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The EU at the UNGA

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Abstract

This paper examines the EU behaviour at the United Nations General Assembly (plenary session plus the six committees) during the 64th session. The analysis, based on an extensive review of voting behaviour, statements, and meetings PV, focuses on external perceptions of EU. If the EU appears clearly as a united group at the UNGA, this cohesiveness does not lead to more influence as far as ideas and values are concerned.

Key-words: European Union, United nations General Assembly, voting behaviour, statements, perceptions

Résumé

Cet article examine le comportement de l'UE à l'assemblée Générale des Nations Unies (session plénière plus les six comités) pendant la 64^e session. Basée sur une analyse exhaustive des comportements de vote, des discours et des comptes-rendus de réunions, cette analyse examine la façon dont l'UE est perçue. Si l'UE apparaît clairement comme un groupe soudé, cette cohésion n'implique pas une plus grande influence en ce qui concerne les idées et les valeurs.

Mots clés : Union européenne, Assemblée générale des Nations Unies, comportement de vote, déclarations, perceptions

Cover: snapshot of the <http://www.eu-un.europa.eu> homepage.

Introduction

The initial goal of this study was to detect the flux of political ideas within the United Nations General Assembly (UNGA) in order to better understand what the external perceptions of the EU on the international stage were. This project however does not follow the approach usually undertaken in this field since it is not based on a quantitative methodology enabling a calculation to be made of the cohesion of the EU and the distance that separates it from other groups of countries. It should not therefore be compared to the analyses produced by these methods and for this specific purpose¹. Moreover, this study does not aim to test grand models of International Relations regarding the voting patterns of states² or to relate a grand narrative about the relationship between both international organisations and the proper role of the EU. Many surveys have already analysed the votes at the UN and drawn conclusions regarding the growing convergence between EU Member states³. Other works are based on interviews with diplomats based in Geneva and New York. A growing number of collective projects gathering together prominent scholars in European Studies have published lengthy and compelling articles dedicated to the issue of perceptions and ‘actorness’ in respect of the EU as a global actor. Therefore, and in order not to duplicate work already done, we decided to take some of the main conclusions of the existing studies as starting points and to elaborate our own path.

Before embarking on our own contribution it is worth highlighting some of main findings previously produced on our topic:

- The number of occurrences of ‘European Union’ activity is growing in official UN documents, however, around 90% of the total can be explained by the fact that someone is speaking on behalf of the EU. In other cases, the EU is mentioned because it is participating in the Quartet (with Russia, the USA and the UN) in charge of the Israeli-Palestinian conflict; while only 5% of the references to the EU concern specific EU policies - or the EU as an actor *per se*⁴.
- The UN discourse on the EU highlights the fact that both organisations share the same values and norms (in particular the promotion of democracy and multilateralism, Human Rights and the rule of law,

¹See, Laurent Beauguitte, L’Assemblée générale de l’ONU de 1985 à nos jours, *L’Espace géographique*, 2010-3, pp.276-282.

²See for instance the work done by James H. Lebovic and Erik Voeten, The Politics of Shame: The Condemnation of Country Human Rights Practices in UNHCR, *International Studies Quarterly*, 2006, 50(4), pp.861-888.

³See for instance, Paul Luif, EU cohesion in the UN General Assembly, ISS Occasional Papers n.49, December 2003.

⁴Franziska Brantner, The EU through the eyes of the United Nations, in S. Lucarelli and L. Fioramonti (eds.), *External Perceptions of the European Union as a Global Actor*, London/New York, Routledge, 2010, pp.165-179.

sustainable development and the eradication of poverty, etc.). This so-called ‘natural convergence’ leads the UN to consider the EU as a ‘natural partner’ inasmuch as the UN is fostering the development of deeper relationships with regional organisations⁵. The ‘privileged’ position of the EU is also a consequence of the importance of its financial contribution to the UN. Indeed, some 38% of the UN budget is funded by the EU. But, at the same time, UN officials are convinced that only the UN can provide universal legitimacy to EU actions at the global level. Therefore, this partnership is embedded in a contract based ‘an exchange of resources’. The proper ambition of the EU in the field of peacekeeping, environmental protection, and the fight against poverty is acknowledged. On social and economic issues, support is more nuanced insofar as the trade policy of the EU has been regularly criticised.

- Interviews with representatives of third states reveal a set of contrasting pictures. If the EU is generally portrayed as a global actor, the assessment of its policies depends ultimately on the field considered. Thus, on security matters, the EU is not viewed as a fully-fledged actor, capable of defending its own interests, especially not for those handled by the Security Council. Against this backdrop, only France and the UK are seen as relevant actors. The EU’s presence and relevance is more fully acknowledged in terms of economic and social matters (development policy, cooperation, the promotion of human rights, and the fight against impunity⁶). In this context, the image of the EU is that of a powerful actor capable of acting strategically to defend its own interests. As a result, however, the EU has increasingly become an object of criticism from countries pinpointing the often-patronising nature of its policies, its seeming arrogance and its prosthetizing nature. Most of the time, such criticism is linked to the history of colonialism or is made in reference to its belonging to ‘Western civilisation’. This reminds us that the North-South divide is - rhetorically at least - very much alive.
- Nonetheless, there are people who think that the EU is a meaningful political actor that could play the role of ‘bridge builder’ between different groups within the UN and notably between the US and the G77⁷.

⁵ *Ibid.*, p.168.

⁶ *Ibid.*, p.171. The fight against impunity pertains to violations of fundamental human rights and the work of the International Penal Court.

⁷ It is notably the case for the States participating in the CANZ group gathering Australia, Canada, New Zealand, Fiona Creed, Global Perceptions of the European Union at the United Nations, *Studia Diplomatica*, LIX(4), 2006, pp.5-18.

- Be it within the General Assembly or special committees, potential partners for the EU tend to consider that this important role is jeopardised by the increasing difficulty and randomness of coordination among EU member states. Indeed, since much of the time is dedicated to finding a consensus within the EU for the sake of ‘speaking with one voice’, there is often little time left for cooperation with external players. As a consequence, the EU is often seen as ‘inflexible’ and as a difficult partner when it attempts to influence the outcomes of a vote or to gather together more positive votes on its draft resolutions⁸. Regrettably this perception is only confirmed when EU proposals are presented as ‘take-it or leave-it’ offers allowing no room for negotiation⁹. This lack of flexibility and is inherently linked to its internal bureaucratic organisation and to the necessity to ‘speak with one voice’ which remains the *sine qua non* of EU external policy¹⁰.

There is then a gap, sometimes a significant one, between the way the EU portrays itself (as a civilian/normative power) and the perceptions held of it in the rest of the world¹¹. The EU’s visibility on the international scene and its ‘actorness’ have unevenly increased and are not yet obvious on some crucial international issues¹².

Admittedly, these results could perhaps be enhanced by the insights produced by a more quantitative approach showing the linear progress of the EU in respect of its unity and consistency within international organisations¹³. But some authors tend to criticise statistical analyses because, in addition to the fact that they do not tell us much about external perceptions, they often remain beset by methodological problems. For instance, it would be misleading to simply count all of the resolutions voted on by the EU members together, insofar as most of the General Assembly resolutions are adopted

⁸Norway considers that it is easier to coordinate with other groups of countries than with the EU, F. Creed, *Global Perceptions of the European Union at the United Nations*, p.9.

⁹Fiona Creed, *op.cit.*, p. 6.

¹⁰Robert Kissack, *Pursuing Effective Multilateralism*, p.47; Fiona Creed, *op.cit.*, p. 7 et pp.10-11. The mantra of ‘speaking with one voice’ is simply the external consequence of the way all EU policy is constructed and the reason for this. See, for instance, the work of Majone, *Europe as the would-be world power* (2009) and *Dilemmas of European Integration - The Ambiguities and Pitfalls of Integration by Stealth*, (2009).

¹¹Fiona Creed, *op.cit.*, p.5.

¹²Robert Kissack, *Pursuing Effective Multilateralism*, p.112.

¹³Rosemary Foot, *The European Community’s voting behaviour at the United Nations general assembly*, *JCMS*, 17(4), 1979, pp.350-360; Ulf Jakobson, *An international actor under pressure: The impact of the war on terror and the fifth enlargement on EU voting cohesion at the UN general assembly, 2000-2005*, *JCMS*, 47(3), 2009, pp.531-554; Paul Luif and Mariyana Radeva, *EU Co-ordination in International Organisations: The Case of the United Nations General Assembly and the Organisation for Security and Co-operation in Europe*, in Nicola Casarini and Costanza Musu (eds), *European Foreign Policy in an evolving international system. The road towards convergence*, Palgrave, 2007.

by consensus, which does not allow us to draw convincing conclusions on the EU's unity. Furthermore, there is a tendency to explain the unity of the EU by the existence of European institutions whereas other groups also have good records of unity without the common institutions¹⁴. Most of all, such analyses do not tell us much about the content of resolutions and the motivations behind the voting attitudes of the EU members nor about the way the EU is perceived by third states and groups¹⁵.

The main goal of this study was to attempt to add some meat to the bones by questioning the political stakes under discussion at the UN.

Initial ambitions however proved to be somewhat unrealistic within the context of time and budgetary constraints leading to a re-evaluation of what was in fact possible. The main reason for this lies in the material itself. It is simply too extensive in nature to be addressed through a qualitative analysis of all official documents relating to GA sessions. It quickly became apparent that it would be impossible to produce a truly historical overview of EU politics within the GA and the way it was seen while also explaining the minutiae of EU voting behaviour, not to speak of the other countries and groups. Thus, we decided instead to focus on five sessions (60th to 64th) and, particularly on the resolutions for which a vote was recorded, working on the principle that, from a political or ideological point of view, this kind of resolution is much more telling than the consensual ones¹⁶. Building on this data, we have downloaded all the documents related to the sessions of the GA available on the UN website. Unfortunately, the thorough reading of the PV has been very disappointing insofar as there was nothing really exciting for our purposes, except for the results of the vote: no real controversies and nothing really relevant to explain what was really at stake, but some interesting topics were referenced in the summary records of the special committees. We decided therefore to turn to these committees which appear to be far more interesting arenas for such research since they provided more extensive records of discussions between states and groups. As it was impossible or at least difficult to separate discussion on the basis of the result of the votes, we went through all the summary records, provided the discussion involved the EU either as a speaker or as the referent object of a speech.

Firstly, such an analysis enables us to test some of the insights connected with the notion of the EU's presence, visibility and legitimacy as a global actor. We have also tried to focus on some of the states targeted by the project

¹⁴See Laurent Beauguitte, *op. cit.*

¹⁵Robert Kissack, European Union Member State Coordination in the United Nations System: How to Measure Cohesion?, *CFSP Forum*, 5(2), 2007, pp.3-4.

¹⁶Paul Luif and Maryana Radeva, EU Coordination in International Organisations. The Case of the United Nations General Assembly and the Organisation for Security and Cooperation in Europe, Working Paper n°3, 2007, Institute of European Studies and International Relations, Comenius University.

(Brazil, China, India and Cameroon) aiming at facilitating the transversal analysis of the economic, financial and human flows between the EU and the rest of the world.

On its own merits, the current analysis aims to test a number of ‘intuitive hunches’ relating to some of the recent work on this topic:

- *The first hypothesis* concerns those reports highlighting the growing convergence of EU member states, while at same time, taking stock of the similar trend within other groups or regions. In so doing, the positive impact of ‘speaking with one voice’ is somewhat reduced. In a way, this kind of analysis renders uncertain the link traditionally made between the unity of the EU and its correlative influence on world affairs since this unity is sometimes tantamount to isolation within the GA on certain topics. This hypothesis is rooted in an analysis highlighting the ‘normative disconnect’ which is explained by the persistence of different political visions and the uneven results of socialisation at the international level¹⁷.
- *The second hypothesis* refers to an explanation which is less based on the substance of the positions upheld by the states and their ideological roots and rather more on the strategy and processes put in place by the EU within the UN in order to consolidate its ‘actorness’ at the international level. Thus, its bureaucratic functioning and its obsession with projecting ‘unity’ constitute the root cause of its inability to be more influential and to benefit from a kind of leadership role in this forum. In this case, the EU’s strategy will often prove inefficient in achieving its ambitions because it is focused primarily on process (coordination and cooperation) and not on ideational contents and programmes.

