. 11, available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf.

¹⁰ *European Security Strategy. A secure Europe in a better world*, cit., p. 1.

¹¹ T. G. Weiss and R. Thakur, *Global Governance and the UN. An Unfinished Journey*, Bloomington and Indianapolis, Indiana University Press, 2010, p. 85.

¹² B. Buzan and O. Waever, *Regions and Powers. The Structure of International Security*, Cambridge, Cambridge University Press, 2003, p. 56.

¹³ C. Churrua, *Criticizing the EU Security Strategy: the EU as a regional cooperative security provider*, in *Revista Electrónica de Estudios Internacionales*, n. 10, diciembre 2005, p. 9, available at <http://www.reei.org/index.php/revista/num10/articulos/criticizing-the-eu-security-strategy-the-eu-as-regional-cooperative-security-provider>.

¹⁴ Statement by Catherine Ashton, EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission, *Address at the United Nations Security Council on Cooperation between the United Nations and regional and subregional organizations in maintaining peace and security: European Union*, New York, 8 February 2011, available at http://www.europa-eu-un.org/articles/en/article_10651_en.htm.

Against this background, cooperation with the Security Council, which is described as the main referent of the EU “both as a legitimising body and as the main peacekeeping implementer”,¹⁵ becomes crucial. The EU has always maintained an ambivalent position *vis-à-vis* the UNSC, which is evident in the Union’s *ad hoc-ism* both in responding to the Security Council’s requests for intervention and in seeking the UNSC’s authorisation to legitimize its own actions. In particular, the EU has not expressly declared itself to be a regional arrangement in the sense of Chapter VIII of the UN Charter (Articles 52 to 54), which regulates the relationship (by establishing a hierarchy) between the Security Council and regional organizations in the field of peace and security.¹⁶ However, in recent years, and in particular since the financial crisis of 2008, the EU has not moved beyond its self-absorbed, self-directed regional focus. This is unfortunately reinforced by the slow implementation of the Lisbon Treaty.

At the same time, it must be pointed out that the Lisbon Treaty places the EU in the UN collective security system through a number of its provisions. Respect for the principles of the UN Charter and international law is identified as one of the guiding elements of the EU’s relations with the wider world (Articles 3.5 and 21.1 TEU). In its action on the international scene, the Union is called upon to “promote multilateral solutions to common problems, in particular in the framework of the United Nations” (Article 21.1 TEU) and “preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter [...]” (Article 21.2 TEU).

As argued by White, conformity with the principles of the UN Charter requires compliance with the rules governing the use of force (Article 2.4). An integral part of this commitment is the UN Security Council’s power to authorize states to use force under Chapter VII (Article 42). The UN also governs regional arrangements under Chapter VIII (Article 53).¹⁷

¹⁵ T. Tardy, “EU-UN cooperation in peacekeeping: a promising relationship in a constrained environment”, in M. Ortega (ed.), *The European Union and the United Nations – Partners in effective multilateralism*, Chaillot Paper No. 78, Paris, EU Institute for Security Studies, June 2005, available at <http://www.iss.europa.eu/uploads/media/cp078.pdf>.

¹⁶ As correctly summarized by N. White, “in most collective security matters, Chapter VIII of the UN Charter makes it clear that regional organizations such as the EU have autonomy in diplomacy, in peaceful settlement, and implicitly in the case of consensual peacekeeping, subject to reporting requirements”. N. White, “The ties that bind: the EU, the UN and international law”, in *Netherlands Yearbook of International Law*, Vol. 37, 2006, p. 94.

¹⁷ Whether the inaction of the Security Council allows regional bodies such as the EU to intervene in its stead is still a contentious issue. White identified some implications of this type in the European Security Strategy, which states that “we should be ready to act before a crisis occurs”, tackling such threats not “by purely military means”. N. White, “The ties that bind: the EU, the UN and international law”, *op. cit.*, p. 92.

This interpretation is confirmed by the Lisbon Treaty's provisions on the Common Security and Defence Policy (CSDP), which state that the EU may use civilian and military assets "on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter" (Article 42.1 TEU). This is complemented by the reference to the right of self defence in the so-called "mutual defence clause". Introduced for the first time in the EU Treaties, it provides that "if a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter" (Article 42.7 TEU).

Moreover, the Lisbon Treaty specifically refers to the Security Council, elaborating procedural guidelines for the EU member states serving (permanently and non-permanently) in the UN organ and sanctioning the prominence of their responsibilities under the provisions of the UN Charter over those arising from the EU Treaties (Article 32 TEU). This provision is in line with Article 103 of the UN Charter, which determines that obligations under the UN Charter prevail in case of conflict with obligations created by other international agreements. It clearly includes any treaties establishing regional organizations.¹⁸

The combined analysis of these provisions would be in favour of the recognition of the complementarity of globalism (embedded in the UN and its supreme organ) over regionalism (the role of the EU) in international peace and security. The practice implemented by the EU (for instance, through its CSDP missions or sanctions measures) tends to be fuzzier. It invariably oscillates between the two imperatives of promoting the interests and values of the Union and abiding to the norms consolidated in the UN framework.

The analysis that follows will take into consideration norms and practice of the Union's presence – through its member states and institutions – at the UN Security Council. In particular, we will consider the positions developed within the EU on the UNSC reform issue. This analysis will be instrumental in assessing the main features of the EU's approach to effective multilateralism in its relations with the Security

¹⁸ E. Drieskens, "Beyond Chapter VIII: Limits and Opportunities for Regional Representation at the UN Security Council", in *International Organizations Law Review*, Vol 7, 2010, p. 158.

Council and allow us to draw some conclusions on the Union's contribution to the emergence of a new regionalism within the UN.

2. How Much of the EU at the UN Security Council? Norms and Practice

Europe as such usually has a significant presence in the UN Security Council. It can count on two permanent members (France and the UK) and usually two or three non-permanent members (Germany and Portugal are the European representatives for the period 2011-2012).¹⁹ However, no formal EU representation is envisaged in this body.

