Introduction

This paper aims to assess the possible impact of the Lisbon Treaty, entered into force on 1 December 2009, on the European Union’s (EU) role within the United Nations Security Council (UNSC) and the prospects of future developments relating to the following three main dimensions: (a) coordination among EU member states and institutions; (b) representation of the EU as a single actor; and (c) outreach, measured in terms of what the EU and its member states collectively achieve on a particular policy issue.

In accordance with this objective, in the first part of this paper an analysis is undertaken of the prospects of the EU’s presence in the UNSC, both as an independent entity and in terms of coordination among the EU members (permanent and non-permanent) of the Council. If speculations on the idea of a 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 how to reinforce those practices already in place.

The second part of the paper is dedicated to the EU’s contribution to the crucial issue of UNSC reform. The entrenched positions of European governments have not yet been eroded and the lack of political will together with institutional difficulties have worked against the projection of a unitary vision on this crucial matter. In the context of the current intergovernmental negotiations, the possible contribution of the EU and

---

1 Nicoletta Pirozzi is Senior Fellow in the European affairs area at the Istituto Affari Internazionali (IAI) of Rome and PhD candidate at the Catholic University of Milan, Italy.
its member states to the formulation of workable options for a consensual UNSC reform is also being assessed.

1. The EU at the UN Security Council: between coordination and representation

In order to analyse the role of the European Union at the UN Security Council, it is important to look at its status in the broader framework of the United Nations. The EU is currently party to more than 50 UN multilateral agreements and conventions. It has obtained a special "full participant" status in a number of UN conferences and commissions, such as the UN Commission on Sustainable Development (CSD), and is also a full member of the UN's Food and Agriculture Organisation (FAO).

As for the UN General Assembly (GA), the European Community had been granted observer status in 1974. This means that a representative of the European Commission was allowed to take the floor during the General Assembly’s meetings—but only after all 192 member states had done so, and without the right to vote. Usually, the representative of the country that held the EU’s rotating presidency had the task of presenting the position of the Union in the General Assembly discussions.²

On the basis of the innovations of the Lisbon Treaty, in 2010 EU member states tabled a resolution to the GA for a “reinforced observer status” to be accorded to the whole Union, and not to the European Community only. This would allow the EU to be among the first speakers at the UN General Assembly, thereby allowing for more visibility and impact on GA discussions, a privilege that no other regional organisation enjoys.³ This produced cautious reactions from UN members, as it had the potential to open a Pandora’s box of regional representation within the organisation.

Moreover, the initiative was not backed by a well-designed strategy by the EU institutions, and particularly by the recently established European External Action

---

² Interview with an official of the Italian Permanent Mission to the UN, New York, 5 May 2010.
³ A number of non-state observers participate in GA's meetings. They include several regional organisations, such as the African Union, CARICOM and the League of Arab States, as well as many intergovernmental and international bodies and agencies, such as Interpol, the International Criminal Court and the International Committee of the Red Cross.
Service (EEAS), the new EU’s diplomatic corps comprising diplomats from EU member states, the Commission and the Council. The resolution failed to pass in the GA’s meeting of 14 September 2010, by a 76 to 71 vote, and the debate was deferred. The bloc that voted against the resolution was led by Suriname on behalf of the Caribbean Community and Common Market (CARICOM), a regional organisation of Caribbean countries, and included most of the African governments, many Pacific island nations, most of the Latin American states, and India and China.

European representatives have probably underestimated the consequences that such a defeat can have on the EU’s presence at the UN. Immediately after the negative result, they decided to resume the campaign for a “reinforced observer status” and to table another resolution in the GA a few weeks later. However, the resistance of other UN members spelt caution for the European countries and institutions, as a repeat debacle would have enormously discredited the Union’s role in the organisation. For this reason, the date of submission of the second resolution to the GA remains unconfirmed.

