**In Quest for a Single Voice in the UN General Assembly:**

**The Politics of Resolution 65/276**

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**Abstract**

In May 2011 the UN General Assembly (UNGA) passed Resolution 65/276 that enhances the EU institutional mode of representation in the UNGA and other multilateral *fora* operating under its auspices. This followed an earlier failed attempt that caused much embarrassment and political turmoil in the EU. The paper examines the politics of this Resolution, tracing its background logic, its origins, and the political interactions in the UN that eventually led to its almost consensual embracement. It accounts for the failure in the first stage of the negotiations and how the EU responded to it adjusting accordingly her bargaining strategy. This case study contributes to the better understanding of the EU effectiveness as an international actor. Coherence and speaking with one voice is a necessary but not sufficient condition. Bargaining leverage and thus effectiveness depends also on the institutional set-up within which negotiations evolve; the spatial positioning of the EU positions vis-à-vis the other negotiating partners and whether these positions are in defense of the existing *status quo* or not; and finally, whether the EU has attractive alternatives in hand in case of negotiation bottlenecks.

**KEY WORDS:** EU External Representation, UN General Assembly, Resolution 65/276, EU International Effectiveness

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1. **Introduction**

A recent special issue of the *Journal of European Public Policy* examined the relationship between cohesiveness and external effectiveness in the EU international interactions, raising a crucial question whether ‘speaking with a single voice’ increases the EU effectiveness and impact in various multilateral fora (Conceiçao-Heldt and Meunier 2014). To recall, this assumption that unity and coherence would translate into more influence in international affairs guided not only the official EU rhetoric in the making of the 2004 draft Constitutional Treaty and the 2007 Lisbon Treaty but also academic treatises of the EU international role more generally (Laatikainen and Smith 2006). In most cases, the contributions to the special issue are critical towards the assumption of the ‘one voice mantra’ (Macaj and Nicolaidis 2014), claiming that a single message is a necessary but not sufficient condition for the EU to punch above its weight (Panke 2014; Conceiçao-Heldt 2014; Delreux 2014). This finding complements earlier works that have reached the same conclusion and have cast doubts on the EU ‘one voice strategy’ as an exclusive means to enhance the EU international role(Elsig 2013; Gehring et al 2013; Niemann and Bretherton 2013; Van Schaik 2013; Thomas 2012; Smith 2010).

Our work shares the same *problématique* focusing on a special case study, which examines how the EU has engineered the institutional arrangements in the UN setting that enables the utterance of this single voice. In May 2011, the UN General Assembly (UNGA) passed Resolution 65/276, which heralded a new era in the EU mode of representation in the various UN fora that fall under the UNGA auspices. According to the Resolution, the EU enjoys as a single political entity the right to make interventions and participate in the general debate (without voting rights), to directly circulate documents, to present oral proposals and amendments agreed by the EU member states, and to exercise the right to reply regarding EU positions. It is an arrangement that creates conducive conditions for the EU to enhance its political status (Haro 2012, *contra* Wouters et. al. 2011); at the same time it has affirmed the UN intergovernmental nature and can be extended to other regional organizations as well (UNGA 2011, A/65/L.64/Rev.1).

The Resolution passed not without complications and political turmoil; the first EU attempt to table a draft resolution failed in September 2010, revealing the contentious nature of this issue. The story of the Resolution is telling and important in two respects: first, it highlights the EU intention to pursue the ‘one voice’strategy in global fora as a means to strengthen its international credentials; second, it demonstrates the difficulties encountered in such a venture, also casting doubts on the actual effectiveness of the ‘one voice’ strategy *per se*. This study is based on primary sources drawn from UN official documents and especially interviews conducted by the authors in two sets; the first set took place in New York in April and May 2014 and the second one in Brussels in October 2014. Forty one interviews were conducted in total with officials from the European External Action Service (EEAS) in Brussels and the EU delegation at the UN as well as diplomats from the EU member-states’ and third countries’ missions in New York. Most of the interviewees have participated actively in the UNGA proceedings in the early post-Lisbon years (2010-2014) and have therefore first-hand knowledge of the politics surrounding the Resolution. Using this primary material, we engage in a systematic process-tracing of Resolution 65/276.

In the next section, we discuss the relationship between coherence and effectiveness, focussing in particular on the additional parameters besides bargaining power that condition this relationship. Following that, in what constitutes the empirical thrust of this paper, we discuss how the need emerged for an enhanced institutional representation of the EU in the UNGA, the first failed EU attempt to pass the Resolution in autumn 2010 and what followed up to May 2011 when the Resolution was finally approved by the UNGA members. Our concluding section links our research with the broader discussion of the EU international effectiveness.