This contribution does not however seek to definitively address the question of EU ‘actorness’, or to assess the actual influence of the EU at the UN - even in terms of its proper contribution to the functioning of the UN and the performance of multilateral institutions¹⁸. By the same token, and contrary to what the expression ‘international political vision’ suggests, the way the EU is perceived by the UN institutions is not the object of the analysis, simply because such an approach would have required significant data-gathering in both New York and Geneva.

The results of the analysis undertaken here could have been presented in different ways. One such approach could have been framed according

¹⁷See Jonathan Holslag, Europe’s Normative Disconnect with Emerging Powers, BICCS, Asia Paper, 5(4). This situation can also stem from the use of EU jargon, which other partners often find difficult to understand, see the opinion of a US diplomat in Fiona Creed, *op.cit.*, p.14.

¹⁸See Karen Smith and Katie Verlin Laatikainen (eds), *The European Union at the United Nations. Intersecting Multilateralism*, Palgrave-Macmillan, 2006; N. Casarini and C. Musu (eds), *op.cit.*, *op.cit.*

the results of the votes in order to highlight the behaviour of EU members among other meaningful actors. Another approach could have been more fully centred on ideas and issues without being specially linked to a recorded vote. The second option appeared more suitable as it is more focused on political visions and more fitted to a study aiming at identifying the external perceptions of the EU within the GA even if it remains quite difficult to draw firm conclusions.

Indeed, the problem here is that official discourses may reveal the *political* preferences, interests, and values of the speakers but not directly the perceptions of what the EU is or ought to be at the international level simply because the EU is very rarely targeted as such. Official level exchanges are deeply institutionalised and routines seem to be firmly embedded as shown by the behaviour of the representatives of the states who rarely engage in a real dialogue and direct interaction, which could have been a more convenient format in order to grasp perceptions¹⁹. If direct confrontations may occur and targeted critiques are displayed, this, in the main, occurs ‘off record’. The summary records are, as is to be expected, full of traditional diplomatic language (understatements, vague formulas or very technical remarks). Moreover, it would be naive to assume that all GA votes truly correspond to the actual views of the states since some votes can be decided for strategic reasons, independently of the content of the resolution, or even pushed by external constraints. Therefore cognitive maps of the EU can only result from the interpretation of both texts and contexts. Nevertheless we must acknowledge the difficulty of identifying political ideas and adopted positions and subsequently of translating them into perceptions.

The presentation will follow the work of the main committees of the GA as explained here above. For each committee, a brief presentation of the EU’s behaviour will be made before going into more detail concerning the political ideas and positions upheld by the representatives of the states on the basis of which we will try to pinpoint the main elements possibly underpinning UN member States’ perceptions of the EU.

¹⁹Most of the currently available literature pertaining the study of the perceptions of the EU as a global actor shows that semi-directed interviews are the most commonly used method to collect empirical data. For a detailed discussion on the theoretical and methodological approaches to the study of external perceptions of the EU, see Chaban, Elgström and Holland, *The European Union As Others See It*, *European Foreign Affairs Review*, 11(2), 2006, pp.245-262.

1 Discussions in the first Committee (security and disarmament)

France and the UK are the two member states that regularly break the unity of the EU, especially in the security policy field²⁰. In this case, their vote is often similar to that of the US while other Europeans abstain. In such a situation, the Europeans are defeated; the resolution supported by non-aligned countries is adopted, etc. The topics covered by such a pattern relate to ‘Implementation of the Declaration of the Indian Ocean as a Zone of Peace’ (A/C.1/64/L.8) and the ‘Promotion of multilateralism in the area of disarmament and non-proliferation’ (A/C.1/64/L.13)²¹.

In another scenario, the EU is divided but the majority of its member states vote for the resolution like the majority of UN members. This is generally the case for resolutions such as ‘Renewed determination towards the total elimination of nuclear weapons’ (A/C.1/64/L.36)²², ‘Second Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia’ (A/C.1/64/L.46/Rev.1), and ‘Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments’ (A/C.1/64/L.54)²³.

Concerning the ‘Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons’ (A/C.1/64/L.51), the EU is completely divided (some vote for, some against and some abstain)²⁴.

The EU speaks with one voice (with or without the USA) but is defeated on topics like ‘Reducing nuclear danger’ (A/C.1/64/L.18)²⁵, and ‘Nuclear

²⁰Paul Luif, *op. cit.*, p.17

²¹A/C.1/64/PV.16, p.16, intervention of the representative of Cuba who stands firm on the principle of multilateral negotiations instead of unilateral measures for disarmament imposed by the powerful countries resorting to the use of force or the threat of use of force.

²²France’s position on this topic is partly determined by the fact that the resolution does not give a complete picture of efforts in the area of nuclear disarmament, A/C.1/64/PV.21, p.4.

²³The draft resolution was introduced by Brazil, which is in favour of the total elimination of nuclear weapons, A/C.1/64/PV.19, p.5.

²⁴It is possible that a certain amount of Putnam-style ‘two-level games’ is being played out here... See RD Putnam, *Diplomacy and Domestic Politics: The Logic of two-level games*, in Evans, Jacobsen and Putnam (eds) *Double Edged Diplomacy -International Bargaining and Domestic Politics*. The small EU states ‘know’ what the UK/FR position is and know, therefore, that they can, in some cases, afford to vote the other way without changing a major result, particularly if there are domestic level political advantages attached (in relation to nuclear weapons issues for example).

²⁵In the context of the proceedings we have the result of the vote but it is often not clear why the underlying votes went as they did because voting is often not clearly linked to a specific debate but to general statements made by all the members, A/C.1/64/PV.19, p.19. Later on, the representative of Brazil underlines the necessity to review nuclear

disarmament' (A/C.1/64/L.48). On the 'Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction' (A/C.1/64/L.53), the member states speak with one voice and vote with the majority.

In addition, there are many representatives speaking on behalf of a group of states. On the issues of security and disarmament, the G77 (encompassing 130 UN members) and the Movement of Non-Aligned Countries (MNA) appear to be quite active, but like the EU not always consistent and united. As a matter of fact the BRIC focus on their own particular interests - which sometimes co-inside - and on views which lead them to cast a vote that can often be different from the rest of the G77, the MNA or the EU on 'Conventional arms control at the regional and sub-regional levels' (A/C.1/64/L.29), 'Renewed determination towards the total elimination of nuclear weapons' (A/C.1/64/L.36), 'The arms trade treaty' (A/C.1/64/L.38²⁶), only Zimbabwe opposed, China, Russia and India abstained²⁷). China is, according to its representative, the only nuclear power to stand for the complete prohibition and thorough destruction of nuclear weapons and is committed to a strategy of self-defence (no first use); China commits itself not to use or threaten to use nuclear weapons against non-nuclear states or nuclear-weapon-free-zones²⁸.

It is not clear that the BRICs currently form what could be termed, an emerging political bloc, they generally agree about what they dislike but not about what they like. For instance, India often justifies its abstention or opposition to certain resolutions on highly legalist grounds, noting that if a state does not freely consent to be bound by a treaty, it cannot be compelled by its provisions²⁹. This is also a question of principle relating to the sovereignty of states. Though India rhetorically shares the goal of nuclear disarmament in general, it feels uncomfortable with the NPT while, at the same time, professing to share the concerns of the NAM³⁰. India considers itself a nuclear-weapon state and thus cannot accept being invited into the NPT as a non-nuclear weapons state³¹.

doctrines to reduce the risks of the unintentional and accidental use of nuclear weapons and repeats Brazil's commitment in respect of the complete elimination of nuclear weapons; both elements could explain the vote of some EU members, *ibid.*, pp.27-28.

²⁶Proposed by the UK alone: A/C.1/64/PV.16, p.7. See also the A/C.1/64, PV.22, p.15: presentation of the EU's deeds in respect of the Arms Trade Treaty.

²⁷These states seemingly regret that the process of negotiation was not inclusive and transparent (A/C.1/64/PV.22, pp.19-20 and p.22). China in particular was disappointed by the fact that consensus was not reached (A/C.1/64/PV.23, p.1) and Zimbabwe considers that the promoters have not taken into consideration the interests and concerns of all member states and were too influenced by civil society campaigns (*ibid.*, p.2).

²⁸A/C.3/64/PV.910, p.20.

²⁹A/C.1/64/PV.19, p.23.

³⁰A/C.1/64/PV.19, p.24.

³¹*Ibid.*, the same kind of argument is used by Pakistan, A/C.1/64/PV.19, p.25. It is also

Interestingly enough, some statements made by the UK representative are delivered on a national basis or on behalf of the UK, France and the US³². The very fact that the ASEAN countries have not yet responded to the non-paper submitted by the three countries and Russia seems to explain their critical position regarding the establishment of a nuclear-weapon free zone in South-East Asia. Criticism is targeted not so much at the principle of establishing such free zones as at the process through which this kind of arrangement has been negotiated. The opposition of some Western countries is justified by the non-compliance with the guidelines set by the UN and the fact that the nuclear-weapon states have not been consulted. What seems to be disturbing in this case is that some free zones can be composed of parts of high seas which are submitted to the rule of the UN Convention on the Law of the Sea guaranteeing the right of passage and the freedom of the high seas³³. It is thus understandable that nuclear powers vote against such resolutions that could impinge upon their military manoeuvres.

These two examples of controversial statements epitomise the enduring importance for all states of defending their sovereignty in security matters and the freedom of action inherent in this principle that is also granted by several international instruments.

Sweden and Ireland are members of the 'New Agenda Coalition' (with Brazil, Egypt, South Africa, Mexico, and New Zealand) all of whom share the common goal of making the world free of nuclear weapons and do not accept any justification for the acquisition or indefinite possession of such arms³⁴. The EU as such cannot be in favour of a total elimination of nuclear weapons since two of its members are nuclear powers. On these kinds of issues, the representatives of the UK and France tend to deliver the position of their countries while the EU tends to focus more on non-proliferation than on disarmament³⁵. As a result, British and French nuclear policies are never evoked while other the policies of other nuclear powers are commented on at length³⁶.

The conflict between Israel and its neighbours is also a source of controversy and division. On this issue the EU members are generally in line but their positions are not always seen as being consistent. For instance, some UN members ask Israel, India and Pakistan to accede to the NPT and to place their facilities under the control of IAEA. The EU, however, has never made such a request to the Israeli authorities, which could explain the

clear that for India, nuclear weapons are part of its national security policy and will remain so 'pending non-discriminatory and global nuclear disarmament', A/C.1/64/PV.21, p.6.

³² A/C.1/64/PV.19, p.24.

³³ *Ibid.*, p.25.

³⁴ A/C.3/64/PV.2, p.15.

³⁵ /C.3/64/PV.10, pp.10-11. The French representative mentions the EU's policy contrary to his UK counterpart, p.13.

³⁶ A/C.3/64/PV.9, pp.10-11.

accusation of double standards raised by some states like Egypt³⁷ or Syria³⁸. At the same time, however, there is clear support for the establishment of a nuclear free zone in the Middle East³⁹. Reading the position delivered by the representative of Sweden on behalf of the EU, there is a clear invitation for the states of the region to accede to the NPT, but no reference to Israeli policy in this field is made. The only state to be explicitly targeted is Iran⁴⁰, whose delegate denounces some EU members for their inaction at the Security Council regarding the Israeli nuclear programme⁴¹. The EU is mentioned here in relation to Iran in respect of its ambition to develop nuclear facilities. In the view of the representative of Iran, some members do not comply with their obligations under the NPT since they have received hundreds of nuclear weapons from the USA under the NATO umbrella⁴².

According to Pakistan, the expansion of military alliances such as NATO which retain the option to use nuclear weapons is ‘inconsistent with the negative security assurances of its nuclear-weapon states members’⁴³. In this case, the fact that the majority of EU members belong to NATO sustains the image of the EU being a component of the Western world (‘Global North’) along with the US and its other main allies. For the NAM members (‘Global South’), it is always worth remembering that industrialised countries are the main producers and traders of small arms and light weapons that also represent a great danger for international peace and security⁴⁴.

Another stumbling block to further advancement in this field is the link made in the discourse of less developed countries between disarmament and development. States like France are convinced that the relationship between the two is more complex than in draft resolutions stating that the resources devoted to military spending should instead be diverted to developments needs⁴⁵.