There has always been a tension between “intergovernmental” and “integration” approaches among the EU member states on their role within the UN Security Council, which has so far impeded the development and implementation of an effective action by the Union.²⁰ Both these approaches have emerged from the UNSC working environment while the policy documents of the EU – primarily the Treaties –incline rather more towards “coordination” among EU member states than to the “representation” of the Union as a single actor. EU member states have so far shown a tendency to prioritise their national UNSC seats over EU common representation. Nevertheless, some innovations contained in the Lisbon Treaty have the potential to give the EU a more coherent and unitary presence at the UN, and within its most powerful organ.

Before Lisbon, the responsibilities and obligations of the EU members of the UNSC were defined in Article 19 of the Treaty on the European Union (TEU). According to its provisions, all EU members of the Security Council – both permanent and non-permanent – had to concert amongst themselves and keep the other EU members fully informed. The two EU countries holding permanent seats in the Security Council – France and the UK – were under an obligation to “ensure the defence of the positions and the interests of the Union” in the execution of their functions, but

¹⁹ European non-permanent members of the UNSC are elected among the Western Europeans and Others Group (WEOG) and the Eastern European Group. The African and the Asian Groups usually have three members each in the UNSC, while the Americas are represented by normally three, and occasionally four states. This amounts to 25 percent of the UNSC members, while EU member states only account for 14 percent of UN members.

²⁰ R. Kissak, *Pursuing Effective Multilateralism. The European Union, International Organizations and the Politics of Decision Making*, New York, Palgrave Macmillan, 2010, pp. 107-109.

without “prejudice to their responsibilities under the provisions of the United Nations Charter”.

Acting in the framework of Article 19 TEU, weekly meetings among the representatives of EU member states at the Political Counsellor level were institutionalised in 2001, with a view to boost information sharing and internal EU coordination. Before January 2001, weekly meetings among the Heads of Mission of EU member states in New York were the only places in which non-UNSC EU members were able to receive information on Security Council’s matters besides informal channels.²¹ Additional coordination mechanisms involving the EU members sitting at UNSC are the meetings at the level of Deputy Permanent Representatives and UNSC Coordinators in New York, and targeted meetings at UN Director level in EU capitals.

These gatherings have enhanced the flow of information circulating among EU representatives in New York and Europe. But they have never accomplished the original mandate to establish a regular coordination setting in preparation of UN Security Council discussions. At the institutional level, it is important to note that the Political and Security Committee (PSC) of the EU Council in Brussels has also augmented its regular discussions relating to issues on the UNSC’s agenda. At the same time, debates on the broad UN agenda are conducted once a month in Brussels by the EU Council’s Working Party on United Nations issues (CODUN).²²

The Lisbon Treaty replaces former Article 19 with Article 34 TEU, but it does not introduce innovative elements in terms of coordination among EU member states. It simply extends the obligation to defend the position and interests of the Union to all EU members of the UN Security Council, but continues to prioritise their responsibilities as UN members over those derived from their EU membership. Moreover, Declarations 13 and 14 on the Common Foreign and Security Policy annexed to the Treaty expressly safeguard the responsibilities and powers of EU member states in the formulation and conduct of their foreign, security and defence policies, with a specific reference to their national representation within the UN Security Council.

²¹ M. B. Rasch, *The European Union at the United Nations. The Functioning and Coherence of EU External Representation in a State-centric Environment*, Leiden and Boston, Martinus Nijhoff Publishers, 2008. p. 79.

²² D. Marchesi, “The EU Common Foreign and Security Policy in the UN Security Council: Between Representation and Coordination”, in *European Foreign Affairs Review*, 2010, Vol. 15, pp. 97-114.

Beyond the coordination aspects, pragmatic attempts to make the Union's representation within the UNSC more effective have been repeatedly fostered since the beginning of the 1990s. However, they regularly have failed to gain the consensus of all EU member states, and particularly the support of the two European permanent members. Recent examples include the so-called "European laboratory" promoted by Germany and Spain in 2003-04: the proposal to offer a seat to the EU Presidency within their delegations during their two-year mandate at the UNSC was blocked by France and the UK. Similarly, in 2007-08 Italy suggested that an EU Council representative be permanently associated with its delegation at the UN Security Council, but its initiative met with firm opposition from France and the UK and a lukewarm response from Germany.²³ The position of these three states is particularly important, as they often have framed the EU's position on key issues. After the entry into force of the Lisbon Treaty, an attempt made to associate Lady Ashton's representative with the delegation of Portugal during its stint at UNSC for the period 2011-12 did not produce any concrete result.

So, concretely, what has changed since the entry into force of the Lisbon Treaty with respect to the EU's representation at the UN and within the Security Council? Following the recognition of the EU's legal personality (Article 47 TEU) and the elimination of the pillar structure, the European Union has replaced and succeeded the European Community at the UN and now exercises all its rights and assumes all its obligations. On the basis of these innovations, in 2010 EU member states tabled a draft resolution to the General Assembly for a "reinforced observer status" to be accorded to the whole Union, and not solely to the European Community. The adoption of the resolution, which had the potential to open the Pandora's box of regional representation within the UN, was challenged internally by the UK, which opposed an extensive interpretation of the privileges to be accorded to the EU.²⁴ When the resolution was presented at the GA the first time, on 14 September 2010, it was opposed externally by a bloc of African, Pacific and Latin American countries led by Suriname on behalf of the Caribbean Community (CARICOM), supported by India

²³ N. Pirozzi, "Italy's mandate at the UN Security Council (2007-2008): a missed opportunity?", in J. Wouters, E. Drieskens & S. Biscop (eds.), *Belgium in the UN Security Council: Perspectives on the 2007-2008 Membership*, Antwerp [etc.], Intersentia, 2009, pp. 63-71.

