



The European Union at the United Nations

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The *Treaty of Lisbon* created two important new EU posts: the President of the European Council (Herman van Rompuy) and the High Representative for Foreign Affairs and Security Policy (Catherine Ashton). The intention was to give the EU a stronger, more consistent and visible role in world affairs.

The European Community had had observer status at the United Nations (UN) since 1974, but after the implementation of the Lisbon Treaty and the merging of the European Community with the European Union, the High Representative asked the UN to enhance the former EC's observer status by granting the EU speaking rights at the UN General Assembly (UNGA).

In September 2010 the UN voted in favour of a CARICOM (Caribbean Community) resolution to postpone a decision on special rights for the EU and the EU was forced to revise its proposal.

In May 2011 the UNGA voted in favour of an amended resolution, [Resolution A/RES/65/276](#), which granted the EU the right to:

- Speak and make interventions
- Participate in the general debate of the General Assembly
- Have its communications circulated directly as documents of the Assembly, meeting or conference
- Present proposals and amendments orally, which will be put to a vote at the request of a Member State
- Exercise the right of reply regarding positions of the EU on the basis of one intervention per item.

The European Parliament has suggested the EU should also be represented at the UN Security Council.

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1 The EU seeks representative rights at the UN

Under Article 4 of the [United Nations Charter](#), UN membership is open to states only. The European Community had permanent observer status at the United Nations General Assembly under [UN General Assembly Resolution 3208 \(XXIX\) of 11 October 1974](#), which stated:

Wishing to promote co-operation between the United Nations and the European Economic Community,

Requests the Secretary-General to invite the European Economic Community to participate in the sessions and work of the General Assembly in the capacity of observer.

Observer status is granted only by a UN General Assembly resolution and is based on practice, as there are no provisions for it in the UN Charter.¹ Observer states have limited authority to intervene in debates and no voting power.

Until the Lisbon Treaty entered into force in December 2009, the European Community was represented in international fora by the Commission (e.g. for trade negotiations)² and/or the ambassador of the EU Member State holding the six-monthly rotating presidency (at the UN, for example). Under the Lisbon Treaty the European Community became the European Union;³ it retained the rotating presidency, which chairs most of the Council compositions, but also established two new posts: President of the European Council (Herman Van Rompuy) and High Representative for Foreign Affairs and Security Policy (HR - Catherine Ashton). These posts were intended to give the EU a more visible international profile and enhance its relevance and policy coherence in external affairs.

¹ See [UN information on permanent observers](#)

² The EU was generally limited to speaking after all UN Member States in the UNGA, although in practice it has sometimes been given preferential treatment over other observers.

³ Pre-Lisbon only the EC had “legal personality”, with the capacity to act in international fora, sign treaties, conclude trade negotiations etc. With the collapse of the pillared structure and the combining of former intergovernmental areas with Community areas of competence, the Lisbon Treaty endowed the European Union with legal personality.

In an effort to achieve this visibility, after the entry into force of Lisbon, Catherine Ashton sought from the United Nations an EU right to speak at the UN General Assembly (UNGA). Writing to the UN Secretary General, Ban Ki-moon, on 18 August 2010 about EU aid for Pakistan following severe flooding, Baroness Ashton said that the Belgian Foreign Minister, Steven Vanackere, would deliver a message of support at the UNGA on behalf of the EU. She added that she would have represented the EU at this meeting “but for the fact that the appropriate speaking rights are not yet in place” and expressed her wish “that this hurdle can be overcome as soon as possible”.⁴

On 24 August 2010 European Council and Commission representatives confirmed reports that the UN would grant the EU the right to speak at the UNGA before its 64th session which started on 15 September 2010.⁵ The Deputy Prime Minister, Nick Clegg, reinforced the importance of an effective EU at the UN in an address to the UNGA on 24 September 2010, saying: “it is important that the vital role of the EU in promoting development and prosperity can be adequately represented in the General Assembly”.⁶

2 The UN postpones a decision and the EU revises its request

As other regional groupings and organisations such as the Arab League, the African Union and ASEAN began to suggest a similar status for themselves at the UN, some UN states were reported to be increasingly wary of granting enhanced rights to the EU.⁷ The Suriname presidency of CARICOM thought the EU proposal would alter the working methods of the UN and interaction among Member States, and affect the UN’s ‘one state, one vote’ rule. There were also reports that the UK and France, both permanent members of the UN Security Council (UNSC), had been reluctant for the EU to be granted representative status at the UN, fearing they could lose their influence in the UNSC. They supported the EU being granted the right to speak at the General Assembly, but not at the Security Council.