During the debate on chemical and biological weapons the EU’s discourse clearly stressed the danger of seeing these kinds of weapons falling into the hands of terrorist groups⁴⁶ and invited states to cooperate and implement their obligations stemming from the existing instruments⁴⁷. The EU also offers its assistance for this purpose. In fact, the representative speaking on behalf of the EU here gave the impression that the EU existed above

³⁷ A/C.3/64/PV.4, p.13.

³⁸ A/C.3/64/PV.6, p.4.

³⁹ A/C.3/64/PV.9, p.12.

⁴⁰ A/C.1/64/PV.19, p.7.

⁴¹ A/C.1/64/PV. 19, p.10.

⁴² A/C.3/64/PV.11, pp.16-17.

⁴³ A/C.1/64/PV.19, p.4.

⁴⁴ A/C.1/64/PV.14, p.12 and p.17.

⁴⁵ A/C.1/64/PV.20, p.19.

⁴⁶ A/C.1/64/PV.12, p.16.

⁴⁷ A/C.1/64/PV.12, p.6

the level of the state⁴⁸. The speech delivered in the EU's name sounds more like those delivered by those responsible for the various programmes elaborated for eliminating biological and chemical weapons⁴⁹. The necessity to have legal provisions implemented is also underscored and for this particular issue, the EU does not mince its words: 'Regular and concrete counter-proliferation actions are therefore required to ensure that each state complies with its non-proliferation obligations. If it is to be effective, our action against proliferation must thus be based on resolute operational cooperation to prevent and disrupt illicit transfers, to control exports even more effectively, to counter illegal networks of diversion and trafficking, and to combat proliferation financing'⁵⁰. This must be 'effective' multilateralism. In addition, the security policy of the EU is heavily dependent on its member states and even if it has developed military instruments and launched military missions, the EU does not have a consistent military doctrine - despite the existence since 2003 of a European Security Strategy - that could give a clear indication of what would be a truly European policy in this field⁵¹. This is perhaps why, on some occasions, the messages delivered in the name of the EU seem rather puzzling.

It seems equally difficult for the EU to be seen as the genuine standard bearer for multilateralism despite the fact that it is trumpeted in various ways by the EU. For instance, and compared to the EU's speeches, the NAM recalls more clearly the importance of keeping the disarmament and non-proliferation issues under the auspices of the UN and of abiding by international law⁵². In fact, the draft resolution A/C.1/64/L.13 entitled, 'Promotion of multilateralism in the area of disarmament and non-proliferation' and submitted by Indonesia on behalf of the NAM was not really welcomed by the EU members, the UK voted against and the others abstained⁵³.

The NAM also criticises the fact that the Security Council uses its authority to define legislative requirements for member states whereas the problem of non-state actors and Weapons of Mass Destruction (WMD) needs to be addressed in a more inclusive manner by the GA⁵⁴, a form of criticism which actually relates more to the problem of democracy in global governance than multilateralism but about which the EU remains silent. In the same vein, the representative of Cuba deplores the fact that some 'pluri-

⁴⁸The representative of Iran reminds us that some EU members bear a clear responsibility for the use of chemical weapons against Iranians and Iraqis because they have provided sensitive materials that enabled Saddam Hussein's regime to manufacture such lethal weapons, A/C.1/64/PV.12, p.23.

⁴⁹A/C.1/64/PV.12, pp.6-7.

⁵⁰A/C.1/64/PV.12, p.7.

⁵¹Richard Whitman, *The EU: Standing Aside from the Changing Global Balance of Power*, *Politics*, 30(S1), 2010, pp.24-32.

⁵²A/C.1/64/PV.20, p.15.

⁵³A/C.1/64/PV. 20, p.17.

⁵⁴A/C.1/64/PV.12, p.16.

lateral initiatives' promoted by a group of countries like the 'Proliferation security initiative' launched by the US, weakens the role of the UN⁵⁵. This is also pinpointed in the speech delivered by the representative of Egypt, who noted that the Convention on Cluster Munitions and the Ottawa Convention are other examples of initiatives (supported by EU members) bypassing the UN multilateral framework⁵⁶. One of the grievances expressed by some less developed countries regarding for instance the 'comprehensive Nuclear-Test-Ban Treaty' is linked to the fact that its provisions do not guarantee access to new technology for accelerating their development while developing countries are able to stop experimenting with their weapons by improving their arsenals through means other than detonations⁵⁷. First and foremost, they have no guarantee from the traditional nuclear weapons states that they will not be targeted and they cannot rely on the Security Council to get what they want while powerful countries are able to draw on the authority of Chapter VII to impose their will and protect their interests⁵⁸. In brief, the ability to resort to the Security Council with a view to imposing certain obligations in the area of disarmament leads to double standard policies⁵⁹, not to speak of the unilateral moves that also contribute to the erosion of multilateralism as acknowledged in the resolution on the 'Promotion of multilateralism in the area of disarmament and non-proliferation.'⁶⁰

Conclusion

Security and disarmament are not topics about which the EU has developed a high profile and demonstrated a great deal of unity and consistency. It is crystal-clear that the peculiar situation of the UK and France - being nuclear weapons states and permanent members of the Security Council - determines their votes and explain the fact that EU votes split in certain sensitive areas. Besides, being part of a security alliance like NATO, whose strategic doctrine has historically relied on the possession of nuclear weapons,

⁵⁵A/C.1/64/PV.12, p.18.

⁵⁶A/C.1/64/PV. 20, p.7. See also the critical standpoints of India and Russia on this issue (*ibid.*, p.8) as well as the explanation of the vote given by the representative of Egypt, who recalls that the Ottawa convention has been negotiated outside the UN and does not contain any obligation for the state in terms of demining while in Egypt, millions of anti-personnel landmines have been planted by the second world war combatants in the western desert, A/C.1/64/PV.21, p.15. The same criticism is also issued by the representative of the Libyan Arab Jamahiriya, *ibid.*, p.18.

⁵⁷The 2010 Anglo-French defence deal between Cameron and Sarkozy reiterated that both would continue to field a nuclear deterrent. One of the main provisions of the deal is the provision for joint (simulated) nuclear testing - obviously very technical and no doubt hugely expensive - but designed to get round the test-ban issue. The newer nuclear states are unlikely to be able to afford such technology and will thus either have to contravene the ban or not test/update their stockpiles, thus giving UK/FR a political advantage.

⁵⁸A/C.1/64/PV. 22, p.10.

⁵⁹A/C.1/64/PV. 22, pp. 12-13.

⁶⁰A/RES/64/34.

can also explain the attitudes of some member states while others are more prone to follow the projects sustained by more ambitious countries or groups, like the NAM, in the field of disarmament, and in particular in respect of the establishment on nuclear-free zones. Even in crisis management when the EU is directly concerned like in Georgia, no reference is generally made to its own commitment⁶¹.

What is perhaps most striking when contemplating the EU's self-image and the criticisms surfacing in other groups' discourses is that Europeans are not the only ones to foster multilateralism; on the contrary, they are sometimes suspected of attempting to bypass UN institutions for the sake of adopting conventions which would be more consistent with their normative preferences (the Ottawa convention for instance) but which, at the same time, do not impinge on their own interests and agendas. Despite its ongoing endeavours towards disarmament and non-proliferation, the EU is not even mentioned by the representative of the Regional Centre on small arms and light weapons who acknowledge only the support of states like Germany, the UK, the Netherlands, USA, Japan, and Belgium⁶². Indeed, on this matter the OSCE seems to be more visible than the EU⁶³.

There is however something that singles out the EU: its clear message about the necessity to include civil society in the discussion of international problems echoing the point made by UN personal.

2 Discussions in the second Committee (macroeconomic Policy questions: international trade and development)

As for the other committees, the vast majority of resolutions debated in the second committee are adopted by consensus, even those dealing with *a priori* divisive topics like women in development (A/RES/64/217) or corruption (A/RES/64/237). There are nonetheless some topics that are still hotly debated and for which no consensus has been reached. This is particularly the case for the promotion of development in the context of globalisation and interdependence, for which the 'international community' has been mostly divided along North-South lines. For the EU, the reference to the old resolutions of the 1970s on this topic - a reminder of the discourse on the New International Economic Order - is no longer relevant and indeed is tantamount to 'turning the clock back to obsolete discussions'; this was the main

⁶¹A/C.1/64/PV.17, pp.9-10. The EU is nonetheless mentioned but only through a reference to the report of an independent fact-finding mission on the causes of the conflict, *ibid.*, p.18.

⁶²A/C.1/64/PV.17, p.16.

⁶³A/C.1/64/PV.16, p.10.

reason explaining the abstention of the EU members⁶⁴. But what is striking here is the fact that the cohesion of the EU is maintained: all the EU members have voted in the same way⁶⁵.

On the chapter on Globalisation and Interdependence and on the ‘Right to Development’, it is quite clear that the EU and the US do not share the same ideas. The latter understands it as the possibility for each individual ‘to enjoy the right to develop his or her intellectual and other capabilities to the maximum extent possible through the exercise of the full range of civil and political rights’⁶⁶. The vision of the EU is also liberal-inspired but differently framed:

*The EU attached great importance to the social dimension of globalisation and was committed to internal and external policies that contributed to maximising the benefits and minimising the costs of globalisation for all countries. It welcomed efforts to promote corporate social responsibility and encouraged the private sector to contribute to corporate social responsibility initiatives that fostered fair globalisation. The EU underlined the importance of the relationship between business sector development and pro-poor growth and was undertaking a range of initiatives to enhance the role of the private sector in development.*⁶⁷

The difference with the US mainly lies in the fact that the EU clearly envisages the development as a public policy supplemented by the private sector and does not really consider, as the US does, the fight against poverty as an individual responsibility.

On international Trade and Development, the USA has expressed concerns regarding the possibility of an overlap between the UN and the WTO and is willing to prevent any endeavour that could jeopardise negotiations at the WTO⁶⁸. For the EU, a political consensus message on this issue sent by the GA ‘would have allowed the international community to reconfirm its full commitment to the broad and balanced WTO Doha development agenda, particularly its development dimension’⁶⁹. Two visions (at least) are at play and the 64th session will confirm the deadlock. The draft resolution presented by the G77 and China contains provisions pointing to the high level of export subsidies, trade-distorting domestic support and protectionism of many developed countries. In the context of the financial crisis, the need for

⁶⁴ A/C.2/64/SR.40, p.3, see A/RES/64/209.

⁶⁵ A/64/PV.66.

⁶⁶ A/C.2/60/SR.37, p.6.

⁶⁷ A/C.2/60/SR.37, p.6.

⁶⁸ A/C.2/60/SR.35, p.3.

⁶⁹ A/C.2/60/SR.35, p.4. But at the same time, the EU members chose to abstain since some paragraphs of the draft resolution ‘could create uncertainties in relation to the EU’s WTO commitments.’

greater coherence in the trade, financial and monetary systems is underlined along with the need to refrain from adopting measures related to trade and affecting the access by developing countries to generic medicines and the necessity for developed countries to be more flexible in their negotiations within the WTO⁷⁰. The US still argues that opening markets will reduce poverty and hunger and does not view the resolution as a constructive basis for a fair and inclusive dialogue⁷¹. The EU's representative has expressed his disappointment with the move of the G77 and China that makes impossible to reach a consensus, mostly because the views exposed therein are one-sided and do not take into account the fact that the major trading partners are not the same as those of 10 years ago. He still considers that emerging economies should open their markets⁷². A member of the European Commission speaking in the name of the EU⁷³ and other candidate countries has also explained at length the vision the EU has for overcoming the economic and financial crisis through the commitment of national governments and thanks to the conclusion of the Doha round, reminding us of the openness of EU markets to products from the least developed countries and, more generally the huge efforts made by the EU to neutralise the damaging effects of the crisis in the poorest countries, notably by increasing its official development assistance (ODA)⁷⁴, something that is not really acknowledged in the interventions made by other members of the Committee⁷⁵. Eventually, however, the EU member states voted against the resolution A/RES/64/188 along with the US and other Western countries⁷⁶.