²⁴ In July 2010, David Lidington, the UK Minister for Europe, revealed that Britain had imposed strict conditions on allowing the EU's new UN role. The Foreign Secretary has also made clear through the UK Permanent Representative in New York that the UK's support for the proposed UNGA resolution (i) is strictly limited and does not imply agreement to seek additional rights in any other fora; and (ii) does not prejudge whether the EU should actually exercise those rights on any particular issue. *Written Ministerial Statements*, HC Deb, 14 July 2010, c31WS, available at <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100714/wmstext/100714m0001.htm#10071412000166>.

and China. As underlined by Grevi, fears about a progressive regionalisation of the GA had a major role in the suspicious attitude of many small member states – which are very much attached to the inter-governmental nature of the Assembly – and some major powers including the BRIC countries – which oppose any alteration in the internal balance of power.²⁵ Moreover, members of other regional organizations – also influenced by the traditional North-South dispute at the UN – contested the acquisition of undue privileges by the EU, compared to those attributed to other observers.²⁶

The text of the resolution, which the GA finally passed on 3 May 2011, offers fairly modest rights to the EU if compared to the initial proposal.²⁷ The EU can now speak among the representatives of the major groups, circulate its documents directly and without intermediary, present proposals and amendments orally, and give a reply regarding its positions. However, representatives of the EU are not entitled to be seated among member states, to vote, to co-sponsor resolutions or decisions, nor to put forward candidates.

The reluctance of the General Assembly to grant additional rights to the EU shows the difficult position in which the EU finds itself internationally, as a regional organization that has moved beyond intergovernmentalism.²⁸ It has not yet earned international recognition, which limits the prospects for a role in the UNSC.²⁹ UNSC members will need to be assured that the EU takes its responsibility seriously and is an actor they can deal with. Otherwise, they will prefer to talk to the most powerful member states rather than an actor whose decision-making is impeded by the need to coordinate with its members.

²⁵ G. Grevi, *From Lisbon to New York: The EU at the UN General Assembly*, Policy Brief, No. 81, Brussels, Fride, July 2011, pp. 2-3, available at <http://www.fride.org/publication/922/from-lisbon-to-new-york:-the-eu-at-the-un-general-assembly>.

²⁶ Ibid.

²⁷ UN General Assembly, *Participation of the European Union in the Work of the United Nations*, (A/RES/65/276), New York, 3 May 2011, available at <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/RES/65/276&Lang=E> and UN General Assembly, *Participation of the European Union in the work of the United Nations*, (A/64/L.67), 31 August 2010, New York, available at <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/N10/500/71/PDF/N1050071.pdf?OpenElement>.

²⁸ P. M. Norheim-Martinsen, “Beyond Intergovernmentalism: European Security and Defence Policy and the Governance Approach“, in *Journal of Common Market Studies*, Vol. 48, Issues 5, November 2010, pp. 1351–1365.

²⁹ It is worth noting that the OSCE rather than the EU was mentioned in the recent Secretary General’s report on implementing the responsibility to protect (RtoP) with regional partners. United Nations, *The role of regional and sub-regional arrangements in implementing the responsibility to protect. Report by the Secretary General*, A/65/877-S/2011/393, New York, 27 June 2011, available at http://www.un.org/ga/search/view_doc.asp?symbol=A/65/877&referer=http://www.unric.org/en/unric-library/26580&Lang=E.

Nevertheless, this vote bears a crucial significance both for the EU. It recognizes a reinforced status of the Union within the UN, and for other regional organizations, as it envisages extending similar rights of participation to other groups of states that have observer status at the GA, following an agreement among their members. These developments could have a significant impact on the discussion about the reform of the UNSC.

A more practical result of the Lisbon Treaty has been the enlargement of European representation in New York with the unification of the European Commission's Delegation (established in 1974) and the EU Council Liaison Office (created in 1994) in New York to form part of the European External Action Service. The Head of the EU Delegation now chairs of the former Article 19 meetings and often intervenes to present the EU's position on particular issues debated in the UN Security Council. These tasks previously were performed by the representative of the rotating EU presidency.

Article 34 TEU also provides that "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". Since the entry into force of the Lisbon Treaty, there have been nearly forty EU statements at the UN Security Council, two of which were by Lady Ashton.³⁰ In addition, the EU members of the Security Council shall keep the High Representative (HR) fully informed about discussions and negotiations, allowing the EU over time to develop the institutional knowledge about multilateral cooperation, necessary to influence the UNSC debates. At the same time, the HR has gained leverage over member states as it can propose CSDP civilian and military operations and therefore could potentially negotiate with the United Nations and key Security Council members on behalf of the European Union member states.

Recent EU performances at the Security Council (such as the vote on Libya, where two European members – France and the UK – actively pushed for an intervention, while Germany sided with China and Brazil) show that so far the Treaty of Lisbon has

³⁰ European Union, *Statement by High Representative Catherine Ashton at the UN Security Council*, New York, 4 May 2010, A70/10, available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/114179.pdf and *EU HR Ashton addresses UN Security Council on Cooperation between the UN and regional and subregional organizations*, New York, 8 February 2011, available at http://www.europa-eu-un.org/articles/en/article_10651_en.htm.

failed to achieve policy coordination among its member states. An interesting way forward could be offered by the EEAS, which is meant to assist the High Representative in fulfilling her mandate and staffed with personnel from the Council Secretariat, the Commission and the diplomatic service of member states (Article 27 TEU). The new EU diplomatic body will supplement the structures of the EU Delegations in third countries and in international organizations.

However, the EEAS was not launched until December 2010. Appointments for its management were mostly made in early to mid-2011 and key leadership positions (such as Directors for regional desks and Heads of EU Delegations) are still vacant or being appointed in August 2011.³¹ As a provisional solution, the under-staffed EU Delegation in New York has worked in collaboration with the diplomatic personnel of the country holding the rotating EU presidency.

Particularly in the short-term, these institutional innovations have created new friction and rivalries. The EU is sometimes seen as an organization with three heads and one bottom, given that the responsibilities for the European Council President, the Commission President and the High Representative for representation in External Affairs are not clearly distinguished. Unifying the EU's representation will take time and personal agreements between the incumbents, in particular as the rotating Presidency will continue to chair the General Affairs Council.³² Similarly, the concrete outcome of the new European diplomatic corps in New York cannot be fully judged at this initial stage of implementation, as it will depend largely on its final configuration and functioning.