In mid-September 2010 the GA voted by 76 votes to 71 [on a motion](#) by the CARICOM group to postpone consideration of the change in the EU’s status. The 76 included African, Caribbean and Pacific countries, Iran and Venezuela.

In the face of opposition from Canada, New Zealand and Australia on procedural grounds, and other states led by CARICOM, the Hungarian EU presidency (January – June 2011) agreed to change the EU resolution. After eight months of intensive discussions with other UN Member States and regional blocs, the wording of the EU resolution was amended to take account of regional groupings that might also wish to obtain special status at the UN.⁸

A *European Voice* report by Michael Emerson and Jan Wouters thought the EU’s efforts to achieve stronger representation in international fora were only just beginning:

And this is just the tip of the iceberg. Also ongoing are negotiations to revise the governance of the executive board of the [International Monetary Fund](#) (IMF). The BRICs – Brazil, Russia, India and China – are seeking stronger representation, with the presumption being that Europe will make the concessions. The US is proposing that the board be slimmed down from 24 to

⁴ [Statement by High Representative Catherine Ashton](#), 18 August 2010

⁵ [EurActiv 26 August 2010](#)

⁶ [Deputy PM’s speech to the UN General Assembly](#), 24 September 2010

⁷ [Czy Unia zastąpi swoich członków w ONZ](#), 24 August 2010, cited in [EurActiv 26 August 2010](#)

⁸ [EUObserver](#), 3 May 2011

20 seats, with smaller EU member states in the firing line. But the EU or the eurozone need to be strongly represented at the IMF, where the [European Central Bank](#) has no more than partial observer status. At the [World Bank](#), the EU, as the world's leading donor bloc, is not even present as an observer at its executive board.

There is still more to be worried about. The EU is party to a great many multilateral treaties that involve competences 'shared' between the EU and its member states. How should the EU be represented in negotiations concerning such treaties post-Lisbon?

There was another debacle in June at a meeting in Stockholm over a treaty for phasing out the use of mercury, where the European Commission had to say that the EU could not negotiate in the absence of "formal authorisation to negotiate". This case has become another battleground between the Commission and the [Council of Ministers](#) over the rules for the EU's external action, to be fought out before the [European Court of Justice](#).

Some might suppose that these legal-institutional questions could be left to be resolved gradually over the years. But this is no longer feasible. World events now require the EU to face up to new realities urgently, or slide into irrelevance in global affairs.

These affairs illustrate the three tensions at play. The EU is striving for a higher status in world affairs. The BRICs want more power. The EU member states are under pressure, but are unwilling to cede their national seats to a single EU seat. The result is impasse, with much of the blame aimed at the EU. The imbroglio will worsen unless the EU does two things.

First, it has to engage in a comprehensive and strategic review of how it should position itself in the multilateral system, notably over the distribution of roles between the EU itself and the member states. This is a complex legal and political task. It should be set into motion now by the [European Council](#) at a summit of the type held last week (16 September), and undertaken by the [European External Action Service](#) and the Commission.

Second, when the EU next advances a proposition on the world stage, it must do its diplomatic homework better. Communication and lobbying with the world's 192 (less 27) UN member states is indispensable. It is too costly for the credibility of the EU to go to the General Assembly and be surprised when its proposal is shot down by states that are the main beneficiaries of its aid.⁹

Ironically, just as the HR was trying to enhance the EU's and her own role in world affairs, she personally was criticised for being inactive, ineffective and disorganised. In early May 2011 the Belgian Foreign Minister, Steven Vanackere, was reported to have criticised Catherine Ashton for having "little long-term strategy and poor management of her agenda".¹⁰ Vanackere, reported to have been a staunch supporter of Catherine Ashton under the Belgian EU presidency (July – December 2010), told the Belgian daily, *Le Soir*, that "In the absence of a central player that reacts, makes analyses and conclusions quickly, it is the Germans today, the French tomorrow or the English who partially take up this role ... The result is centrifugal, not centripetal". He compared her unfavourably with fellow Belgian Van