This campaign is destined to have a significant impact on the UN Security Council too. Europe is usually well represented within the UNSC, with two permanent members (France and the UK) and two or three non-permanent members (Germany and Portugal are the European representatives for the period 2011-2012). 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. 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 “representation” of the Union as a single actor. EU member states have so far shown a tendency to prioritise their UNSC seat over EU common representation. Nevertheless,

---

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.

some innovations contained in the Lisbon Treaty have the potential to give the EU a more coherent and unitary presence on the world stage, including within international organisations.

Prior to the Lisbon Treaty’s coming into force, EU members of the UNSC had to abide by the provisions of former Article 19 of the Treaty on the European Union (TEU). These provisions vested in all EU members, permanent and non-permanent, of the Security Council the responsibility to liaise with each other and to keep the other EU members fully informed on Security Council issues. France and the United Kingdom, which hold permanent seats in the Security Council, were under obligation to “ensure the defence of the positions and the interests of the Union” in the execution of their functions. However, Article 19 made clear that this obligation should be without “prejudice to their responsibilities under the provisions of the United Nations Charter”, which had to be safeguarded first and foremost.

On the basis of Article 19 of the Treaty on the European Union, weekly meetings on UN Security Council matters were institutionalised in 2001: these meetings were intended to ensure information sharing and coordination among EU member states at the Political Counsellor level (on Thursday afternoons). They were accompanied by weekly meetings in New York by the Heads of Mission of the EU member states (on Tuesday mornings). While these meetings favoured an increase in the flow of information circulating among EU representatives in New York, a regular coordination mechanism in anticipation of the UN Security Council discussions had not yet been fully established.

To improve this situation, in recent years additional mechanisms have been developed, including monthly gatherings of the Permanent Representatives and UNSC Coordinators of the EU members sitting in the UNSC in New York (once a month). Targeted meetings are held in EU capitals comprising EU members of the Security Council at UN Director level. 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. Debates on the broad UN agenda are also conducted once a month in Brussels by the EU Council’s Working Party on United Nations
Article 34 of the Treaty on the European Union (TEU), which has replaced former Article 19 TEU after the entry into force of the Lisbon Treaty, does not contain innovative elements. It extends the obligation to defend the position and interests of the Union to all EU members of the UN Security Council—the obligation was previously limited to EU permanent members—but continues to prioritise their responsibilities as UN members over those derived from their EU membership. This stance is reinforced by Declarations 13 and 14 on the Common Foreign and Security Policy annexed to the Lisbon Treaty. Both the declarations 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.

Looked at from a different angle, some recent developments, like the recognition of the EU’s legal personality, the elimination of the pillar structure, and the unification of the European Commission’s Delegation in New York with the EU Council Secretariat’s Liaison Office provide substantial opportunities for the EU to work as a more coordinated and representative entity at the UNSC. The role assigned to the new EU High Representative for Foreign Affairs and Security Policy (HR) can also, potentially, become the point of reference for UN institutions and member states. Additionally, the creation of a European External Action Service (EEAS), which will assist the High Representative in fulfilling his/her mandate, seems to represent an added value in enhancing cooperation among EU member states, as already provided for in Article 34 of the TEU.

The new Treaty formally recognises the legal personality of the EU (Article 47 TEU) and has eliminated the pillar structure, at least on paper. Although these innovations carry a significant political message, they are destined to have only a limited impact on the EU’s actoriness and its representation at the United Nations. In practical terms, the EU now has the authority to sign contracts, notably to be part of an international convention, or to be a member of an international organisation. Regarding its status

---

within the UN, the European Union has replaced and succeeded the European Community and now exercises all its rights and assumes all its obligations.

Setting aside the aspiration to a single EU seat, more pragmatic approaches had been promoted since 1993 to ensure a more effective presence of the Union within the UNSC, but they usually failed to gain the consensus of all EU member states. For instance, when Germany and Spain announced their intention—during their two-year mandate at the UNSC in 2003-04—to offer a seat to the EU Presidency within their delegations in the framework of the so-called “European laboratory,” they were blocked by France and the UK. Again, when Italy suggested that an EU Council representative—from the Presidency and/or High Representative’s office—be permanently associated with its delegation at the UNSC in 2007-08, its initiative met with firm opposition from France and the UK and a lukewarm response from Germany, which was due to hold the EU Presidency simultaneous with the start of Italy’s UNSC mandate. During their stint as non-permanent members of the Security Council, Italy and Belgium worked for the Union’s visibility by regularly evoking “the EU position” in their interventions at the UNSC. In order to establish more effective intra-EU coordination, Italy also created a “focal point” within its Mission to liaise permanently with other EU country representatives, with the EU Presidency and with the Council Secretariat.  