1. **On coherence and effectiveness: is there a missing link?**

Coherence reflects the intra-EU dimension of the EU international interactions, that is the internal capacity of the EU to emerge as a cohesive, authoritative and autonomous player in the international arena and become recognized by the other negotiating partners as such. When it comes to the bilateral or multilateral interactions of the EU with other international governmental or non-governmental actors, coherence captures the degree of the EU having reached a common position and being able to present it with a single voice - but not necessarily with a single mouth (Conceiçao-Heldt and Meunier 2014: 964). Effectiveness is related mostly with the output dimension of these interactions, capturing primarily the degree of goal attainment for the EU (Groen and Niemann 2013). It is primarily associated with the extent to which the EU attains its main objectives in its international interactions (Van Schaik 2013: 35-39). In that respect, it should not be conflated with ‘efficiency’, i.e. the ratio between outputs accomplished and costs incurred’ (Jørgensen et al. 2011: 599). It is also quite distinct from the notion of ‘performance’, which is not only about the achievement of agreed-upon objectives but rather goes deeper by taking into consideration the underlying, intra-organizational, agreement-reaching processes, assessing implicitly the content of these objectives and addressing issues of how they are defined (Blavoukos 2015). An organization may well meet the agreed objectives –i.e. be effective - even when its overall performance is not very impressive. This may be an indication of low organizational standards of success, lack of ambition, or simply awareness of internal and external constraints that impede an organization from delivering on the objectives. By the same token, a positive performance in terms of activation and engagement may not be judged effective because the original goals are very ambitious and difficult to achieve in the first place or are incongruent with the scarce organizational resources and its capacity to meet them (Gutner and Thompson 2010: 231-2).

Intuitively, speaking with one voice – as an illustration of intra-EU policy coherence – creates political economies of scale. It entails a bundling of EU member-states’ institutional, political and economic resources, be they votes, quotas, expertise, diplomats, military personnel and others (Ginsberg 1999). However, this does not lead deterministically to effectiveness in international negotiations. The crucial issue is how to translate the EU undisputable structural assets into negotiating capital that leads in turn to tangible negotiating outcomes within a specific bargaining environment.

*Ceteris paribus* the EU structural assets, effectiveness depends first and foremost on the EU bargaining power vis-à-vis the other negotiating partners and the related choice of bargaining strategy. In a situation of symmetrical interdependence, for example in trade negotiations with the US, the EU is more likely to adopt integrative bargaining strategies. In contrast, a situation of bargaining power asymmetry will most probably lead the EU to use distributive bargaining strategies to take advantage of this imbalance. Obviously, in the latter case, coherence will enable the EU to capitalize on the economies of scale generated by the common stance of member-states and the pool of their joint resources (Conceiçao-Heldt 2014: 983).

However, bargaining leverage –and thus, effectiveness- is not only a function of relative bargaining power; the institutional features of the negotiating environment also count as well as the EU’s positions vis-à-vis the other negotiating parties and the existing alternatives each party may have. Starting from the latter, attractive alternative options of the EU negotiating partners may obviously offset any EU bargaining power advantage. Parties with such alternatives may push hard for EU concessions, conveying credibly their preference for stalemate rather than a completion of the negotiations along the EU lines. In turn, when the EU has a good alternative to the negotiated agreement (BATNA), it is more likely that it will prefer a distributive bargaining strategy, whereas in the opposite case, the most likely option for the EU will be that of an integrative and value-creating strategy moving away from its original positions and seeking compromises (Conceiçao-Heldt 2014: 984).

What also conditions the EU bargaining leverage and effectiveness in international negotiations is the EU spatial positioning vis-à-vis the other negotiating partners. To start with, the probability of the EU being effective rises when the EU has middle-of-the-road preferences and is not an outlier in the bargaining process (Delreux 2014: 1029-30). Another important parameter is whether the EU adopts a reformist or a conservative agenda in the negotiations (Meunier 2000). Given that usually international negotiations require the agreement of all participating partners to make the deal or at least the (simple or special) majority of the involved state actors, being a *status quo* proponent gives the EU more bargaining power rather than in reformist cases. In the latter cases, the EU faces the challenge and burden to master the necessary support of all or most other states and overcome their objections in order to alter the existing status quo. In conservative cases, the intra-EU institutional set up affects more the EU bargaining leverage; unanimity rule in the internal decision-making process entails that any single EU member-state rejecting change is a potential veto player, allowing ‘tied hands’ tactics and an easier defense of the *status quo* (Meunier 2000: 120-1).