The stumbling block preventing any further progress on 'trade and development' revolves around the possibility of using unilateral economic measures against the developing countries for economic or political reasons (A/RES/64/189). According to the USA, it is legitimate to resort to such means in order to promote national interests. It is a right inherent in the principle of sovereignty⁷⁷. For the spokesman of the EU, such unilateral measures must

⁷⁰See the draft resolution presented by Sudan on behalf of the G77 and China, A/C.2/64/L.40, p.2. A/RES/64/209 will be adopted with 50 abstentions.

⁷¹A/C.2/64/L.42, p.2. Later on the US representative questions the role of the UN in dealing with the financial crisis, expressing doubts about the capacity of the UN system in comparison with other institutions like the IMF and the G-20. The representatives from the EU, Canada and Mexico have all mentioned the positive role of G-20 in the management of the crisis.

⁷²A/C.2/64/L.42, p.3.

⁷³The mere fact that someone from the European Commission has spoken on behalf of the EU here is to be underlined. It shows the strength of this institution in matters related to trade. But it is the only example of the EU speaking through its own institutions within the GA.

⁷⁴A/C.2/64/SR.25, pp.5-6; A/C.2/64/SR.14, p.3.

⁷⁵See also the debate on the external debt problems of the developing countries where the G-20 is mentioned several times in the discussion but not the EU as such, A/C.2/64/SR.8.

⁷⁶A/64/PV.66, p.12.

⁷⁷A/C.2/64/SR.41, p.3.

respect international law and they are justified in certain circumstances, for instance for combating terrorism and the spread of WMD, restoring democracy and the rule of law, and making human rights effective. In any case, the EU has to develop a comprehensive approach encompassing political dialogue, conditionality and, in the very last resort, the use of force while respecting the UN Charter⁷⁸. In order to better understand this debate, it is worth going back to the 60th session.

The G77 with China (also supported by CARICOM) have strongly criticised unilateral sanctions⁷⁹, and especially embargoes against developing countries, drawing on the necessity to respect the sovereign equality of states, non-interference in domestic affairs and self-determination for peoples as outlined during the 60th anniversary of the UN. According to the Chinese representative, those principles are still not respected:

*Regrettably, however, in spite of the fact that our discussion of this agenda item has entered its fourteenth year, the previous 13 resolutions urging all countries to abide by the Charter of the UN and principles of international law and to withdraw or nullify any laws and measures with extraterritorial legal effects that infringe on the legitimate rights and interests of entities and individuals within the sovereignty and jurisdiction of other states and impede the freedom of trade or navigation, have yet to be implemented by the state concerned.*⁸⁰

The US embargo against Cuba is particularly targeted by such critics, the US being ostracised in this case for being in contradiction with the right of people to choose their own political regime and development path, and more specifically for having adopted economic decisions with extraterritorial effects that contravene the principle of state sovereignty on its own territory.

Here again, the EU position, as expressed by the representative of the UK, is based on a peculiar argument that singles out the EU in the debate and will lead to abstention⁸¹. On the one hand, he reminds us that the problem between the US and Cuba is fundamentally a bilateral one, echoing the argument used by the US representative while, on the other, he criticises

⁷⁸A/C.2/64/SR.41, p.4.

⁷⁹The Mexican representative specifies that only the Council or the GA have the power to decide or recommend such sanctions. During the 61st session, the representative of Belarus denounced the 'Belarus Democratic Act' adopted by the US Congress enabling the allocation of funds for opponents to the regime, which is considered as an attempt to change the constitutional order of a sovereign country and criticised the fact that the EU was contemplating unilateral sanctions against his country, A/61/PV.81, p.25.

⁸⁰A/60/PV.45, Russia shares this critical standpoint insisting on the negative side effects of such unilateral measures.

⁸¹A/64/PV.66, p.13.

the extraterritorial laws adopted by the US⁸². The draft resolution will finally be adopted (A/60/L.9) with 182 votes including all the EU members, the MERCOSUR⁸³ and other associated States who have justified their support by reference to the principles evoked by the G77 and China⁸⁴. Although all the EU member States have voted for the resolution, the representative of Cuba will deliver a statement, giving a negative picture of the EU (proving once more the interest of combining qualitative and raw data):

*Year after year, we have listened to the representatives of the European Union repeat their hackneyed arguments to explain their vote, during the adoption of the resolution that condemns the blockade by the United States of America against the Cuban people. The European Union, through a complex word game, is trying to hide the fact that the United States has launched an economic war against Cuba, that it is truly committing genocide and has been causing serious damage to the Cuban people for more than 47 years, only because of Cuba's refusal to become a pawn in the geopolitics of that unipolar power. The European Union is only interested in the extraterritorial content of the imperial decree, not in its victims, the men and women of Cuba. The worst fallacy is trying to suggest that we deserve such actions. It seems that unless its economic interests are affected, the European Union will show itself to be indifferent or, worse still, cooperative, if the empire decides to apply sanctions that go against international law and against a dignified and brave people. The European Union acts as an accomplice to the United States, when they favour and condone the false pretext that has been created to maintain and strengthen the hostile policy of genocide against the Cuban people. How can they dare speak of human rights to those who have extended a cloak of impunity to the perpetrators of atrocious human rights violations in the concentration camps established in the territory that is illegally occupied in Guantánamo, as well as extra-judicial executions and cruel and humiliating torture at Abu Ghraib.*⁸⁵

In this case, the EU appears as an international actor capable of defining and defending its own economic interests. Interestingly enough, during the debate about the consequences of the financial crisis and the risk of slipping back into protectionist policies, the voice of the EU has been expressed by

⁸²This is the reason why Australia issued a positive vote, A/61/PV.50; A/62/PV.38, pp.19-20.

⁸³See also A/62/PV.38.

⁸⁴During the 63rd session, the same debate will occur with the same arguments and results, GA/10772, 29 October 2008.

⁸⁵A/60/PV.45, p.26.

the European Commission⁸⁶ and not the representative of the EU country in charge of the presidency.

Despite the fact that the resolution dealing with the fight against desertification has finally been adopted by consensus (A/RES/64/201), the discussion that occurred in the second committee shows that once more, the conflict in the Middle East infuses all the debates within the GA. The European countries have supported an amendment introduced by Israel in support of the implementation of the UN convention to combat desertification. According to the UK representative, 'it believed that it was fair to include mention in the resolution of any government-sponsored international meeting that would focus on, and contribute to, the objectives of the International year of Deserts and Desertification. The proposed Be'erSheva conference fits those criteria.⁸⁷' But for those who vote against or abstain, like the representative of Mauritania speaking on behalf of the group of Arab States: 'Israel was seeking international endorsement and support for its planned conference on desertification even though it had refused to take responsibility for its own desertification-causing practices. Those devastating practices had been well documented in various reports [...]. The Committee itself had recently adopted a draft resolution condemning the illegal exploitation of Palestinian land, the detrimental effects of the unlawful construction of the wall, the uprooting of fruit-bearing trees and the razing of land in the occupied Palestinian Territory.⁸⁸' In this case, the European Union, like Israel, Canada and the United States, seems to regret the politicisation of an issue that should, according to them, be viewed as technical.

Conclusion

On Trade and Development the US and the EU seem to share common interests and are willing to achieve the same goals (especially in respect of concerns relating to UN/WTO overlap, the need to depoliticise certain issues and the conviction that the time for a new economic order has passed), but the justifications are different from a political point of view. On the eradication of poverty the US representative leans more on individual responsibility whereas the European's approach is more holistic and geared to the reduction of poverty through public policy. On unilateral sanctions, the EU's position is also more consistent with the principle of sovereignty that the G77 is eager to defend. In a way, this kind of issue could actually lead the EU to play the role of bridge builder it seeks, as is sometimes pointed out in the literature⁸⁹. In addition and as has already been stated by Paul

⁸⁶ A/C.2./64/SR.25, p.5.

⁸⁷ A/C.2/60/SR.38, p.3.

⁸⁸ A/C.2/60/SR.38, p.3.

⁸⁹ Richard Gowan and Franziska Brantner, *A Global Force for Human Rights? An Audit of European Power at the UN*, Policy paper of the European Council on Foreign Relations,

Luif, the EU Countries are more proactive in economic and financial matters and are the principal negotiating partner for the G77⁹⁰.

3 Discussions in the third Committee (social, humanitarian and cultural)

Some member states sponsor a resolution, other follow, the resolution is adopted but without the support of the BRICS (or other countries like Cameroon). This is the pattern for draft resolution on ‘The situation of human rights in the Democratic People’s Republic of Korea’ (A/C.3/64/L.35), ‘The situation of human rights in Myanmar’ (A/C.3/64/L.36), and the ‘Situation of human rights in the Islamic Republic of Iran’ (A/C.3/64/L.37). When ‘The right of the Palestinian people to self-determination’ (A/C.3/64/L.56) is at stake, the support appears to be much more important compared to the votes on resolutions condemning the three traditional targets of Western powers that do not benefit from the support of the entire G77. In such cases, the EU is proactive, united and successful⁹¹.

When the EU members are against the resolution or abstain, the identity of the state sponsoring the resolution is important to understand the opposition as much as its content. Here again the EU position can be labelled as ‘Western’. This is the case, for the ‘Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination’ (A/C.3/64/L.57), ‘Combating defamation of religions’ (A/C.3/64/L.27), ‘Promotion of a democratic and equitable international order’ (A/C.3/64/L.28), ‘Globalisation and its impact on the full enjoyment of all human rights’ (A/C.3/64/L.31), ‘Human rights and unilateral coercive measures’ (A/C.3/64/L.45), ‘Promotion of equitable geographical distribution in the membership of the human rights treaty bodies’ (A/C.3/64/L.48), and, ‘Human rights and cultural diversity’ (A/C.3/64/L.49).

The EU is divided on ‘The right to development’ (A/C.3/64/L.47) and the ‘Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance’ (A/C.3/64/L.53).

The analysis of the summary records available on the UN website sheds light on the ideas that could be considered as divisive or controversial between the EU and the other UN members or within EU itself.

2008.

⁹⁰Paul Luif, *op. cit.*, p.22.

⁹¹On some occasions, the EU follows a proposition made by the US (but not supported by other countries like China and Russia) like that ‘Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratisation’ (A/C.3/64/L.26).

The issue of the defamation of religion is easy to misunderstand. While the G77 and China insist on the fact that freedom of speech cannot be an excuse for not diffusing feelings of hatred against groups and religions⁹², Europeans tend to consider that ‘the concept of the defamation of religion might be depolarised by shifting it towards the legal concept of prohibiting incitement to racial and religious hatred’⁹³. In their view, there is no real need to create a new norm and to singularise the issue of religion⁹⁴. Moreover, freedom of speech is deemed to be of the utmost importance to fight racism⁹⁵ along with the freedom of expression⁹⁶. Unsurprisingly, the representative of Malaysia speaking on behalf of the OCI demonstrates that racism and defamation of religion are intrinsically linked⁹⁷.

Regarding the follow-up to the Durban conference and, more generally, the issue of combating racism and xenophobia, some differences can also be pinpointed in the statements made by the EU and some other members. Indeed, representatives of the EU are eager to demonstrate the willingness of the states to adopt laws and regulations to get rid of the scourge of discrimination and racism in Europe⁹⁸. But, they rarely mention concrete situations and policies that are problematic in this regard, whereas the SADC, the G77 and China exposed their concerns about the ‘ethnicisation and criminalisation of irregular migrants and asylum-seekers’⁹⁹ not even to speak about anti-terrorism policies¹⁰⁰, something that could be interpreted as an indirect criticism of the western and/or rich countries¹⁰¹. This is particularly obvious in the statement issued by the representative of Cuba:

[. . .] racial discrimination had been bolstered by the rise of anti-immigrant, xenophobic, right-wing parties in developed countries, which, in turn, had led to an ideologically motivated campaign by Western media to demonise Islam. Consequently, freedom of expression was invoked to defend intellectual legitimisation of ideas inspired by racial hatred, as demonstrated by anti-terrorism and

⁹²A/C.3/63/SR.33, p.6; A/C.3/64/SR.37, p.2.

⁹³Ms Basso speaking on behalf of the EU, A/C.3/63/SR.33, p.3.

⁹⁴A/C.3/64/SR.36, p.11.

⁹⁵A/C.3/63/SR.33, p.8.

⁹⁶A/C.3/63/SR.35, p. 7; A/C.3/64/SR.36, p.10.