⁹ Michael Emerson, senior research fellow Centre for European Policy Studies (CEPS); Jan Wouters, professor of international law and international organisations, director of Centre for Global Governance Studies, Leuven University, [European Voice 23 September 2010](#)

¹⁰ [EUObserver, 5 May 2011](#)

Rompuy,¹¹ who had the capacity, he thought, “to make choices, concentrate on the key issues, avoid getting lost in the details, manage one’s agenda”. He thought Ashton had “failed to bring any new insights to the table”, and had been disappointed with her analysis for a debate about the EU’s relationship with strategic partners. The *EUObserver* reported on 16 May that the German Green MEP, Franziska Brantner, had said “Cathy Ashton is failing to grasp what her job is ... Instead of proactively forging common positions, she passively waits until EU governments have outlined their positions, the lowest common denominator of which she then presents as her proposal”.¹²

Vanackere’s criticisms were refuted by Michael Mann, the HR’s spokesperson, who defended her handling of the “Arab Spring” situation, sanctions against Libya and “long-term post-Gaddafi political decision-making”.¹³

3 The EU is granted speaking rights at the UN

On 3 May 2011 the UNGA voted by 180 in favour to none against, with 2 abstentions (Syria and Zimbabwe), to grant the EU an enhanced observer status. Under [Resolution A/RES/65/276](#) the EU representative(s) will be

(a) Allowed to be inscribed on the list of speakers among representatives of major groups, in order to make interventions;

(b) Invited to participate in the general debate of the General Assembly, in accordance with the order of precedence as established in the practice for participating observers and the level of participation;

(c) Permitted to have its communications relating to the sessions and work of the General Assembly and to the sessions and work of all international meetings and conferences convened under the auspices of the Assembly and of United Nations conferences, circulated directly, and without intermediary, as documents of the Assembly, meeting or conference;

(d) Also permitted to present proposals and amendments orally as agreed by the States members of the European Union; such proposals and amendments shall be put to a vote only at the request of a Member State;

(e) Allowed to exercise the right of reply regarding positions of the European Union as decided by the presiding officer; such right of reply shall be restricted to one intervention per item.

The EU representative will not have the right to vote, co-sponsor draft resolutions or decisions, or put forward candidates.

Catherine Ashton told the UNGA that the UN would hear “a clearer voice from the European Union”.¹⁴ In an EU statement, she made clear that the Resolution would enable EU representatives to present and promote the EU’s positions in the UN “as agreed by its

¹¹ The *EUObserver* points out that “Both are Christian Democrats from the northern Flemish region of Belgium”

¹² [EUObserver, 16 May 2011](#)

¹³ [EUObserver, 5 May 2011](#)

¹⁴ [UN press release, 3 May 2011](#)

Member States”.¹⁵ Herman Van Rompuy said that thanks to the Resolution, “the EU achieves an important recognition as a global actor at the United Nations”.¹⁶

The Zimbabwean representative was concerned that the EU’s text threatened to undermine the UN by creating a new category of observer. Other delegates from regional groups welcomed the improvements to the text, saying they could now support the resolution. The representatives of the Bahamas (on behalf of the Caribbean Community), Nigeria (on behalf of the African Union) and Sudan (on behalf of the Arab Group) considered the text to be a precedent.

One delegate expected the EU to support requests for similar rights by other regional groups and there is an expectation that such groupings will want to ‘up-grade’ their status at the UN. Writing in *EurActiv* in May, Eberhard Rhein¹⁷ wrote of the decision as a “milestone in the history of the United Nations”, as it will allow the EU “to speak with one voice whenever it so desires” and “without changing the basic nature of the UN as an inter-governmental organisation of some 200 sovereign states or the status of the EU as an observer”.¹⁸ Rhein continued:

This facility will offer the EU greater visibility on the global scene and push it into more coherence: any EU spokesperson, whatever their rank, will only be able to intervene after member states have 'tuned their violins', so to speak. If successful, the new facility will induce other regional organisations with external competences, e.g. ASEAN, the African Union or GCC, to ask for similar privileges. This would in due time streamline UN debates. The number of interventions will tend to decrease, as UN member states will find it more effective to present coordinated positions. UN work will grow more stimulating and productive.