Finally, the institutional features of the negotiating environment and more specifically the decision-making rules also count heavily on the EU effectiveness. As mentioned in the previous paragraph, usually international negotiations evolve in a very constraining decision-making environment, requiring the consent of all involved states. If this is not the case, for example in the UN General Assembly where special majority rules apply, the negotiating dynamics change for the EU and it is a case-specific issue to examine how the EU is collectively positioned in this fluid political environment and the networking interactions it generates.

In a nutshell, effectiveness is not solely an issue of bargaining power, in which case coherence has clearly a critical role. Bargaining leverage is conditioned by at least three additional parameters: first, the institutional set-up within which negotiations evolve; second, whether the EU adopts extreme positions or not and whether these positions are in defense of the existing status quo; and third, whether the EU has attractive alternatives and the respective bargaining strategies it will adopt accordingly. We will now turn to our case-study to examine how these parameters played out during the EU quest for an enhanced institutional representation in the UNGA.

1. **Seeking a Single Voice in the UNGA**

*Setting the Background*

Prior to the entry of the Lisbon Treaty into force, the function of the EU representation in the UN was granted to the European Commission and the rotating Presidency of the Council. Seemingly there was a duality of representation, but in practice there was a clear demarcation of representation roles between the two. The Commission had an observer status in the UN since 1974 and used to represent the European Communities, speaking only in those UN organs dealing with topics it had exclusive competence, like the Economic and Social Council (ECOSOC) and UN conferences dealing with trade and economic policy issues. The Presidency took the floor mainly in the UNGA formal meetings wherein foreign and security policy issues were discussed.

The role of the rotating Presidency in the UNGA grew over time by default as a response to the EU need for representation in global fora. Through established practice rather than an amendment of the UNGA’s Rules of Procedure, the Presidency acquired preferential speaking rights over individual UN members in the UNGA formal meetings (Haro 2012: 8-9). Due to the conferral of such rights, the EU, acting though the rotating Presidency, was in the advantageous position in the UNGA to speak at the first slots among the major regional groups, normally before the UN member-states. This enabled the EU to intervene in the early phases of the debates and set the tone of the discussions. In order to represent the EU in the UNGA and to speak with ‘one single European voice’, the rotating Presidency took on the managerial duty to coordinate the EU members in New York. The EU coordination process, in which the European Commission used to take part as a non-initiator, aimed at reconciling the different views of the EU members in order to adopt EU statements and common positions on draft resolutions and other texts to be conveyed by the rotating Presidency during the UNGA debates (Rasch 2008: 35-47).

The Lisbon Treaty consigned the rotating Presidency to the past in the area of the EU external representation. According to Article 221 of the Treaty on the Functioning of the EU (TFEU), the role of representing and coordinating the EU in international organizations is assigned to the High Representative (HR).However, in the UN setting, the HR and the EU delegation did not inherit the advantageous rights the rotating Presidency had enjoyed in the UNGA, but only the EU’s observer status and the related limitations (Smith 2013: 68; Brewer 2012). Most importantly, the EU delegation could only be inscribed in the list of speakers after the representatives of the major regional groups and the UN member-states had already taken the floor. Thus, in practice, a *strictusensu* application of the Lisbon Treaty arrangements automatically weakened the EU presence and influence in UNGA and downgraded the EU to a secondary status in the UN context (Laatikainen and Palous 2011). This created the need for the EU to find an alternative way to be represented in the UNGA at the same level as in the pre-Lisbon era.

*Τhe First EU Failed Attempt (2008-2010)*

Shortly after the conclusion of the Lisbon Treaty negotiations and having in mind the above mentioned concerns, the EU member-states sought to address the urgent need to replace the rotating Presidency while retaining a visible and strong role in the UNGA. As the intra-EU debate evolved, three alternative options were contemplated (Laatikainen and Palous 2011: 16). The first option was to maintain the existing observer status of the EU, an option that would have automatically weakened the EU position in the UNGA. The second option called for the establishment of new practices, mainly revolving around a case-by-case series of interventions by the EU delegation in the Assembly, which would empower by default and in due time the EU delegation’s representation responsibilities. This option however generated concerns among the EU members about its potential effectiveness, since it entailed the entanglement of the EU delegation in an evolutionary and long-lasting path of representation practices that could be easily contested by any non-EU member of the UNGA. The third option was to strive for an enhanced observer status through the passage of a UNGA Resolution.The EU opted for this third option because it offered better prospects for the coherence, effectiveness and ultimate upgrading of the EU representation in the UNGA. Building on the already existing EU observer rights and taking into account as useful precedents the cases of Palestine (entity) and Holy See (non-member state) - both observers with enhanced rights of participation - the EU aspired to upgrade its status.