⁹⁷A/C.3/64/SR.36, p.4. For the representative of Iran, ‘Islamophobia’ and racial and religious profiling must be taken into consideration by the members of the special committee, A/C.3/64/SR.37, p.5.

⁹⁸Mr Gonnet speaking on behalf of the EU, A/C.3/63/SR.33, p.7; see also Mrs Martensson, A/C.3/64/SR.36, p.10; A/61/PV.81, p.9.

⁹⁹A/C.3/63/SR.33, p.7.

¹⁰⁰A/C.3/63/SR.35, p. 5. Statement made by the representative of Algeria.

¹⁰¹In his report (A/64/271), the *rapporteur* Muigai mentions the dramatic situation of Roma communities in Europe, A/C.3/64/SR.36, p.3 and stresses the growing success of extremist parties in Europe where they are tolerated in the name of the freedom of expression, A/C.3/64/SR.36, p.6.

*anti-immigrant legislation in those countries. In that connection, the so-called return directive adopted by the European Union was troubling*¹⁰².

In the same vein, the Russian representative states that the European Union is quite passive as regards serious discrimination against minorities, probably wanting here to draw attention to the situation of the Russian minorities in the Baltic States¹⁰³. Russia also underlines the resurgence of neo-Nazi groups and a cold-war mentality in order to better tackle the problem on the ground. In this perspective, the role played by Russia during the WWII is purportedly evoked¹⁰⁴. It is also worth noting that some countries like India link racism and colonialism¹⁰⁵, a combination of words absent from the European discourse.

A very important debate about economic, social and cultural rights also reveals a different understanding of the link between those rights and civil and political rights. The European countries, while constantly reaffirming the unity and indivisibility of human rights, are not thrilled by the idea of having a new protocol enabling individuals to use a complaint mechanism to ensure that those rights are effectively implemented. For the representative of Denmark, such a mechanism is not fitted for this type of rights since they have no immediate legal effect. What is striking here is the following argument: ‘Given the nature of those rights, his delegation feared that the Committee on Economic, Social and Cultural rights would end up functioning as a legislator and determining the allocation of states parties’ resources in that sphere, when that was the responsibility of the legitimately elected national democratic institutions’¹⁰⁶; because it resembles the one opposed by countries that use to criticise the European initiative on death penalty arguing that this was not an issue of human rights but one of the national judicial policy of sovereign states and therefore not consistent with the rule of non-interference enshrined in the UN Charter¹⁰⁷. Europeans do not seem to agree with the view that without the realisation of economic, social and cultural rights, civil and political rights are meaningless, something that can be found in the discourse of countries like South Africa¹⁰⁸.

¹⁰²A/C.3/63/SR.33, p.8. See also, A/C.3/64/SR.36, p.5.

¹⁰³A/C.3/63/SR.33, p.10.

¹⁰⁴A/C.3/64/SR.41, p.3.

¹⁰⁵A/C.3/64/SR.37, p.8.

¹⁰⁶A/C.3/63/SR.35, p.5. See also the statements delivered by the representative of Norway (*ibid.*, p.6), Switzerland (*ibid.*, p.7), and Poland (*ibid.*, p.8). The representative of Australia is also rebutted the idea that the Committee could be seized of complaints of violations of a collective right, including the right to self-determination, which is in a way illustrative of the reluctance of Western countries towards the ‘judicialisation’ of collective rights (*ibid.*, p.8).

¹⁰⁷Robert Kissack, *op. cit.*, p.54. See the intervention of the representative of Singapore, which epitomises the position adopted by many states, A/61/PV.81, pp.33-34.

¹⁰⁸A/C.3/63/SR.35, p.5.

The EU members are also not entirely convinced by the wording of a resolution about the universal realisation of the right of peoples to self-determination. The representative of Sweden considers that the main focus is too narrow. Indeed the cases that are mainly targeted by the draft resolution are occupation and foreign and colonial domination whereas self-determination for Europeans is also linked to the right to democracy. He regrets some ‘inaccuracies’ - peoples, not nations, are the beneficiaries of this right - and adds that there is no mention of the fact that the implementation of this right must be consistent with international law and is not a precondition for the enjoyment of other fundamental rights¹⁰⁹. This position could not only be explained by reference to the individualist conception of Human Rights underpinning a Western liberal ideology geared to the encouragement of democracy all over the world, but also by the controversy surrounding the legitimate means to achieve self-determination. For instance, the representative from Pakistan reminds that the use of force in order to occupy a foreign territory is contrary to the right of self-determination and, therefore, the fight against foreign occupation is legal and legitimate and cannot be assimilated to a terrorist activity¹¹⁰. Such a standpoint is not shared by the Western nations, which are reluctant to accept any kind of justification for violent acts committed by groups, movements or individuals even grounded on ‘legitimate’ ends. This is actually one of the reasons why it is so difficult to get a universal definition of terrorism. Here again, the Israeli-Palestinian conflict can in part be explained by reference to these conflicting views. And if members of the EU always agree to recognise the principle of the right to self-determination for the Palestinians, contrary to the US, they do not seem to be ready to accept the use of force in order to implement this right¹¹¹.

The growing activities of private military and security companies (PMC) have reactivated discussion within the UN over mercenaries¹¹² and raised interesting principled debates among its members. We can identify different positions regarding this phenomenon. Traditionally, mercenary activi-

¹⁰⁹A/C.3/64/SR.41, p.4. See also the statement issued by the representative of Algeria, A/C.3/64/SR.37, p.2. In a very brief statement, the representative of the USA considers that there are a lot of inaccuracies in this proposal and the interpretation of self-determination is no longer consistent with current practice, A/C.3/64/SR.41, p.5.

¹¹⁰A/C.3/64/SR.37, p.2. The representative of Egypt also considers that there is a right to resistance in such a situation almost as sacred as the right to self-defence against those who impose their economic and military might while at the same time supposedly defending Human rights and democracy (*ibid.*, p.3).

¹¹¹For the US representative, the text of the draft resolution is unbalanced because it prejudices the outcome of the permanent status issues that have to be resolved through bilateral negotiations, something that is often raised by Israel, A/C.3/64/SR.41, pp.5-6. The representative of Australia justifies abstention because the state does not share the content of the ICJ advisory opinion mentioned in the draft (*ibid.*, p.6).

¹¹²See the note issued by the Secretary-General, ‘Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination’, A/64/311, 20 August 2009.

ties are criticised for endangering the self-determination of peoples and the sovereignty of states and as such ostracised and sometimes outlawed. But the current PMC's are not prohibited as such and their activities in some conflicts have been supported by countries like the USA and UK, which have proceeded with an externalisation of certain tasks normally performed by their national armies, something that raises the problem of control and respect for Humanitarian Law. For the majority of UN members, there is an urgent need to regulate PMC activities in order to prevent further violations of self-determination, human rights, the unlawful trade in small arms and the exploitation of natural resources¹¹³. Nonetheless, the EU members voted against draft resolution A/C.3/64/L.57. Before the vote, the representative of Sweden made a statement justifying the opposition of the EU members:

*While concerned by the danger posed by mercenary activities that had been mentioned in the report of the working group, particularly with respect to the length and nature of armed conflicts, the European Union believed that the matter did not fall within the competence of either the Committee or the Human Rights Council, and should not be considered from the point of view of human rights violations or constraints on the exercise of the right of peoples to self-determination. The European Union was determined to pursue in other bodies the dialogue on the formulation of a definition of mercenary activities and on the link between mercenary activities and terrorism, subjects which were included in the remit of the Sixth Committee.*¹¹⁴

The EU is sometimes criticised in its pretension to be a spokesman for the 'international community'. As the representative of Iran says, some resolutions (especially those denouncing the situation of human rights in countries such as Iran) are not supported by the international community, but only by some Western diplomats who try to impose their own values and who, most of the time, are not entitled to criticise other countries mainly because the situation in their own countries can also be criticised. It's the 'double standard' attitude that is in this case pinpointed¹¹⁵.

Conclusion

Human rights and democracy are probably the two topics about which the EU is supposed to be most pro-active and influential¹¹⁶. The Swedish presidency of the EU Council has fought hard to obtain a majority for its proposals condemning North Korea and Myanmar for their poor records in this

¹¹³ A/C.3/64/SR.37, p.3.

¹¹⁴ A/C.3/64/SR.43, p.10.

¹¹⁵ A/C.3/64/SR.40, p.12.

¹¹⁶ See Karen Smith, *op. cit.*

field. The battle was also tough for Canada regarding its draft resolution concerning the situation of human rights in Iran. In the end, all of these resolutions were adopted but only with a narrow majority, many countries having chosen to abstain. This situation illustrates the enduring difficulty for the EU to appear as a genuine proponent for universalising human rights. The denunciation of double standards underpins many of the interventions.

The ‘North/South’ divide also appears in the debate relating to the defamation of religions and the fight against racism, xenophobia and discrimination. This debate continues to rage between those (mainly Western Countries) who stand firm on the right to free expression¹¹⁷ and those (mainly Southern and Muslim Countries) who think that this right must be limited by the rules prohibiting the incitement to racist actions and feelings of hatred and must be balanced by the respect due to religious beliefs. There is nonetheless a difference between the US and the EU since the former is eager to recall that the US was founded on the principle of freedom of religion while the latter stresses more the idea of respect, dialogue and tolerance¹¹⁸. On a more general level, the EU stands firm against any attempt to politicise the follow-up of the Durban Conference¹¹⁹. According to Kissack, the task of the EU in terms of human rights advocacy is not an easy one: ‘While Africa and Asia Group states are not inherently opposed to European initiatives, the majority of the Global South belong to these regions and have a human rights agenda based on anti-imperialism, non-intervention and question the universality and definition of human rights offered by the North’¹²⁰. He pinpoints the fact that coordination is time-consuming and thus not enough time is devoted to coordination with other groups in order to convince and influence them¹²¹.

Moreover, some topics are inherently divisive even for EU members. Indeed there is no European consensus on the rights for indigenous peoples or on prostitution. The EU is not really a leader when it comes to new ideas and challenges in the field of human rights. After having analysed the EU’s performance in the new Council for Human Rights, Kissack states: ‘Despite its voting cohesion, it was the losing minority in 21 of the 24 regular session votes, and its resolutions are becoming more conservative as the EU seeks to work with other regional groups that make hefty demands in the final text.’¹²²

¹¹⁷The EU stands firm on the fact that it is also strongly committed to fostering dialogue between religions and cultures, see A/61/PV.83, p.18.

¹¹⁸A/61/PV.83, p.18.

¹¹⁹A/61/PV.81, p.10.

¹²⁰Robert Kissack, *op.cit.*, p.47.

¹²¹*Ibid.*, pp.47-48.

¹²²*Ibid.*, p.49. According to Karen Smith, the EU is less efficient than the African group and the Arab group, notably on Palestine and religious freedom. The North/South divide is still vivid and reinforced by the new composition of the Council, *ibid.*, p.50.

The conclusion he draws is somehow paradoxical if judged with common sense politics: a more united Europe does not *per se* guarantee more influence at least in the field of human rights policies within the UN. In a way, his analysis corroborates some of Karen Smith's insights regarding the work of the EU in the Council for Human Rights¹²³:

- The number of propositions introduced in the name of the EU grows but the items do not vary a lot and there are still divergences among the EU members on Cuba or the Middle East. They concerned in the main the death penalty, children's rights, Iran, Iraq, Israeli settlements, etc. The Europeans are, moreover, reluctant to raise certain issues such as that of violence against women and of those surrounding sexual orientation. Some draft resolutions are clearly linked to national interests (like the ones presented by the UK about Zimbabwe) or European commercial ones (look for instance, what happened with China in the 1990s). Relations with other groups are, moreover, not cordial at all. As Andrew Caphlam argues, 'because the EU represents an ideological and powerful bloc, other blocs may have to redefine their identity and ideology in counter position to the EU. There is division in the debate, not despite EU consistency, but because of EU coherence.'¹²⁴
- Even if almost all resolutions supported by the EU are finally adopted, the tension between North and South is still present. Time consumed for intra-European coordination prevents any further time being invested in advocacy and persuasion. In the eyes of the EU's partners, the maintenance of its unity remains more important than the efficiency of its policy. This also implies that time consuming tasks resulting in intractable outcomes¹²⁵. The ways in which the EU behaves will prevent a leadership role in the HRC unless reform of its coordination system is undertaken.