Beyond streamlining the internal EU decision-making procedures, like generalising co-decision, the Lisbon Treaty therefore may prove one day to have also been a catalyst for more effective global governance, something humanity will desperately need in the coming decades.

4 Reaction in the UK

David Lidington set out in a written answer on 17 May 2011 the main elements of the Resolution, adding assurances that the EU would not act unilaterally and that the UK’s status on the UN Security Council would remain intact:

It remains, however, the case that the EU representatives can only do this if the UK and other member states authorise them to do so. Furthermore, EU representatives speak and act on behalf of the 27 member states with their authorisation, not in addition to them.

The resolution underlines the intergovernmental nature of the General Assembly, whose membership is limited to UN member states. It does not affect the UK’s sovereignty; nor does it affect the UK’s ability to act independently in the UN or internationally. The rights of individual EU member

¹⁵ [Statement](#) by Catherine Ashton on the adoption of the UN General Assembly Resolution on the EU's participation in the work of the UN, 3 May 2011

¹⁶ [Statement by Herman Van Rompuy on the participation of the EU in the work of the UN](#), 3 May 2011

¹⁷ Eberhard Rhein is a former senior Commission official for external relations and lecturer on economic policy at the Mediterranean Academy for Diplomatic Studies, Malta.

¹⁸ [EurActiv](#), 4 May 2011

states are not curtailed. Moreover, the resolution makes very clear that the EU will remain an observer. Its status in the General Assembly is unchanged.

The EU representative will continue to be seated among the other international organisations that have observer status.

The effect of the resolution is limited to the General Assembly (including Committees, working groups, international meetings and UN conferences). It does not affect the rights or status of the EU or member states in any other UN body or international organisation. The UK's position in the UN Security Council is not affected.¹⁹

There appears to have been little to no comment on the new EU rights from the opposition, although there was criticism from the UK Independence Party (UKIP) leader, Nigel Farage, who [said on 4 May 2011](#) that the “The EU's speaking rights at the UN is another step on the road to the UK's international irrelevance”.

5 UN Security Council: the EP calls for more EU representation

Under Article 31 of the [UN Charter](#) the UNSC may invite any UN Member State or competent person to participate in its discussions. Catherine Ashton has already addressed the UNSC on EU-UN cooperation and on cooperation between the UN and regional and sub-regional organisations.

Under Article 34 of the *Treaty on European Union* (TEU) as amended by the Lisbon Treaty:

Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

Article 34(2) requires that Member States with a seat on the UNSC request the HR to speak on the EU's behalf, where the EU has defined a common policy.

Some believe this means the UK can no longer act independently within the Security Council, although a Declaration adopted at the Lisbon Intergovernmental Conference (IGC) aims to prevent the EU's new diplomatic competences from affecting the individual Member States' powers in international organisations. [Declaration \(No. 14\) concerning the common foreign and security policy](#) states:

The Conference underlines that the provisions covering the Common Foreign and Security Policy including in relation to the High Representative of the Union for Foreign Affairs and Security Policy and the External Action Service will not affect the existing legal basis, responsibilities, and powers of each member state in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organisations, including a member state's membership of the Security Council of the United Nations.

¹⁹ [HC Deb 17 May 2011 c137W](#)

On 20 April 2011 the EP Committee on Foreign Affairs adopted an own-initiative report drafted by María Muñiz De Urquiza (S&D) on [The EU as a global actor: its role in multilateral organisations](#),²⁰ in which it suggested a role for the EU at the UNSC:

20. Reiterates the view, in keeping with the purposes of the Lisbon Treaty in enhancing EU foreign policy and the role of the EU in global peace, security and regulation, that an EU seat in an enlarged UNSC remains a central, long-term goal of the European Union; calls on the VP/HR to take the initiative to develop a common position of the Member States to that end; suggests, in order to achieve that goal in the future, working on prior coordination of positions in the Council of the EU on the introduction of new members of the UNSC and reform of the UNSC's decision-making towards the possible use of a super-qualified majority;