Despite intra-EU frictions on the exact modality of this enhanced representation, the EU finally came up with a maximalist draft resolution that differentiated the EU status from that of other observers. In essence, the additional rights constituted exclusive privileges which, considered as a set, had never been granted to other regional groups. The EU could make use of these rights in the UNGA’s plenary, Committees and Working Groups, in international meetings and conferences convened under UNGA auspices, as well as in all UN conferences. The draft Resolution referred to the right to speak in a timely manner, similar to the established practice for representatives of major groups; circulate documents; make proposals and submit amendments; raise points of order; reply; and to appropriate seating arrangements necessary for the exercise of the above actions.

After protracted and cumbersome internal negotiations about the scope of the proposed Resolution, the EU took the draft to the UNGA. This venture coincided with the transitional phase of the EU institutional adaptation to the Lisbon Treaty requirements concerning its external actions activities. The new HR had been appointed in December 2009 while the newborn EEAS ,established only in July 2010,was apparently lacking the organizational structure to take over the EU external strategic planning. Due to this institutional turmoil, the burden of pushing forward the Resolution was shared between the Acting Head of the EU delegation in New York, the rotating Council Presidency–still active throughout the transitional period - and the EU member-states, although it seemed to most non-EU observers that the EU representatives were pushing harder than member-states**.**[[1]](#endnote-1)

The EU completely miscalculated the difficulties of passing the draft Resolution. It was wrongly perceived that the accommodation of the EU positions depended solely on the EU’s own inputs in the process without considering the peculiar context of UNGA, in which a large number of small and medium members have enhanced bargaining leverage from their combined votes and can influence the negotiation outcome.[[2]](#endnote-2) In such an environment, a broad congregation of non-EU members was necessary to pass the Resolution. Even more ambitiously, taking into account the potential long-term effect of the Resolution on the internal working of the UNGA, the EU aspired to a more or less consensual UNGA decision. Such an ambition meant that the EU should have framed the Resolution accordingly and used appropriate argumentation to be well received by most of UN members (Panke 2014: 1061).

In sum, the EU was not a pivotal player in the negotiations in the UNGA’s majoritarian decision-making institutional setting; furthermore, it was a reformist partner seeking to shift the existing status quo with an unsatisfactory own alternative solution that would bring about the relegation of the collective EU institutional representation after Lisbon; and although asymmetrical relations did exist with most small and medium UN member-states individually, their collective presence in regional groupings offset this EU advantage. These elements should have led to an integrative bargaining strategy, using extensive deliberations, persuasion and a rhetoric framing of the issue in terms of global values, norms and principles and not on particularistic EU interests.

The EU did the exact opposite: first, the initial draft of the Resolution was framed along the lines of the EU’s particularistic concerns, undermining its success potential(A/64/L.67). After all, no matter whether the EU speaks with one voice or not, biased particularistic EU claims have little appeal to UN members (Panke 2014: 1062). Acting within the narrow confines of pre-determined EU interests, the EU drafters of the Resolution tabled a text “…with too much of the EU in it”.[[3]](#endnote-3) It contained extensive references to the EU and the Lisbon Treaty to the point where one could question whether the draft Resolution was an EU- or a UN-document**.**[[4]](#endnote-4) But, more importantly, the first draft took for granted that the Union’s achievement of a higher level of integration, signified by the advent of the Lisbon Treaty, should lead necessarily to a higher status in the UNGA. For the EU the validity of this argument was self-evident; however, it was hardly convincing for a large number of other UN members that considered the EU claims a serious encroachment of the UN intergovernmental nature. Granting to the EU the requested rights entailed the equalization of sovereign states with regional organizations, a serious and unacceptable development to many UN states. Voices like that of Venezuela reveal what a large number of states considered to be at stake:

While the draft resolution stresses the continued observer status of the European Union, it would also accord powers to it equal to those held by the member states. We wish to lay particular stress on the intergovernmental nature of the United Nations. Hence, nothing in the content of the draft resolution must be interpreted in any way as a modification of that status, which is clearly established in the Charter.[[5]](#endnote-5)

Put it bluntly, small and medium-sized UN members considered the draft Resolution to jeopardize potentially their status in the UN.[[6]](#endnote-6) The implementation of the Resolution requirements would open the Pandora’s Box, triggering similar demands by other regional entities (Grevi 2011: 3). This might turn eventually the UN to an ‘organization of organizations’, where individual members, particularly smaller states, would lose their voice and their arithmetical advantage (Haro 2012: 18).