4 Discussions in the fourth committee (special political and decolonisation committee)

Many proposals and debates in this committee revolve around the Israeli - Palestinian conflict. The EU is basically united on this topic and votes with

¹²³Karen Smith, *The European Union, Human Rights and the United Nations*, pp.155 and ff. Strong pressure exists in the field of HR to produce a consensus across all EU members. The very high number of meetings and their length prove the seriousness of the work as envisaged by European diplomats insofar as K. Smith evokes in this field the existence of consensus reflex more than a coordination one. Only 15 to 25% of the endeavours rest on individual members, the rest have to be credited as EU initiatives, p.156.

¹²⁴*Ibid.*, p.166.

¹²⁵Paul Luif, *op. cit.*, p.52.

an overwhelming majority of states in favour of draft resolutions, which are mainly proposed by other groups¹²⁶. Resolutions calling for the implementation of the declaration on granting of independence to colonial countries do not give rise to many interventions on behalf of the EU, most of the time, its members abstain¹²⁷.

There are nonetheless issues that trigger divergent votes, mainly those dealing with colonial history and its legacies¹²⁸. The UK and France still however oppose requests issued by the special committee on decolonisation regarding the situation in territories they consider non-autonomous, such as the Falkland Islands¹²⁹. But according to the UK representative, this is a territory under the sovereignty of the Crown, a position with which Argentina disagrees¹³⁰. The inhabitants are willing to stay under the authority of the UK (like those living in Gibraltar), so the right to self-determination is respected and the UK is behaving as a responsible tutor for all the territories still under its sovereignty. It has, for instance, encouraged them to meet G-20 standards to ensure sound financial regulation and economic management, particularly in Bermuda, the British Virgin Islands and the Cayman Islands¹³¹.

That being said, the Europeans do not have a monopoly of being considered as colonial or administering powers and therefore are not stigmatised as the only states challenging the universal implementation of the right to self-determination. Discussions are also dedicated to the cases of Western Sahara, ruled by Morocco¹³², to certain US possessions like Porto Rico, the

¹²⁶See the critical position of the US regarding the unbalanced and biased resolutions aiming at criticising the state of Israel, an opinion the EU seems to share but does not dare to express.

¹²⁷A/64/411; A/C.4/64/SR.7, pp.4-5. The representative of Sweden speaking on behalf of the EU justified the abstention of the EU members on the grounds that specialised agencies and international institutions associated with the UN must strictly comply with their mandate, which are dedicated to the educational, humanitarian and technical fields.

¹²⁸Paul Luif, *op. cit.*, p.21.

¹²⁹See the result of the recorded vote on 'Information from Non-Self-Governing Territories transmitted under Article 73e of the Charter of the United Nations', France, UK abstained with Israel and the USA, the rest of the members were in favour, A/C.4/64/SR.7, pp.2-3; on 'Economic and other activities which affect the interests of the peoples of Non-Self-Governing Territories', France and UK abstained, the other EU members voted in favour of the draft resolution, *ibid.*, p.3; 'Dissemination of information on decolonisation', UK was against and France abstained, *ibid.*, p.6. The UK representative justified the no-vote by the fact that 'the obligation imposed on the UN secretariat to publicise information on decolonisation issues constituted an unwarranted drain on the Organisation's scare resources'; on 'Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples', France and Belgium abstained, UK intervened after the vote and stated that the no-vote did not mean that UK was not committed to modernising its relationship with its Overseas Territories, *ibid.*, p.7.

¹³⁰A/C.4/64/SR.6, p.14.

¹³¹A/C.4/64/SR.2, p.6 and p.9; A/C.4/64/SR.6, p.13.

¹³²The Western Sahara problem has ignited a conflict between Morocco and Algeria, the

American Virgin Islands and Guam, and to the situation of Tokelau administered by New Zealand. In addition we have Gibraltar, which is still considered to be a non-self governing territory and is the object of dispute between two EU members (UK and Spain)¹³³. Differences over the status of territories such as Jammu Kashmir saw opposing 'Southern' countries - India and Pakistan - and thus the issue more generally cannot be perceived as a traditional controversy between European colonisers and the 'Global South'¹³⁴.

Against this backdrop, the EU is not really part of the picture¹³⁵, and this is perhaps good news for its legitimacy since the decolonisation process has attracted a lot of attention from the international community and given rise to a lot of criticism from the majority of UN members. But this optimistic view could be somewhat more nuanced by the fact that national policies from the EU countries can sometimes be attributed to 'Europe', not as an institution but as a political bloc with a heavy legacy regarding colonisation and its worst outcomes¹³⁶. The discussion about the status of the Falklands Islands launched by the representative of Uruguay on behalf of MERCOSUR reveals a dispute with the European Community, which has included these Islands in the list of territories covered by the EC Treaty, and by doing so, has recognised the legal title of the UK¹³⁷. As a consequence, the EU can be viewed as a political entity or accomplice of the colonial powers.

The comprehensive review of the whole question of peacekeeping operations was presented by the Under-Secretary-General for peacekeeping operations, Mr Le Roy, and the Under-Secretary-General for field support, Ms Malcora¹³⁸. In this case, it is possible to identify more clearly the added value of the external actions of the EU since the development of ESDP missions, notably in Africa where the crisis management policies of the EU are intrinsically linked to UN undertakings. Thus it is no surprise that the first intervention in the debate was made by the representative of Sweden on behalf of the EU who underlined the importance of the dialogue with regional organisations for improving cooperation with the UN and the overall effectiveness of peacekeeping operations, as well as strengthening the synergies between peacekeeping and peace-building¹³⁹. His intervention also high-

former aims at achieving its territorial integrity whereas the latter actively supports the self-determination of the Saharawi people, A/C.4/64/SR.6, p.12.

¹³³A/C.4/64/SR.6, p.8.

¹³⁴A/C.4/64/SR.6, p.14.

¹³⁵There are nonetheless a few interventions on behalf of the EU, for example when the representative of Sweden expresses the EU's concerns over the security implications of the Western Sahara dispute, A/C.4/64/SR.9, p.2.

¹³⁶Pieter Lagrou, Europe in the world. Imperial legacies, in Mario Telo (ed.), *The European Union and Global Governance*, London, Routledge, 2009, pp.308-328.

¹³⁷A/C.4/64/SR.2, p.3.

¹³⁸A/C.4/64/SR.15.

¹³⁹A/C.4/64/SR.16, p.2.

lights some concerns within the EU, mainly in respect of the empowerment of women, the socio-economic impact of peacekeeping on local economies and the labour market and the relationship between security and development.

The NAM's judgement expressed through the intervention of the representative of Morocco recalls the fundamental premises on which the peacekeeping operations must be based: 'All efforts and initiatives must be conducted in conformity with the basic principles of peacekeeping, namely, consent of the parties, non-use of force except in self-defence and impartiality. The principles of sovereign equality, political independence and territorial integrity of all states and non-intervention in matters that fall within their domestic jurisdiction should be maintained.'¹⁴⁰ This point was also raised by the representative of Mexico on behalf of the Rio Group¹⁴¹, as well as by the representative of Thailand speaking on behalf of ASEAN¹⁴². In a way, the reminder of the primary role of the UN in the maintenance of peace and security and the Department of Peacekeeping Operations (DPKO) in all operational matters illustrates the importance of respecting the UN Charter, in particular the provisions dealing with the use of force in international relations¹⁴³. The comparison with the EU intervention is interesting insofar as it sheds a light on the enduring divide between countries able to intervene and countries potentially targeted by interventions, even though the vast majority of peacekeeping troops are now provided by non-Western countries operating under a Security Council mandate¹⁴⁴. It is therefore obvious that the question of sovereignty is still very sensitive, something the EU seems to ignore while stressing the necessity of implementing international norms and standards for the sake of the civil population, and especially for vulnerable people¹⁴⁵. While the Europeans continue to support the UN as the main body responsible for maintaining international peace and security, some prefer to view this as contingent particularly in respect of the fact that the EU supported NATO bombing of the Federal republic in Yugoslavia for the 'sake of Humanity'¹⁴⁶.

¹⁴⁰A/C.4/64/SR.16, p.3.

¹⁴¹A/C.4/64/SR.16, p.4.

¹⁴²A/C.4/64/SR.16, p.5.

¹⁴³A/C.4/64/SR.16, p.6; the special responsibility of the UN is also recalled for criticising unilateral military actions, A/C.4/64/SR.18, p.7 (Malaysia) and p.9 (Côte d'Ivoire).

¹⁴⁴This peculiar situation can explain their grievances regarding the reimbursement of troop-contributing countries and the payment of compensation in case of death or disability of their peacekeepers, A/C.4/64/SR.16, p.3. According to the representative of Mexico, speaking in the name of the Rio Group, 87% of military and police personnel deployed in peacekeeping operations are provided by developing countries.

¹⁴⁵Compare for instance the intervention of Canada (for CANZ) and that of Brazil, A/C.4/64/SR.17, p.3. As underlined by the representative of Sri Lanka, 'robust peacekeeping should not be taken to mean peace enforcement. Civilian protection mandates, where applicable had to be carried out without prejudice to the primary responsibility of the host country to protect its own civilians', *ibid.*, p.5; A/C.4/64/SR.19, p.3 (Bolivia).

¹⁴⁶Olivier CORTEN, *The Law Against War. The Prohibition on the Use of Force in*

While many countries evoke concrete political problems addressed by those missions¹⁴⁷, the language used by the EU is not concrete (except on its own mission in Chad), neither truly political¹⁴⁸ nor critical¹⁴⁹. But it is difficult to say whether this is the result of a thoughtful strategy or simply inherent to the anti-foreign policy trend described by David Chandler¹⁵⁰.

The EU seems to be more at the forefront concerning mine action and international and regional responses to unregulated transfers of conventional weapons, even if the other representatives do not actually refer to it when they intervene, neither the observer of the International Federation of Red Cross and Red Crescent societies, nor the Assistant Secretary-General for Rule of Law and Security Institutions, DPKO¹⁵¹.

Once again, the EU does not appear as a prominent actor in this field. The Russian representative mentions the EU as one among other regional organisations to cooperate with the UN¹⁵² and the representative from Singapore is convinced that the EU and NATO have to bring their expertise and resources to assist emerging troop contributors¹⁵³. By the same token, some countries also express their concern regarding the empowerment of regional organisations in the maintenance of international peace and security recalling the necessity for those organisations ‘to remain fully on the aegis of the Security Council’¹⁵⁴.

Concerning the situation in the Middle East, the Commissioner-General for UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East) has issued a warning about the shortfalls of its mission which lacks the funds to pay salaries, while the Palestinian people have suffered tremendously from the Israeli military operation in Gaza¹⁵⁵. She nonetheless underlined the generosity of the Agency’s largest traditional donors: the USA and the EU. The Observer for Palestine fiercely denounced

Contemporary International Law, Oxford and Portland, Hart Publishing, 2010, pp.537-549. See in particular the criticism issued by various states, the Rio Group and the NAM within the GA, pp.358-359.

¹⁴⁷See for instance, Syria, A/C.4/64/SR.16, p.8; Sudan, *ibid.*, p.9; Israel, *ibid.*, p.11.

¹⁴⁸Compare with the intervention of the representative of the USA, A/C.4/64/SR.18, p.6.

¹⁴⁹Compare with the intervention of the representative of India who stated that ‘the main challenge facing peacekeeping was the nature of the Security Council mandates: they were too broad and ambitious and bore little relation to the Organisation’s ability to deliver. Peacekeeping operations must have clearer, achievable mandates; that would not be possible without substantively, involving countries which contributed manpower and resources to peacekeeping operations’, A/C.4/64/SR.19, p.2.

¹⁵⁰David Chandler, The security-development nexus and the rise of ‘anti-foreign policy’, *Journal of International Relations and Development*, 10(4), 2007, pp.362-386.

¹⁵¹A/C.4/64/SR.19, p.5 and ff.

¹⁵²A/C.4/64/SR.17, p.10.

¹⁵³A/C.4/64/SR.18, p.4 and p.11.

¹⁵⁴See the intervention of the representative from Serbia, A/C.4/64/SR.18, p.14.