The added value of the new European diplomatic corps in New York is that it can act as the unitary interface of the EU within the UN. European diplomats will not only represent the focal points for UN members when they want to consult and negotiate with the Union, but they will also ensure a direct liaison between the UN and the institutions in Brussels. A constant interaction with national capitals will also be established through the presence of national diplomats within the service and through the links between the personnel of the EU Delegation in New York with the

³¹ European Union Press Department, *EU High Representative/Vice President Catherine Ashton appoints 25 new Heads of EU Delegations*, Brussels, 3 August 2011, available at <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/944&format=HTML&aged=0&language=EN&guiLanguage=en> and European Union, *EU High Representative Catherine Ashton appoints three new Directors in the European External Action Service*, A/310/11, Brussels, 4 August 2011, available at http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/124167.pdf.

³² G. Edwards, "The Pattern of the EU's Global Activity", in C. Hill/ M. Smith (eds), *International Relations and the European Union*, op. cit., p. 63.

officers of the EU Delegations in third states. The downside to this arrangement is the risk of the EU having to act through twenty-seven plus-one diplomatic services. Opportunities for confusion rather than coherence remain rampant.³³

3. The EU and the Reform of the UN Security Council

All EU member states agree on the necessity to reform the UN Security Council, so as to give it more legitimacy in exercising its primary responsibilities towards international peace and security. All accept – more or less - the case for making it more representative of the current membership of the United Nations, particularly in terms of regional balance. However, the EU member states have never been able to formulate a common EU position on the substance of the UNSC reform.

The idea that emerged from the post-Cold War debate on the UNSC membership was the so-called “quick fix”, consisting in the simple creation of two new permanent seats for Germany and Japan, to be added to the P5. This proposal, which resulted in the establishment in 1993 of the open-ended General Assembly Working Group on how to proceed,³⁴ generated the rapidly rising discontent of Italy at the German candidature.³⁵ During the 2005 process, Germany and Italy put forward opposing approaches to the reform, enshrined respectively in the G4 and the Uniting for Consensus (UfC) platforms.

The Group of Four (G4), comprising Brazil, Germany, India and Japan, had called for new national permanent seats. They would be assigned by choosing among the economically strongest and most influential countries of the international community. In their 2005 official proposal, the G4 members put themselves forth as the main candidates for these seats together with an unspecified African country.³⁶

The original solution proposed by the UfC group instead (which is composed of about forty small and mid-size states, with Italy and Spain among the most active), focused on the need to reach the broadest possible consensus on the UN reform. It

³³ Ibid.

³⁴ The Open-ended Working Group on the question of equitable representation and on increase in the membership of the Security Council and other matters related to Security Council (OEWG) was tasked with producing reports and recommendations on the Security Council reform to be submitted to the General Assembly.

³⁵ C. Hill, “The European Dimension of the Debate on UN Security Council Membership“, in *The International Spectator*, Vol. 40, No. 4, p. 31.

³⁶ General Assembly, *Brazil, Germany and India: draft resolution, A/60/L.46**, 9 January 2006, available at http://www.reformtheun.org/index.php?option=com_content&view=article&id=14&Itemid=36.

envisaged an enlargement in the number of non-permanent seats only (from ten to twenty). The non-permanent members would be elected by the GA for a two-year term and would be eligible for immediate re-election, subject to the decision of their respective geographical groups.³⁷

So far as the EU is concerned, the tension between “integration” and “intergovernmental” perspectives among member states has always been a pivotal obstacle in the definition of a common EU position on the UNSC reform. The most acute divergences revolve around the need to ensure an institutional presence of some sort to the Union or to maintain the focus on national representation of the different EU member states within the Security Council.

Since at least 1993, immediately after the Common Foreign and Security Policy (CFSP) was first introduced in the Maastricht Treaty, there has been a series of attempts to increase the presence of the Union and its foreign policy at the UNSC, possibly by creating a permanent EU seat. Both the European Parliament (EP) and the European Commission (EC) have supported this option as stated in various EU documents. The former High Representative for CFSP, Javier Solana, alluded to the option in an interview in the German newspaper *Die Welt* in March 2003.³⁸ The proposal has also received strong endorsement from the members of the UfC movement, particularly from Italy. However, it must be noted that the newly appointed High Representative for Foreign Affairs and Security Policy of the Union, Lady Ashton, during her appearance before the EP in January 2010, stated in a reply to a question by the Vice-President of the Parliament, Mario Mauro that she had no opinion about an eventual EU seat in the Security Council.

The proposal for creating space for the EU as an unitary actor has been hampered by the opposition of first France and the United Kingdom. As the two European permanent members of the UNSC, both have always been reluctant to accept any substantial downgrading of their status in the UNSC. Moreover, Germany has campaigned at length from the G4 platform for a national permanent seat for itself.

³⁷ Uniting for Consensus, *Proposal on Security Council Reform*, 26 July 2005, available at <http://www.un.org/News/Press/docs/2005/ga10371.doc.htm>.

³⁸ *Interview mit dem Hohen Beaufragten für die europäische Außen- und Sicherheitspolitik, Javier Solana, "Einheit Iraks muss erhalten bleiben"*, published by Die Welt on 24 March 2003, available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/DE/sghr_int/75180.pdf.

The strongest argument against a common EU seat at the UNSC relies on the fact that the EU has often proved unable to identify any common ground among its members on sensitive UNSC issues. Prime examples include the split over the Iraq war in 2003 or the recognition of Kosovo's independence in 2008 – thus ruling out the possibility of presenting a united stance in New York within the CFSP framework on these issues. As correctly pointed out by Johan Verbeke, “the strength of the EU voice is dependent on the strength of the EU policy that it is called upon to articulate, not the other way round.”³⁹ Some have claimed that instead of putting the emphasis of the discourse on the need for a single EU voice, it would be better to aim at having a “polyphony of voices” spreading the same, or at least not dramatically divergent, messages.⁴⁰

In September 2008, with the GA Decision 62/557, UN member states agreed to move the fifteen-year-old deadlocked discussions on Security Council reform from the open-ended Working Group to intergovernmental negotiations. Five key issues were identified during the intergovernmental negotiations:

- categories of membership,
- the question of the veto,
- regional representation,
- the size of an enlarged Council and its working methods, and
- the relationship between the Council and the General Assembly.