The adoption of the Lisbon Treaty and its innovative provisions in the fields of foreign and security policy were expected to provide a significant push towards a more unitary representation of the EU at the UNSC. However, an attempt made to associate Lady Ashton’s representative with the delegation of Portugal, which is serving as non-permanent member at the UNSC for the period 2011-2012, keeled over without leading to any concrete follow-up measures.

All the same, the Lisbon Treaty does offer, for future implementation, a wide range of options for making the EU a more credible actor within the UN, and within the Security Council in particular. The EU has begun to grasp—in part—these opportunities. The European Commission’s Delegation in New York (established in

---

1974) and the EU Council Liaison Office (created in 1994) have been unified under the authority of the EU Council’s representative, Pedro Serrano, who is acting as Head of the Delegation. He chairs former Article 19 meetings and often intervenes to present the EU’s position on particular issues debated in the UN Security Council, tasks that were previously performed by a representative of the rotating EU presidency. The representative of the rotating EU presidency (Hungary for the first semester of 2011) continues to chair the Heads of Mission meetings, while other meetings are chaired on a case-to-case basis.

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. She intervened for the first time in a UN Security Council meeting on 4 May 2010. Although her speech on that occasion was limited to broadly addressing the current status of and further opportunities for EU-UN cooperation, her interventions can be fruitfully exploited to raise the profile of the EU’s presence at the UN on crucial Security Council matters.8 One positive example is Lady Ashton’s address on “Cooperation between the United Nations and regional and subregional organisations in maintaining peace and security: European Union,” delivered at the UNSC on 8 February 2011.9

Another interesting opportunity for further strengthening the EU’s representation at the UN is the provision contained in Article 27 TEU for the creation of a European External Action Service (EEAS). The EEAS is meant to assist the High Representative in fulfilling his or her mandate and shall “work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States.” EEAS

---


personnel will supplement the structures of EU Delegations in third countries and international organisations. As a provisional solution, the under-staffed EU Delegation in New York has worked in collaboration with the representative of the country holding the rotating EU presidency: for the first semester of 2011, joint teams of EU and Hungarian officials have been formed to work on different UN issues.

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 officers of the EU Delegations in third states. The successful outcome of this innovative step depends largely on the configuration and functioning of the EEAS, which is in the process of being structured. The downside to this is the risk of the EU having to act through twenty-seven plus-one diplomatic services.

2. 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 and making it more representative of the current membership of the United Nations. However, the EU member states have never been able to formulate a common EU position on the substance of the UNSC reform, as was evident 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) proposals. The Group of Four (G4), comprising Brazil, Germany, India and Japan, had called for new national permanent seats, which 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. The original solution proposed by the UfC group instead (which is composed of about forty small and mid-size states, including Italy and Spain among the most active), focused on the need to reach the broadest possible consensus on the UN reform. It envisages 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.

Conversely, the two European permanent members of the UNSC, France and the UK, have always been reticent in accepting any substantial downgrading of their status in the UNSC and interpret their EU mandate in a rather restrictive manner.

The tension between “integration” and “intergovernmental” perspectives among EU member states has always been a pivotal obstacle in the definition of a common EU position on the UNSC reform.

At least since 1993, immediately after the Common Foreign and Security Policy (CFSP) was first introduced in the Maastricht Treaty, there have been a series of attempts to give greater space to the EU as an unitary actor, and to 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 this in an interview in the German newspaper Die Welt in March 2003. This 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, struck a discordant note during her audition at the EP, when, in a reply to a question by the Vice-President of the Parliament, Mario Mauro, she stated that she had no opinion about an eventual EU seat in the Security Council.