¹⁵⁵A/C.4/64/SR.21, p.2.

the military attacks against UNRWA premises, and other unlawful acts committed by Israel and asked the member States to hold Israel accountable¹⁵⁶. Taking the floor afterwards, the representative of Sweden, speaking on behalf of the EU reminded those in attendance that the EU and its member states is indeed the largest contributor to UNRWA. According to him, ‘respect for international law, including humanitarian law and human rights law, had guided the European Union’s policy not only with respect to the conflict between Israel and its neighbours but also regarding support for UNRWA.’¹⁵⁷ This leads to a vague condemnation of Israeli attacks and blockade of the Gaza Strip because of the their humanitarian consequences but nothing about compensation whereas the other interventions are much tougher evoking for instance crimes against humanity and war crimes, using legal terms to condemn Israeli policy towards Palestinians and *vis-à-vis* UN agencies and referring to the specific legal instruments Israel must abide by¹⁵⁸.

The discussion surrounding the report of the Special Committee to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories¹⁵⁹ has enabled the EU to deliver a critical statement on the continued settlement activities, house demolitions and evictions in the occupied West Bank and the development in East Jerusalem. For the spokesman of the EU presidency, all these acts remain serious concerns since they run against international law, relevant Security Council resolutions, the letter and the spirit of the Madrid conference and the Quartet Road Map¹⁶⁰. Therefore, the EU asks Israel to end settlement activities immediately and to dismantle the outposts erected since 2001. It recalls that it did not recognise any change of borders and asks for the dismantling of the separation barrier when it does not correspond to the 1949 Armistice demarcation. This time the message is clearer and more attuned to the majority in the committee¹⁶¹ as testified by the results of the vote¹⁶².

¹⁵⁶ A/C.4/64/SR.21, p.6. The Commissioner-General had just mentioned before that the Israeli-mission in New York was discussing compensation with the office of legal affairs, *ibid.*, p.4.

¹⁵⁷ A/C.4/64/SR.21, p.6.

¹⁵⁸ See for example, A/C.4/64/SR.21, pp.8 and ff.; A/C.4/64/SR.22, p.3 and p.7

¹⁵⁹ A/C.4/64/SR.23.

¹⁶⁰ A/C.4/64/SR.23, p.5.

¹⁶¹ Still there is no reference to the Goldstone report.

¹⁶² A/C.4/64/SR.25, p.3 (assistance to Palestine refugees), p.4 (Persons displaced as a result of the June 1967 and subsequent hostilities), p.4 (Operations of the United Nations Relief and Works agency for Palestine Refugees in the Near East), p.5 (Palestine refugees properties and their revenues), p.8 (Applicability of the Geneva Convention relative to the protection of civilian persons in time of war, of the 12 August 1949, to the occupied Palestinian Territory, including East Jerusalem, and other occupied Arab territories), p.9 (Israeli practices affecting the human rights of the Palestinian people in the occupied Palestinian Territory, including East Jerusalem), p.9 (the occupied Syrian Golan). The EU countries have nonetheless abstained on the draft on the ‘Work of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian people and

Nonetheless, as regards the Syrian Golan, the EU shows its willingness to balance respect for international rules and the political and diplomatic processes ongoing in the region: ‘It should be recalled that, earlier this month, the European Union voted in favour of the resolution on the Syrian Golan in the Fourth Committee, which called upon Israel to desist from changing the demographic composition of the occupied Syrian Golan and, in particular, to desist from the establishment of settlements. We believe that the resolution on the Syrian Golan under today’s agenda item contains references that could undermine the process of bilateral negotiations. For that reason, as in previous years, the European Union abstained in the voting on that resolution.’¹⁶³ The Delegate for Palestine also expresses his gratitude to the EU¹⁶⁴.

Conclusion

The EU seems here to be caught on the horns of a dilemma. As a regional organisation committed to the maintenance of international peace and security its endeavours seem to be welcome, but at the very same time, and despite its renewed commitment to international law and respect for the main responsibility of the Security Council regarding the use of force, some UN members remain suspicious and still fear that the development of EU capabilities in peacemaking and peace-building amount to more interference in the domestic affairs of third countries. Thus the reinforcement of regional organisations is both viewed as a power multiplier of the UN capacity and a threat to multilateral crisis management.

This ambivalent image of the EU can also be pinpointed in the field of decolonisation. The EU as such is not directly targeted in the same way as the former colonial states the behaviour of whom are not consistent with the principle of self-determination. The EU is eager to show that it is both a payer and a player in the Israeli-Palestinian conflict. Therefore, it appears to be, more or less, on the same side as the vast majority of UN members. Suspicion is thus more clearly directed towards individual countries such as France and the UK in this respect.

other Arabs of the Occupied Territories’, Ms Mawe explained that the term ‘collective punishment’ has a specific meaning under humanitarian law but apparently, all the EU members did not agree to use it in the current context and added: ‘While recognising Israel’s right to self-defence, the European Union called on that country to exercise the utmost restraint and to refrain from any action that was disproportionate or breached international humanitarian and human rights law. The EU condemned violence against Palestinian civilians, as well as the firing of rockets into Israel, and called for a complete and sustained halt to such acts of violence and terrorism.’ With such a concern, the EU is closer to the opinions expressed by New Zealand and Canada which constantly refuse to single out one country (Israel).

¹⁶³A/60/PV.60, p.7. Position adopted by the representative of the UK speaking on behalf of the EU. See also GA/10428, 01/12/2005; A/61/PV.63, p.7.

¹⁶⁴A/60/PV.60, p.8.

In this committee, the EU seem to benefit from being a political entity distinct from its member states but as far as important principles are at stake like the rules governing the use of force and respect for sovereignty as concerned, it is not clear that third countries are that confident with the self-proclaimed image of the EU being a normative power or at least a power willing to expand the rule of law in international relations. Paul Luif has already pinpointed the fact that the political ideas or principles supported by the EU in New York are also interpreted by third countries in regards to words and deeds uttered in other forums or circumstances. ‘[...] The independent role of the EU [on Middle East Questions] vis-à-vis the United States was not reflected in the ‘real world’ outside the United Nations’¹⁶⁵. Thus, what can be seen as a distinct position within the GA through the analysis of positions adopted by the EU members does not always lead to a perception that would only stem from the EU discourse at the UN insofar as it can be infused by exogenous elements. Previous analysis related to the way the EU is perceived in the Middle East clearly shows some disappointment regarding its position on the Israeli-Palestinian conflict¹⁶⁶.

5 Resolutions stemming from sixth committee (legal issues)

The debate about ‘Measures to eliminate international terrorism’ reveals a broad consensus on the need to eradicate terrorism and a straightforward condemnation of the violence it provokes by underlying that it cannot be justified on any grounds. This is without doubt a problem that every country or group of countries is committed to tackle with all means available. Nonetheless, it is also obvious that not all groups or countries share the same concerns, priorities and agendas.

CANZ (Canada, Australia, New Zealand) support the UN global counter-terrorism strategy and mainly focus on South-East Asia where the national programme of assistance and resources are concerned¹⁶⁷. In most of the interventions of other representatives, there is a much clearer commitment to recognising the leading role of the UN in this field¹⁶⁸. The slight difference in wording could be explained by the position taken during the Iraqi war. The NAM, the African Group, the OIC members and CARICOM recall that some issues remain unresolved. The lack of a universally acceptable legal definition of terrorism for example epitomises the difference between Western countries and the rest of the world. By reading the interventions,

¹⁶⁵Paul Luif, *op. cit.*, p.22.

¹⁶⁶Simona Santoro and Rami Nasrallah, Conflict and hope: the EU in the eyes of Palestine, in S. Lucarelli and L. Fioramondi (eds), *op.cit.*

¹⁶⁷A/C.6/64/SR.2, pp.2-3.

¹⁶⁸A/C.6/64/SR.2, see Vietnam, p.3, Mexico, p.4, Russia, p.10.

it is quite clear that this absence can be explained by the enduring will of some states to distinguish acts of terrorism and the legitimate struggle of peoples under foreign occupation or colonial or alien domination to exercise their right to self-determination¹⁶⁹. Even if it is not explicitly stated, it is quite clear that the process of decolonisation and the current situation in Palestine explain this concern. Probably also linked to the previous issue, these countries seem to consider that terrorism can also be attributed to states and not only to private groups¹⁷⁰.

Some doubts have also surfaced over the lack of transparency in the implementation of resolutions 1373 and 1540¹⁷¹; they relate mainly to the work of the sanctions committees in charge of listing terrorist groups and individuals that could be targeted. There is a tendency in poorer countries to evoke the root causes of terrorism as political and economic injustice, denial of the right to self-determination etc., but without justifying the violence and to repeat that terrorism cannot be associated with any race, religion, culture or group, something that can sound like criticism of some Western countries policies, particularly when the non-judicial use of force has been contemplated to fight terrorism¹⁷².

Speaking in the name of the EU, the representative of Sweden delivered a speech that could be considered as original in comparison with the CANZ and the other groups. Indeed, while not addressing the issue of the definition of terrorism, something he knows is intractable at this point¹⁷³, and mentioning the UN alongside with other international organisations like NATO and OSCE, Mr Lundkvist welcomed recent steps in improving procedures for the imposition of sanctions, acknowledging to an extent the problems associated with the previous ones, while renewing the EU's efforts to strengthen the dialogue between cultures. He also stressed the necessity to comply with international law, humanitarian law and refugee law in combating terrorist activities¹⁷⁴.

The split in the EU over the request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law raises important questions about fundamental principles in international relations (what is a state, what is sovereignty, who benefits from self-determination) and shows that the EU has not yet achieved unity twenty years after the break-up of Yu-

¹⁶⁹ A/C.6/64/SR.2, pp.4-6.

¹⁷⁰ A/C.6/64/SR.2, pp.5-6.

¹⁷¹ A/C.6/64/SR.2, pp.4-5.

¹⁷² A/C.6/64/SR.2, pp.5-6. According to the representative of Uzbekistan, the situation in Afghanistan proves that the problem could not be resolved by armed force alone, *ibid.*, p.8.

¹⁷³ This is clearly something about which the EU and the Arab states disagree in their common efforts to combat terrorism in the framework of the Mediterranean dialogue.

¹⁷⁴ A/C.6/64/SR.2, p.7.

goslavia which implied debates on such fundamental norms¹⁷⁵. The silence of the EU in the debate concerning the clash between self-determination and territorial integrity in the case of the conflict between Armenia and Azerbaijan is perhaps telling here¹⁷⁶.

Conclusion

Discussions on legal matters can also be very interesting as far as they are also imbued by various political views encompassing important principles governing international relations. On one major discussion, focusing on the fight against terrorism, the EU is united and keeps a peculiar profile by stressing the importance of abiding by the law and insuring more transparency in sanctions policy. To that extent, the dialogue with other groups remains open. On the other hand, as regards the issues of self-determination and territorial integrity, it is clear that the EU cannot even maintain a consistent position among its own members, with domestic level political issues playing a major role here.

General conclusions

The data that has served as the raw material for our analysis must be manipulated with great caution. As noted previously, the link between a political idea and a perception cannot easily be established. External perceptions of the EU at the UN do not only arise from positions taken in this forum by its members States, they are also based on subjective feelings, ideological preferences, past experiences, interactions within other international organisations, and bilateral relations. Nonetheless, the thorough readings of thousands pages of summary records, votes and resolutions can bring forward some interesting insights enabling us to get a more comprehensive view of the world scene. The role played by the EU at this stage obviously does not depend only on the authority, resources and capabilities devoted to its external relations but also on the store of common ideas, norms and values it imbues and promotes. At this normative level, the large number of resolutions adopted without resorting to a vote is illustrative of the existence of global norms and ideas (even if they are not always interpreted in the same manner or for the same purposes) that represent the ideological glue necessary for the existence and the functioning of the UN. The mere fact that the GA has no real compulsory power is not a relevant explanation for understanding the existence of a large consensus on global threats or on the necessity to fight poverty for example. It appears clearly that some ideas remains divisive, new controversies arise and if the GA was that inefficient

¹⁷⁵GA/10764, 8 October 2008.