21. Calls on the VP/HR, in her capacity as chair of the Foreign Affairs Council, to seek common EU positions on issues to be decided in the UNSC in order to have such positions implemented through joint voting practice; encourages the VP/HR, the EEAS and the EU Member States to play a more active role in establishing cooperation mechanisms aimed at ensuring that EU Member States that sit on the UNSC defend common EU positions therein;

22. Invites EU Member States with seats on the UNSC to keep other EU Member States adequately informed of their positions and activities and to share information about developments in the UNSC with other EU Member States; welcomes the newly established practice whereby a representative of the EU is generally invited to attend most scheduled UNSC deliberations and participate with some limited right to speak at the UNSC;

At its plenary session on 11 May 2011 the EP debated the Common Foreign and Security Policy (CFSP) and the HR's priorities in the years ahead. The Muñiz De Urquiza report was debated and the resolution adopted by 492 to 93 votes, with 16 abstentions.²¹

6 EU representation at other international fora

The EU's status at international organisations varies; even among different UN agencies. In some cases, the EU and/or individual Member States are represented, and their rights within these bodies may depend on factors such as size, economic or political strength. Voting rights at the International Monetary Fund (IMF), for example, are calculated on the basis of each Member State's donation. The EU is over-represented in terms of individual EU Member States - but is not represented in its own right - with EU states holding eight seats on the IMF executive board. The four biggest donors, Germany, France, the UK and Italy, together have almost 20% of IMF voting power. The US holds nearly 17% of the total vote, while China has only 3.7%.²²

An article in [The Global Journal](#) on 11 April 2011 commented:

European dominance in international organizations has been a key issue addressed in many other forums recently. Last year the World Bank reformed its voting system, leading to a slight drop in EU members' total voting weight

²⁰ A7-0181/2011, 29 April 2011

²¹ For details of voting on the report, see Votewatch at http://www.votewatch.eu/cx_vote_details.php?id_act=1823&lang=en.

²² [EurActiv](#), 25 October 2010

(from 28% to 26%). And last October the G20 agreed to reduce European voting rights and seats at the IMF beginning in 2012.

The following table (1) from “[Upgrading the EU’s Role as Global Actor: institutions, law and the restructuring of European diplomacy](#)”, January 2011, shows the “Competences of the European Union according to the ‘Lisbon Treaty’, and the participation of the EU institutions in related international organisations and conventions:

Competences	Organisations, Conventions	Status of EU & MS
Foreign, security and defense policies (including general political affairs)	UN General Assembly UN Security Council OSCE NATO Non-Proliferation Treaty Council of Europe G7/8/20	EU observer; MS members 2 permanent MS + 2-3 rotating EU observer, MS members 24 MS MS EU observer, MS members EU participant, some MS
1. Exclusive (Article 3)		
a. Customs union	World Customs Org. (WCO)	Member
b. Competition policy	World Intellectual Property Org. (WIPO)	Observer
c. Monetary policy (for eurozone)	IMF Bank for International Settlements (BIS) OECD	ECB part observer, MS members ECB on Board, some MS EU enhanced observer, MS members
d. Fisheries policy and marine biological	Convention on Fishing and Conservation of the Living Resources of the High Seas UN Conference on Highly Migratory Fish Multiple regional fisheries organisations: Mediterranean, NE Atlantic, NW Atlantic, SE Atlantic, Antarctic, Western and Central Pacific Organisations for some species: Tuna, Salmon	EU & MS members EU & MS members EU Member & some MS EU , no MS

e. Trade policy	WTO UN Comm.on Internat.Trade Law (UNCITRAL)	EU & MS members EU observer, some MS members
2. Shared (Article 4)		
a. Internal market	International Standards Organization (ISO) Codex Alimentarius Commission	EU cooperation, MS members EU & MS members
b. Social policy	International Labour Organization (ILO)	EU observer, MS members
c. Cohesion (regional)		
d. Agriculture and Forestry	FAO International Fund for Agricultural Develop. Multiple product organisations: Olive oil, Sugar, Cocoa, Coffee, Jute, Tropical Timber, Rubber, Grains, New varieties of plants	EU & MS members EU observer, MS members EU & some MS members
e. Environment	UN Environmental Programme UN FCCC (climate change) Kyoto Protocol UN Conference on Environmt. and Develop. Convention on Law of the Sea (UNCLOS) International Tribunal of the Law of the Sea International Seabed Authority Protection Marine Environmt. of N. Atlantic Protection of the Danube River	EU observer, some MS members EU & MS contracting parties “ “ “ “ EU & 12 MS members EU & 6 MS members
f. Consumer protect.	-	-
g. Transport	International Civil Aviation Organiss. (ICAO) International Maritime Organisation (IMO) Eurocontrol	EU observer, MS members EU observer, MS members EU & 21 MS members