---


The proposal for greater space to the EU as an unitary actor has been hampered by the opposition of first France and the United Kingdom—both of whom have always been reluctant to support any UNSC reform proposal that might diminish their privileges as permanent members—and then from Germany, which has campaigned at length for a national permanent seat for itself from the G4 platform. The creation of a UNSC seat for a regional organisation such as the EU would also come across legal and political obstacles. In fact, it would entail a difficult amendment of the UN Charter (on the basis of which only states can become members of the UN) and give space to similar claims by other entities (i.e. African Union, or the Organization of American States). Last but not least, the EU has often proved unable to identify any common ground among its members on sensitive UNSC issues—for example, on 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 unitary stance in New York within the CFSP framework. As correctly pointed out by Johan Verbeke, “the strength of the EU voice is dependent on the strength of the EU policy that is called upon to articulate, not the other way round.”

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 message.

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, size of an enlarged Council and working methods of the Security Council, and the relationship between the Council and the General Assembly.

Most of the member states, including EU countries, confirmed the positions adopted during the 2005 process. Nevertheless, it is possible to identify some elements of convergence and potential consensus areas among the main European stakeholders on

---

15 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 created in 1993 and tasked with producing reports and recommendations on the Security Council reform to be submitted to the General Assembly.
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 of the European
countries compared to the demands of nascent and emerging new powers (from South
Africa, to Brazil and India). On the other, the shape of the EU foreign and security
policy is getting progressively defined and the EU has today become 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 also
on a permanent national basis.\textsuperscript{16} As a result, Germany has demonstrated 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, aimed at encouraging the recognition of the emerging role of regional
organisations, and particularly of the European Union, in peace and security. This is
in line with the genuine Europeanist spirit that has always marked the foreign policy
of EU small and mid-size countries and is also aimed at preventing a UNSC reform
that would marginalise these countries within the organisation.

The idea behind the UfC platform 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. 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. In line with this concept, the UfC coalition proposes to create a

\textsuperscript{16} See Germany at the UN Security Council in the website of the Federal Foreign Office, available at \url{http://www.auswaertiges- amt.de/sid_488b68d2fe53b24d8e47701b09a460b7/en/aussenpolitik/friedenspolitik/vereinte-nationen/deu/im-sicherheitsrat/101230-vorschau-srm-mitgliedschaft-node.html}.
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. 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, 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. At the end of this intermediate period, these new seats would be converted into permanent seats.

The bulk 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 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 considers this option as a compromise approach that would result in a compromise solution.

Some consensus has been reached on other key issues, such as the necessity to reform the working methods of the Council so as to make them more transparent and

---


inclusive, and to improve the relationship between the Council and the General Assembly. Moreover, it is possible to agree on the fact that the size of an enlarged Security Council can be realistically set at mid-twenties. Finally, there is a broad convergence on the chance to review the working methods of the UNSC, including the right of veto and its limitations. On this issue, there are a number of proposals, ranging from the auto limitation of the P5 in the exercise of their veto power, to the obligation for the P5 to explain their reasons for vetoing in front of all the members of the GA and, finally, to the restriction of its use to Chapter VII matters.

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, the Lisbon Treaty is in force now and its provisions can open new prospects.

The institutional innovations outlined above, together with the strengthened role of the European Parliament and the creation of a permanent president of the European Council—which is now a full-fledged institution–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 organisations, 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 off 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 boosts that characterise the EU’s actorness at the United Nations into a compromise proposal.
On the crucial issue of 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 innovations, at the end of which a new decision should be taken on the composition of the UNSC.

**Conclusion**

Until now, the EU’s 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 has generated confusion and discord in its interactions with UN stakeholders and external partners. However, the EU’s representation in the different UN bodies could be significantly improved if the potential of the Lisbon Treaty were fully exploited. The objective should be to coordinate more effectively the Union’s policies at the UN and to establish a single point of reference for UN institutions and member states, thus ensuring increased EU visibility and continuity.

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, nevertheless, it 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 directly engage in multilateral negotiations in New York on a common platform. The EU can now speak with one voice, it only needs to find the right message.
Reference documents