¹⁷⁶A/C.3/64/SR.37, pp.12-14.

and its resolutions void of substance there would be no debates at all in this forum. As such, ideas do matter, and the end of the bipolar world has not led to the end of controversies and differences between states and groups within the GA, even if this event has undoubtedly contributed to the blurring of the readability of political projects¹⁷⁷. Against this backdrop, the ambition of the EU was supposed to lean on substantial and procedural moves: by fostering dialogue and cooperation within the EU and multilateralism at the global level, the EU was willing to gain more influence at the international stage in order to sustain the universalisation of the values underpinning its political project and the spread of fundamental ideas sustaining its political integration. This twofold ambition has been partially thwarted. On the one hand, the influence of the EU at the UN is at best uneven and dependent on the issues at stake. The mere fact of ‘speaking with one voice’ in more matters does not lead automatically to more influence as far as ideas are concerned. Reflections on the role of the EU can grasp the difficulties encountered in achieving influence and spreading the ideas stemming from its own political project. On the other hand, it seems that the importance of ‘speaking with one voice’ and the mechanisms put in place in order to guarantee more unity have been detrimental to the EU’s overall level of influence. The substance of the messages delivered in the name of the EU is often too introspective and lacking in clarity from a political point of view. Thus, ‘speaking with one voice’ sometimes appears to be little more than a default or performative strategy¹⁷⁸.

The EU role within the UN: bridge-builder or leader?

For Kissack, the issue of leadership within the UN system can be understood in different ways¹⁷⁹. The first is *structural leadership*, which lies in the capacity to influence or determine outputs according to one’s own preferences and interests. The EU, the USA and the G77 can all, in certain circumstances, be leaders in this sense. During the 64th session, it is difficult to find a clear example of a controversy where the EU imposed its own view apart from the resolutions condemning countries like Iran, Myanmar or the DPRK for their violations of basic human rights (but each were passed with very thin majorities). In the field of disarmament, the EU seems to be at the forefront in respect of certain specific topics but at the same time is accused of bypassing the UN and so of betraying the very spirit of multilateralism it

¹⁷⁷What is striking in a way is the fact that general voting trends have slightly changed since the end of the Cold War, with clear shifts of behaviour in some specific cases, but also with the continuity of what could be described as a ‘Global North’, distinct from the rest of the world. See the tables provided by Paul Luif, *op. cit.*, pp.39-48 and the conclusions p.51.

¹⁷⁸See Macaj Gjovalin dissertation.

¹⁷⁹As for *intellectual leadership*, this remains the exclusive prerogative of the staff of the institution

is supposed to stand for. As Paul Luif has already noted, the behaviour of the EU states is mostly reactive¹⁸⁰.

Entrepreneurial power is traditionally attached to the commitments of middle powers favouring the smooth functioning or improvement of the UN system. But as already demonstrated by Laatikainen¹⁸¹, the EU is too powerful and ambitious to play this role. For Kissack, the EU could have played the role of 'bridge builder' by being seen as an alternative to the US power. But the problem is that:

From the perspective of much of the developing world, the EU is not that much more of an attractive partner than the US. Both share worldviews based on western liberal philosophy and liberal capitalist economics¹⁸². Both put primary emphasis on the individual as the focal point of the international human rights regime, as opposed to family, community or religious group. Where the two differ is in the way the third parties perceive them. The US is seen as straight-talking and predictable in pursuit of its own interests which are clearly articulated making negotiations tough but honest. The EU, by contrast, has a reputation for being more difficult to negotiate with owing to its opaque international decision making and the mixed messages coming from different member states. Moreover, it is distrusted by some states because of the way it proclaims to seek universal goals but is (in the eyes of third parties) simply pursuing its own policy objectives¹⁸³.

At such it remains somewhat problematic for the EU to be recognised as the main vehicle of universal values. As Holsag argues, although 'political exchanges between the European Union and the major emerging countries have been proliferating, communication, coordination and cooperation have become more institutionalised by means of cooperation agreements or action plans, specific agreements, summit meetings and sectoral dialogues'¹⁸⁴, progress has essentially occurred in economic areas. The EU has simply not reached consensus with the emerging markets on the priorities and channels for cooperation in the field of international political and security issues.

¹⁸⁰Paul Luif, *op. cit.*, p.16. See also Katie Verlin Laatikainen and Karen E. Smith, *op. cit.*, p.17.

¹⁸¹Katie Verlin Laatikainen, Pushing Soft Power: Middle Power Diplomacy at the UN, in K. Verlin Laatikainen and K. Smith (eds), *op. cit.*, pp.86 and ff.

¹⁸²According the author, it is true that the EU members are often on the same line in the Security Council, but it is not actually the case in other fora, where the EU tends to be depicted as a 'benign hegemon', striving for a more human centred capitalism, aware of the necessity to 'green' politics and to express more solidarity with the 'Global South', pp.175 et ff.

¹⁸³Robert Kissack, *op. cit.*, pp.143-144.

¹⁸⁴J. Holsag, *op. cit.*, p.7.

By comparing the European votes at the GA with the BRICs¹⁸⁵ votes from 2001 to 2008, Hoslag sheds a light of what he calls a ‘normative disconnect’:

First, there has been a divergence in the formulation of norms and rules in regard to the issues discussed in the UNGA. Second, cooperation between the EU and the BRICS has remained negligible compared to that between the members of the BRICS quintet. While Europe has been the inspiration behind modern regional cooperation and integration most new instances of regionalisation are found elsewhere. [...] In many ways, the kind of regional cooperation that is backed by the BRICS serves the protection of sovereignty rather than its pooling through integration. Growing economic integration notwithstanding, non-interference and state-centric economic development have remained prominent principles. [...] A recent phenomenon here is the pursuit of **unilateral multilateralism**. The BRICS increasingly form their own sub-regional organisations. This form of competitive regionalisation allows them to project their influence more effectively than their rivals, while the smaller members hope to reap greater benefits. [...] The emphasis on safeguarding sovereignty, non-interference and respect for ‘independent choices of development paths in line with the national conditions’ runs as a red line throughout recent joint declarations. Russia is setting the same tone in its Collective Security Treaty Organisation (CSTO) or the Eurasian Economic Community (EAEC). What the European Union has thus failed to recognise is that enmeshing these giants in a multilateral framework will not automatically lead to cooperation, coordination or normative convergence. The reality is that the BRICS countries are enmeshing a larger number of small countries in their own multilateral networks for the sake of their own interests. Competitive multilateralism has led to normative incongruence and reverse socialisation.¹⁸⁶

Creed concludes that the normative power of the EU is very modest. There are very few situations where the EU could be considered to have been a leader, to put it bluntly: ‘The EU is not recognised as a capable stakeholder in the final decision making’¹⁸⁷.

¹⁸⁵The BRICs became the BRICS in April 2011 when South Africa officially joined Brazil, Russia, India and China in the organisation. See, <http://www.csmonitor.com/World/Africa/Africa-Monitor/2011/0414/South-Africa-joins-the-BRICS-club-calls-for-reform-of-UN>.

¹⁸⁶*Ibid.*, p.8.

¹⁸⁷*Ibid.*, p.15.

Bureaucracy without Politics?

By examining the debates within the various GA Committees, it is clear that the EU is capable of defending particular ideas on trade and development, the defamation of religions, the death penalty, and sustainable development. Third countries have also identified some features that could epitomise the European identity at the international level from a theoretical point of view. But some countries however seem to be somewhat perplexed by the EU's voting abstentions interpreting them as the result of basic divisions between its members over and above the actual content of the resolution in question¹⁸⁸. Even if the data does not support the statement made by the representative of Mexico according to whom 'abstention has become the trademark of the EU'¹⁸⁹, it is nonetheless a perception worth pinpointing for our analysis insofar as we know that perceptions do not reflect objective realities but nevertheless remain of the utmost importance in understanding political interactions, decisions, and the recognition of the EU as a global actor. In this case, the enlargement process is seen as an 'abstention multiplier' causing the dilution of the political message sent by the EU. This impression is shared by Mexico, South Africa and the US alike¹⁹⁰.

This trend towards 'de-politicisation' could also be analysed in conjunction with the bureaucratic approach that appears to be the trademark of the EU. For countries like the US, it is crucial to maintain bilateral contacts with individual member states, something the procedure for coordination does not acknowledge, mainly because all the representatives holding the rotating presidency do not share the same views on the issue of the transatlantic relationship. The fear is to have a more permanent structure at the UN (with a mainly secretariat function) that will further rigidify the EU's positions at the UN¹⁹¹.

Some diplomats from other groups who also deplore the lack of flexibility tend to view the EU as fundamentally euro-centric. For instance, they bemoan the fact that when it comes up with a common position it sometimes gives the impression that then the negotiation is over because its member

¹⁸⁸Fiona Creed, *op. cit.*, p.12.

¹⁸⁹Fiona Creed, *op. cit.*, p.12.

¹⁹⁰Fiona Creed, *op. cit.*, p.15 and p.17.

¹⁹¹Fiona Creed, *op. cit.*, p.15. The Lisbon Treaty provisions regarding the external representation of the EU do not actually bring revolutionary changes since there is no one single representation for the EU. Representation functions are still held by many people: the High representative for foreign affairs and security policy, the head of the EU delegation (Commission) and the permanent representative of the European Council. In principle the representative of the state holding the rotating presidency is no longer empowered to speak on behalf of the EU. But it seems that, contrary to what was envisaged in Brussels, this is not actually the case. See, http://www.europa-eu-un.org/articles/en/article_9389_en.htm. However, it is still far from clear how the powers of the High Representative, the European Council President and the President of the European Commission will be balanced.

have reached a consensus¹⁹². Diplomats representing groups like the G77 are then forced to remind the EU representative that they are more numerous and so far more representative of the ‘international community’.

The reluctance to see the EU becoming a sort of *primus inter pares* is discernible in the discussion having followed the failed attempt of Catherine Ashton to speak on behalf of the EU at the UN without being formally a full member of the organisation. After the entry into force of the Lisbon Treaty, the issue of the Union’s speaking rights was raised after a diplomatic incident. Although the EU is the biggest donor in flood-devastated Pakistan, Catherine Ashton was prevented from taking the floor at a special UN meeting on aid to the country¹⁹³. However, after the vote of a recent resolution on the 4th of May 2010, the EU has finally gained the right to be a speaker at the UN (180 countries voted in favour, Syria and Zimbabwe abstained, while 10 countries did not take part to the vote). Catherine Ashton and Herman Van Rompuy will be then able to present common EU positions to the UN. The EU is granted with a ‘super-observer status’.

It should be reminded that the EU had hitherto only observer status at the UN. With the election of a permanent Council president and High Representative for Foreign Affairs and Security Policy, the EU’s position at the UN appeared to require some procedural type upgrading. EU members France and the UK, who are eager to defend their special prerogatives in the UN Security Council, were initially reluctant to accept the idea. They have finally agreed to a compromise under which the head of EU diplomacy will have the right to speak on the EU’s behalf in the GA but not in the Security Council. But the EU’s recent upgrade at the UN is also compelling other organisations, such as the Arab League, the African Union and ASEAN, to seek equal status. It is still unclear what response these organisations will receive, as the UN previously appeared unwilling to open a Pandora’s box of new speaking rights¹⁹⁴. Such an endeavour aiming at fostering the role of the EU within the UN did not initially seem welcome by the other groups. At the end, one could wonder whether the EU is different from other groups in the GA¹⁹⁵?

The complaint frequently heard about the EU is that it is ‘too process-driven’ and thus often delivers a ‘message devoid of substance’. In reality it is not even clear that true collective policy-making even exists¹⁹⁶, ‘they have been unable to devise a clear grand strategy informing what range

¹⁹²Fiona Creed, *op. cit.*, p.11.

¹⁹³<http://www.euractiv.com/en/future-eu/ashton-obtain-speaking-rights-un-news-497162>

¹⁹⁴<http://www.euractiv.com/en/future-eu/ashton-obtain-speaking-rights-un-news-497162>

¹⁹⁵Laurent Beauguitte, European Union Cohesiveness at the UNGA: A comparative and critical approach, Paper presented at the 5th ECPR General Conference, Potsdam, 2010.

¹⁹⁶Paul Luif, ¹⁹⁷, p.52.

of capabilities would be necessary to give the EU the greatest power and influence within international relations. Such a preference for procedure, as a substitute for policy substance, has been a long-term characteristic of EU foreign policymaking.¹⁹⁸

¹⁹⁸Richard Whitman, *op.cit.*, p.25.