How difficult agreement on SC reform is to achieve is shown by the rules of procedure, which are still provisional and have not been changed since 21 December 1982.⁴¹ They do not reflect recent changes, such as invitations to non-governmental organizations (NGOs) to appear before the Security Council and the widening of the scope of its mandate, as with the first discussion of climate change as a security risk on 17 April 2007⁴² - and regularly since.

Most of the UN's member states, including EU countries, confirmed positions adopted during the 2005 process. Nevertheless, it is possible to identify some

³⁹ J. Verbeke, “EU Coordination on UN Security Council Matters“, in J. Wouters, E. Hoffmeister and T. Ruys (eds.), *The United Nations and the European Union: An Ever Closer Partnership*, The Hague, T.M.C. Asser Press, p. 53.

⁴⁰ R. Kissack, *Pursuing Effective Multilateralism. The European Union, International Organization and the Politics of Decision Making*, op. cit., p. 119.

⁴¹ UN Security Council, *Provisional Rules of Procedure of the Security Council*, (S/96/Rev.7), New York, 21 December 1982, available at <http://www.un.org/Docs/sc/scrules.htm>.

⁴² UN Security Council, *Debate on Climate Change*, (S/PV.5663), New York, 17 April 2007, available at <http://www.un.org/Depts/dhl/resguide/scact2007.htm>.

elements of convergence and potential consensus among the main European stakeholders on the issue of UNSC reform. This partial rapprochement can be explained by the evolution in the political, economic and security scenario, both at the European and international levels. On the one hand, the balance of power has significantly shifted in recent years, leading to a reappraisal of the legitimate aspirations to membership of the European countries compared to the demands of nascent and emerging new powers (from South Africa, to Brazil and India). On the other, as the shape of the EU foreign and security policy has become progressively more defined, the Union has been emerging as one of the major players in the maintenance of peace, not only regionally but also internationally.

Germany is now less qualified than in the past to stake its claim on a permanent seat, especially if compared to the status of Brazil and India. It now occupies a peculiar position in the G4 and is engaged in striking a delicate balance between national aspirations and European commitments. The official position of Germany reveals this ambiguity: while in the long term Germany would like to see a joint European seat on the Security Council, in the meantime it is ready to assume greater responsibility on a national basis as a permanent member.⁴³ As a result, Germany has demonstrated its openness to intermediary agreements as long as they have a good chance of gaining the necessary two-thirds majority in the GA and are backed by the other two major European powers, France and the United Kingdom.

The members of the Uniting for Consensus (UfC) group have recently taken a new initiative: proposing to create a new category of longer-term non-permanent seats (either of a duration of three to five years without the possibility of immediate re-election, or for a two-year duration with the possibility of up to two immediate re-elections) to be assigned to the regional groups. One of these seats would be shared on a rotating basis between the Western European and Others Group and the Eastern European Group.⁴⁴ The members of these groups would be encouraged to designate a EU member state to occupy the seat and thus ensure that the Union has an indirect institutional presence in the UNSC. Other EU members, like Portugal,

⁴³ *Germany at the UN Security Council* in the website of the Federal Foreign Office, available at http://www.auswaertiges-amt.de/sid_488B68D2FE53B24D8E47701B09A460B7/EN/Aussenpolitik/Friedenspolitik/VereinteNationen/DEUimSicherheitsrat/101230-VorschauSRMitgliedschaft-node.html.

⁴⁴ *UfC platform on Security Council reform*, A/64/CRP.1, 21 January 2010, available at <http://www.italyun.esteri.it/NR/rdonlyres/3661BCE2-6BFC-49A2-81E8-F8FFBFB58FE8/0/20100210125245277.pdf>.

Sweden and Poland, seem more inclined today to support this kind of solution than they were in the past.

On their side, France and the UK (P2) have presented a proposal that envisages an expansion in both the permanent and non-permanent categories of members. For the new permanent seats, the P2 have openly supported the candidature of Brazil, India, Germany and Japan, along with a representative from the African continent. However, the two countries also back the identification of a pragmatic intermediate solution, which would entail the creation of a new category of seats with a longer mandate than that applicable to the members currently elected.⁴⁵ At the end of this intermediate period, these new seats would be converted into permanent seats.⁴⁶

Most of the contention among EU member states therefore centres on the categories of new members, an issue that is linked to the question of representation of the Union itself within the UNSC. The idea of an intermediate solution has gained increasing support from EU countries. However, no agreement has been reached on the substance and timeframe of this interim process. In particular, while France, the UK and Germany see it as leading to the creation of new national permanent seats, Italy and the other UfC members consider this option as a temporary solution that would result in a compromise approach.

Some consensus has been reached on other key issues, such as the necessity to improve the relationship between the Council and the General Assembly, and to reform the working methods of the Council so as to make them more transparent and inclusive. There are a number of proposals on possible limitations of the right of veto, ranging from a self-denying ordinance of the P5 in the exercise of their veto power, to the obligation for them to explain their reasons for vetoing before all the members of the GA and, finally, to the restriction of its use to Chapter VII matters. Moreover, it is possible to agree on the fact that the size of an enlarged Security Council can be realistically set in the mid-twenties, or almost double the current size of 15.

⁴⁵ These proposals are based on Models A and B identified by the High Level Panel (HLP) and Secretary General in 2004-2005. Model A envisaged 6 new permanent seats with no power of veto and three more two-year non-renewable seats. Model B did not envisage any new permanent seats but a new category of eight four-year renewable-term seats and one new two-year non-permanent (and non-renewable) seat, divided among the major regional areas. UN High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, A/59/565, 2 December 2004, available at <http://www.un.org/secureworld/> and UN Secretary General, *In Larger Freedom. Towards Development, Security and Human Rights for All*, A/59/2005, 21 March 2005, <http://www.un.org/largerfreedom/contents.htm>.