h.	Trans-Eur. Networks	-	-
i.	Energy	International Atomic Energy Agency (IAEA) International Energy Agency (IEA) Energy Charter Treaty	EU observer; MS members EU participates; 17 MS members EU and MS members
j.	Freedom, security and justice	International Court of Justice (ICJ) International Criminal Court (ICC) European Convention of Human Rights UN High Commission for Refugees Geneva Convention on Status of Refugees UN Convention Against Illicit Traffic of Drugs UN Convention Against Transnational Crime	- EU observer; MS state parties MS, and in future EU, parties EU observer; MS members MS parties, EU plans to accede EU & MS contracting parties EU & MS contracting parties
k.	Public health, safety	-	-
l.	Research, Technology, Space	International Telecommunicatns. Union (ITU) UNCOPUOS (Peaceful Use of Outer Space) International Fusion Energy Org. (IFETR) Science and Technical Center in Ukraine	EU sector memb.; MS members EU observer; MS members EAEC member, no MS EAEC & EU member, no MS
m.	Development and humanitarian aid	World Bank World Food Programme (WFP) UNDP UNCTAD	MS members EU & many MS donors EU observer; MS members EU observer; MS members
3. Coordination (Article 5)			
a.	Economic policies	EBRD OECD	EU & MS members EU enhanced observer; MS members

b.	Employment policies	ILO	EU observer; MS members
c.	Social policies	ILO	EU observer; MS members
4. Supplementary (Article 6)			
a.	Human health	World Health Organization (WHO) UN Population Fund (UNFPA)	EU observer; MS members EU observer; MS members
b.	Industry	UN Industrial Development Org. (UNIDO) Multiple Organisations for commodities: Nickel, Copper, Lead and Zinc	Partnership; most MS members EU & some MS members
c.	Culture	UNESCO	EU observer; MS members
d.	Tourism	UN World Tourism Organization	Most MS members
e.	Education, training, youth, sport	UNESCO UNICEF	EU observer; MS members EU observer; MS members

7 Further reading

- *Carnegie Council* “[The European Union: Still a Global Player?](#)”, 15 October 2010, Zornitsa Stoyanova-Yerburg
- Egmont Paper 36. “[The EU as a global actor in a multipolar world and multilateral 2.0 environment](#)”, Luk Van Langenhove, March 2010
- “[Upgrading the EU’s Role as Global Actor: institutions, law and the restructuring of European diplomacy](#)”, Michael Emerson & Piotr Maciej Kaczyński, Centre for European Policy Studies (CEPS), Rosa Balfour, European Policy Centre (EPC), Jan Wouters & Tim Corthaut, Leuven Centre for Global Governance Studies, University of Leuven, Thomas Renard, Egmont - The Royal Institute for International Relations, January 2011
- *European Foreign Policy: Legal and Political Perspectives*, ed. Panos Koutrakos, February 2011: “[The position of the European Union in \(other\) international organizations: confronting legal and political approaches](#)”, Knud Erik Jørgensen and Ramses A. Wessel

- [“A 'Patchwork Power' in Global Governance? The EU's Representation in International Institutions”](#), Sieglinde Gstöhl, College of Europe EU International Relations and Diplomacy Studies, (First draft, please do not quote without author's permission). Paper presented at the 49th Annual Convention of the International Studies Association, San Francisco, 26-29 March 2008.
- [“The Legal Framework for the Participation of the European Union in International Institutions”](#), Ramses A. Wessel, 2011
- *Europe's World*, [“The Upgrade of the EU in the UN and the Changing Nature of Multilateralism”](#), Luk Van Langenhove, 13 May 2011