⁴⁶ *UK/French position on the reform of the Security Council*, 1 March 2010, available at http://www.reformtheun.org/index.php?option=com_docman&task=doc_download&gid=789&Itemid=248

Until now, any discourse on reform of the UNSC within the EU has been a prerogative of the member states, with some of them being on the front line. EU institutions have only played a secondary role in the building of consensus on this crucial policy issue. They have only occasionally underlined the need for a more effective UNSC and shown their support for unitary representation of the EU in the Security Council. Open discussions on UNSC reform have been avoided, both in Brussels and in New York, as this matter was considered too controversial. However, now that the Lisbon Treaty is in force, its provisions open up new prospects.

The institutional innovations outlined above, together with the strengthened role of the European Parliament, have established the basis for more balanced and cooperative inter-institutional relations. The “*reductio ad unum*” of policies and structures governed by the Treaty, especially concerning the EU’s relations with third countries and organizations, has no precedent in the history of the Union. In this new framework, EU institutions could – given the primary role to be played by the High Representative, supported by the EEAS and the EU Delegation to the UN – trigger a fruitful consultative and negotiation process, both in Brussels and in New York. This process should start from the consensus areas that have emerged during the intergovernmental negotiations and ideally aim at reconciling the intergovernmental and integration strands that characterise the EU’s actorness at the United Nations into a compromise proposal.

On the crucial issue of the categories of members of a renewed UNSC, the possible elements of such a proposal can be identified in the latest positions taken by the main EU member states:

(1) the creation of a new class of semi-permanent members without the right of veto who would serve renewable or longer terms than the current non-permanent members having a two-year mandate;

(2) the institutionalisation of mechanisms and criteria for the election/re-election and rotation of the members of this new category within the regional groupings themselves;

(3) the establishment of an interim period for the implementation of these changes, at the end of which a new decision should be taken on the composition of the UNSC.

In relation to these features, and in particular the principle of regional representation, the EU could bolster its own credibility at the UN by leading a new campaign – with the support of other groupings – that focuses on the role of regional arrangements and their contribution to the Security Council.

4. Overcoming Deadlock: the Role of Regional Organizations

Although the United Nations is based on state membership, regional groups are pervasive in its deliberations and actions.⁴⁷ The last twenty years have witnessed a disappointing performance by the UNSC both as legitimizer and peacekeeping implementer (for instance, over Kosovo, Iraq, and the current non-action on Syria to name just a few cases). At the same time, regional organizations have acquired an enhanced role in international peace and security (the EU, but also the African Union, are telling examples).

This has led some authors to question the vertical UN-led approach and the exclusive legitimacy of the Security Council on intervention decisions.⁴⁸ At the same time, it must be recognized that “an ideological regionalism that ignores wider multilateralism cannot address the link between conflicts within the region and wider global politics”.⁴⁹ In the attempt to reconcile these two logics of globalization and regionalization, Hettne and Söderbaum have put forward the idea of a “regional multilateralism”, built around regional entities such as the EU and the African Union, as opposed to an “orthodox multilateralism” centered on the UN, with member states as the basic units.⁵⁰ The authors focus on the need for “complementarity” and “shared responsibility” between global and regional agencies, to be encouraged “through interregional arrangements that support the values and principles associated with the idea of multilateralism”.⁵¹

How can this vision be translated into the debate on the reform of the UN Security Council and the role of the European Union? A “representative” solution would be to

⁴⁷ T. G. Weiss and R. Thakur, *Global Governance and the UN. An Unfinished Journey*, op. cit., p. 85.

⁴⁸ A. Buchanan and R. O. Keohane, “Precommitment Regimes for Intervention: Supplementing the Security Council”, in *Ethics & International Affairs*, Vol. 25, No. 1, 2011, p. 52, available at http://journals.cambridge.org/download.php?file=%2FEIA%2FEIA25_01%2FS0892679410000018a.pdf&code=329a66db8dff0c308eb4aa14d4bda045.

⁴⁹ B. Hettne and F. Söderbaum, “The UN and Regional Organizations in Global Security: Competing or Complementary Logics?”, in *Global Governance*, Vol. 12, 2006, p. 230.

⁵⁰ *Ibid.*, pp. 229-230.

⁵¹ *Ibid.*, p. 231.

have a reformed UNSC with seats assigned to delegates from the various regions of the world. However, this option encounters a series of legal and operational obstacles. As provided by the UN Charter, the membership of the organization is open to “peace-loving states” only (Article 4) and the Security Council shall consist of “fifteen Members” of the UN (Article 23). Every amendment of these provisions shall be adopted by a difficult two-thirds majority of the members of the UN General Assembly and ratified by two-thirds, including the permanent members of the UNSC (Article 108).

However, other options for introducing mechanisms of regional representation in a reformed UNSC, which could be passed without the need to amend the UN Charter, can be envisaged:

- conferring an enhanced representation on regional organizations through UNSC non-permanent seats. According to this option, non-permanent seats should be assigned to countries that have been identified within the different regional groupings. In so doing, the ability of each country to contribute to the UN’s machinery and peace and security operations would be taken into account. The idea behind this proposal is to make UNSC members more accountable to the regions they represent, especially by establishing election/re-election and rotation mechanisms within the regional groupings themselves. This option would require the adaptation of the existing electoral groups – agreed on in the GA Resolution 1991 (XVIII) of 17 December 1963, after the UNSC membership increased by four non-permanent members – to the changed international reality. For example, the current EU members are dispersed over three electoral groupings: sixteen in the Western Europe and Others Group (WEOG), eight in the Eastern European Group (EEG) and one (Cyprus) in the Asian group;
- increasing the presence of regional organizations in UNSC debates and deliberations. This proposal could be implemented in two ways:
 - (1) through an expansion of the scope of Article 39 of the Provisional Rules of Procedure of the Security Council, which allows the UN body to invite “[...] persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence“. Representatives of regional organizations could be regularly invited to assist to the discussions of the UNSC.

(2) As a more ambitious – but also more controversial – alternative, the UNSC could decide to grant observer status to regional organizations that have achieved a substantive level of integration within the UNSC, building on the recent GA Resolution on the participation of the EU to the work of the UN.⁵²

On the concept of regional representation, as Richard Haass warns, the UN Charter prescribes that geographical balance should be, at most, a secondary issue: the ability to advocate and defend international peace and security should be the primary concern.⁵³ Against this background, the EU can be considered as a *sui generis* actor in comparison with the other regional organizations that play a role in the UN framework, being more advanced in terms of level of integration and supranational institutionalization. These characteristics make the EU able to contribute significantly to the implementation of the UNSC's deliberations, particularly in fields such as the fight against terrorism, disarmament and non-proliferation, the protection and promotion of human rights and international peacekeeping.⁵⁴

As such, the EU could play a pivotal role in advocating a higher degree of regional representation at the UN Security Council. At the same time, the Union should liaise with other entities that could effectively support such a campaign, being qualified to do so and willing to engage in an interregional effort of this scope. Among the regional organizations at the UN, the EU should devote special attention to the African Union. The AU is not only one of the most representative regional organizations – its membership includes 54 out of the current 55 (after the declaration of independence by South Sudan) African countries. It also has a privileged relationship with the EU, both in terms of political dialogue – embedded in the Joint Africa-EU Strategy adopted in 2007 – and of cooperation in peace and security matters – especially through the EU's support to AU's capability development by the African Peace Facility (APF).⁵⁵

⁵² N. Pirozzi and N. Ronzitti, *The European Union and the Reform of the UN Security Council: Toward a New Regionalism?*, IAI Working Papers, May 2011, p. 12, available at <http://www.iai.it/pdf/DocIAI/iaiw1112.pdf>.

⁵³ Not all regions are coherent geopolitical units: for example, the regional proximity of rivals such as India and Pakistan, and Japan and China, has not cultivated a common approach to international peace and security. Forward by Richard Haass to K.C. McDonald and S.M. Patrick, *UN Security Council enlargement and US interests*, Council on Foreign Relations, Special report 59, December 2010, p.vii, available at <http://www.cfr.org/un/un-security-council-enlargement-us-interests/p23363>.

⁵⁴ N. Pirozzi and N. Ronzitti, *The European Union and the Reform of the UN Security Council: Toward a New Regionalism?*, op. cit., pp. 9-10.

⁵⁵ N. Pirozzi, *EU support to African security architecture: funding and training components*, Occasional paper No. 76, Paris, EU Institute for Security Studies, February 2009, available at <http://www.iss.europa.eu/uploads/media/op76.pdf>.

As for AU-UNSC relations, it must be recalled that Africa has an obvious practical stake in deliberations on the Security Council's working methods. No other continent dominates the UNSC agenda as does Africa, consistently yielding more than 50% of the issues the Security Council is mandated to address.⁵⁶ As a result, most of the UN's humanitarian efforts and its largest, most numerous, peacekeeping missions are based in Africa. It stands to reason that the elusive search for peace and security in Africa calls for a more authoritative, permanent African contribution to the Security Council's deliberations.

The AU's increasing commitment to address conflicts on the African continent has raised new questions regarding its relationship as a regional organization (under Chapter VIII of the UN Charter) with the Security Council.⁵⁷ Despite lagging uncertainties at the institutional level,⁵⁸ a dynamic interaction between the UN and the AU has developed over the past few years and several AU decisions in this respect have been taken into account in the work of the UNSC.⁵⁹ An understanding on how to strengthen the relations between the Security Council, as the entity bestowed with the primary responsibility for the maintenance of international peace and security, and regional organizations such as the AU, is therefore of key importance to Africa – and arguably even more so than the identity of permanent UNSC members.

⁵⁶ UN Department of Peacekeeping, *Current Operations*, 2011, available at <http://www.un.org/en/peacekeeping/currentops.shtml>.

⁵⁷ This relationship requires “particular emphasis on the ‘Establishment of a Co-ordination and Consultation Mechanism between the African Union Peace and Security Council and the United Nations Security Council’. The AU PSC is particularly keen to get recognition from the UN Security Council that it is the authoritative body on peace and security issues on the African continent. It wants to be consulted on individual African cases under consideration by the UN Security Council and would like the UN Security Council to give serious consideration to requests and decisions made by the AU PSC”. Institute for Security Studies, *South Africa's second term at the UN Security Council: managing expectations*, ISS Situation Report, 8 December 2010, p. 7.

⁵⁸ *Ibid.*, p. 8. The report explains that clarity on division of labour between itself and the UN in matters of peacekeeping is not forthcoming, especially in cases where Security Council leadership is required because of clear international repercussions. Moreover, the matter of predictable and sustainable funding for AU-led and UN Security Council-authorized peacekeeping operations in Africa is ambiguous. There is also the issue of the capacity-building necessary to operationalise the African Peace and Security Architecture. Finally, the joint UN-AU Panel on UN support for AU-led and UN Security Council authorized peace operations in Africa, otherwise known as the Prodi Panel, and the follow-up report by the UN Secretary-General, still awaits serious consideration and a final decision by the UN Security Council.

⁵⁹ Recent examples include: *Report of the Secretary-General on the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security*, S/2008/186, 7 April 2008, available at http://www.un.org/Depts/dpa/reports/S_2008_186.pdf; United Nations General Assembly/Security Council, *Report of the African Union-United Nations panel on modalities for support to African Union peacekeeping operations*, A/63/666-S/2008/813, New York, 31 December 2008, available at http://www.un.org/ga/search/view_doc.asp?symbol=A/63/666; United Nations General Assembly/Security Council, *Support to African Union peacekeeping operations authorized by the United Nations. Report of the Secretary General*, A/65/510-S/2010/514, New York, 14 October 2010, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/570/13/PDF/N1057013.pdf?OpenElement>.

On the UNSC reform issue, Africa is the only region that has, thus far, endorsed a consensus position. In the so-called “Ezulwini Consensus”, formally endorsed in the July 2005 Sirte Declaration, African leaders demanded two veto-bearing permanent seats and five non-permanent seats allocated to the continent.⁶⁰ In an attempt to avoid controversy and diplomatic impasse, the document did not formulate any eligibility criteria for African candidates. It stated merely that the AU would be responsible for the selection of Africa’s representatives with due consideration of their “representative nature” and “capacity”. Several African states have declared themselves duly representative and in a position to take on this task: Senegal, Kenya, Libya, Egypt, Nigeria and South Africa are notable examples, although only the latter three have been widely touted to stand a realistic chance.

For this reason, it seems that this common African position on UNSC reform exists only in rhetoric. Initially adopted by a majority of African leaders, but never through consensus, the proposal has not been repudiated or amended. However, it is increasingly downplayed by major African role-players, which realize that its prescriptions for UNSC reform can be counter-productive. South Africa, one of the main African candidates for permanent membership of a reformed Council, is a case in point: this year the country became the 5th member of BRICS, a power-bloc that already boasts two P5 members (Russia and China), and two that have a very strong claim to permanent membership (India and Brazil as part of the G4 coalition).

This analysis suggests that the EU should reinforce its region-to-region diplomacy with Africa in matters of peace and security, by advancing a new form of interregional cooperation in the broader framework of the United Nations, with a view to helping a realistic AU position on representation to emerge.⁶¹ This effort could also take the form of a EU-AU-UN triangular dialogue, focused on designing an innovative approach to regionalism within the Security Council. As concerns the technical matter of reform of UNSC membership, an effective strategy of cooperation should be implemented both through the EU-AU political dialogue and by engaging with key AU member states. In this endeavour, the role of the HR would be central in building closer ties with the AU leading representatives, while the EEAS is ideally placed to

⁶⁰ African Union, *The Common African Position on The Proposed Reform Of The United Nations: “The Ezulwini Consensus”*, Executive Council of the African Union, 7th Extraordinary Session, Ext/Ex.Cl/2 (VII), Addis Ababa, 7-8 March 2005, available at http://www.africa-union.org/News_Events/Calendar_of_%20Events/7th%20extra%20ordinary%20session%20ECL/Ext%20EXCL2%20VII%20Report.pdf.

⁶¹ For an assessment of continent-to-continent diplomacy between Africa and the EU, see N. Pirozzi, “Towards a Real Africa-EU Partnership on Peace and Security: Rhetoric or Facts?”, in *The International Spectator*, Vol. 45, No. 2, June 2010.

reach African institutions (in New York, Brussels and Addis Ababa) and the capitals of relevant players on the continent.

Conclusion

Despite its declared commitment to implement a coherent action at the United Nations, the EU has not been able to perform as a unitary entity in its relations with the world organization and within its most powerful body. Until now, its presence at the UN has been highly fragmented, with a proliferation of actors: the EC Delegation to the UN, the EU Council Liaison Office in New York, the rotating presidencies, the High Representative, as well as the twenty-seven Missions of the EU member states. This fragmentation has generated confusion and discord in its interactions with UN stakeholders and external partners. As a consequence, the EU has not often “communicated its vision of multilateralism” to others in a politically compelling way”.⁶²

What are the prospects for the EU’s presence and performance at the UN Security Council in the framework of the Lisbon Treaty? In terms of coordination, Article 34 of the Lisbon Treaty does not go beyond the obligation for the EU members of the UNSC to concert and keep the other member states and the High Representative fully informed. Coordination meetings at various levels take place in New York and in Europe, but they are more targeted to information sharing than to policy coordination. One positive outcome of the Lisbon Treaty in this regard can be identified in the new role assigned to the EU Delegation – in the person of its Head or one of its officers – which has now the responsibility to chair the coordination meetings among EU member states in New York. This move should ensure a higher degree of continuity and institutional memory than in the past, when this task was assigned to the rotating presidencies.

A more substantive impact could be produced by the provisions of the Treaty in terms of the representation of the EU at the Security Council. In fact, the frequency and scope of the interventions made by the High Representative and the Head of Delegation to present the Union’s positions on relevant issues at the UN Security Council after the entry into force of the Lisbon Treaty lead us to believe that the EU is willing and able to gain more visibility in this important endeavour. However, the

⁶² R. Gowan and F. Brantner, *A Global Force for Human Rights? An Audit of European Power at the UN*, Policy Paper, London, European Council on Foreign Relations, September 2008, p. 3, available at http://www.ecfr.eu/page/-/documents/30b67f149cd7aaa888_3xm6bq7ff.pdf.

achievement of a greater presence at the UN Security Council is subject to two main accomplishments, which have not yet been realised: a more cohesive foreign policy conducted by the EU member states on UNSC matters and an effective European External Action Service to support the High Representative and ensure a strong diplomatic action of the Union. If these prerequisites are not fulfilled in the near future, the Treaty risks becoming irrelevant to the enhancement of the EU's actorness at the Security Council.

A landmark step in this direction would be the elaboration of a common EU stance on UNSC reform. This could be achieved by a gradual coordination of national policies under the authority of the new institutions created by the Lisbon Treaty, chief among these being the office of the High Representative, supported by the EEAS and the EU Delegation to the UN. Although the success of such an initiative cannot be taken for granted, it nevertheless has the merit of re-activating the EU's internal discussions on this issue within a more cohesive framework and gives an opportunity to the new EU institutions to engage directly in multilateral negotiations in New York on a common platform.

Both the HR and the EEAS can be instrumental in engaging with other regional actors at the UN, most notably the African Union, and promoting a more dynamic approach to strengthen global governance in the realm of peace and security. This approach should be based on a "regional multilateralism", which places regional players at the core of the security architecture developed by the UN and envisages their greater representation within its most powerful body, the Security Council. Beyond the institutional aspects linked to the UNSC reform, a reinforced interregional dialogue in the UN framework could address the quest for a legitimate decision-making forum at the global level. At the same time, it could give a boost to the EU's efforts to implement effective multilateral action.

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