Second, directly correlated with the former point on the framing of the issue and the long-term consequences of the EU initiative, for many small and medium-size UN states the draft Resolution resembled a black box. The output was known, but the real intentions of the EU remained largely invisible. The EU should have clarified what was actually at stake, entertaining fears and concerns of an orchestrated attempt for a radical change in the Assembly’s internal functioning with profound implications for the very nature of this body and its constituent member-states.[[7]](#endnote-7) The EU failed to develop an appropriate communication policy to explain to its interlocutors in advance the complicated post-Lisbon external *modus operandi* of the EU and how this necessitated change and guided the EU’s efforts for an enhanced observer status in the UNGA. [[8]](#endnote-8)

Third, this communication deficit prior to the tabling of the Resolution was further aggravated by the way the EU brought it for discussion in the UNGA and the attitude held during the negotiations. The draft Resolution was circulated just before August 2010, when the UNGA was in recess, and officially tabled at the end of the same month. Prompted by the eagerness to set the enhanced status in place from the beginning of the 65th UNGA session, the EU left insufficient time to the UNGA members to examine the Resolution and to herself to launch an extensive deliberation phase reaching out to the UN members that had expressed their concerns about it. In contrast, the EU engaged in limited and selective outreach activities, approaching major states and representatives of regional organizations but contemptuously dismissing the concerns of small states for many of which the proposed text had crossed ‘red lines’.[[9]](#endnote-9) In these outreach activities, the EU had an attitude of stony immobility regarding the main features of the Resolution. This attitude boiled down to a ‘take it or leave it’ approach, leaving little if any margin for flexibility or scope for modifications of the draft resolution. This uncompromising attitude “… imbued with a spirit of arrogance” aroused anti-colonial sentiments and led a large number of small states to corroborate their fears that “…the EU had been transformed into a beast seeking to impose its decisions and alter the very nature of the body at her will and at any cost”.[[10]](#endnote-10)

Matters came to a head during the 122th plenary UNGA meeting convened to discuss the draft Resolution on 14 September 2010. The EU suffered a surprise defeat when a large number of small states in the chamber, mostly belonging to the Pacific Islands, the African group and the Caribbean Community group (CARICOM), resisted the EU initiative. During the meeting, they appeared reluctant to engage in a debate on the substantive content of the proposed Resolution. They deliberately refrained from taking position over the issues raised by the draft Resolution in a well-orchestrated effort to convey first of all their strong dissent with the way the draft Resolution had been processed by the EU. Emphatically put, they were “… able to see merit in some elements of the European Union resolution. However, it is our collective view that the General Assembly would err to the detriment of procedure if we discussed merit before procedure”.[[11]](#endnote-11) In that respect, they heavily criticized the EU faulty way it handled the process, focusing on the selective way the EU consulted with some member states but not others.[[12]](#endnote-12) This practice“… did not offer the necessary transparency, which could only have been provided through open and inclusive discussions… [T]he long established UNGA practice of holding informal open meetings… cannot be replaced by a limited number of unilateral briefings and a series of bilateral consultations”.[[13]](#endnote-13)This unsatisfactory process did not give them the opportunity to have a substantive input into it. They requested more time to evaluate the text and its implications that would enable them to make an informed decision. On that ground, opposing countries moved a motion to defer consideration of the draft Resolution. The motion was approved by 76 votes in favor to 71 votes against, with 26 countries abstaining from the voting procedure. The message was clear and unequivocal: so far as they remain bystanders of and not active interlocutors in the shaping of such propositions, the EU would have little chance to pursue her objectives in the UNGA.

*The Return of the EU: Accommodation and Success (2010-11)*

The failure of the EU-sponsored resolution caused great surprise and resentment to the EU and its member-states. It was felt that it severely undermined the integration momentum of the Lisbon Treaty and the assumed international political weight many EU actors thought the Treaty would bestow to the EU.[[14]](#endnote-14) However, it did not stop the process; despite the September 2010 setback, the EU did not abandon the idea of an enhanced representation status in the UNGA but it became obvious that it had to be pursued in a more cautious way taking into consideration the new negotiation dynamics.

By their negative disposition and voting, the countries that opposed the EU initiative had drawn their red lines. Although the margin was tight and it could be credibly argued that with some diplomatic effort the outcome of the voting could change, the end result would be far away from the consensual Resolution the EU had initially aspired to. Thus, the EU changed course and adopted a much more moderate attitude to master the necessary acquiescence of the recalcitrant states.[[15]](#endnote-15) The EU laboured hard and long - from September 210 to May 2011- in pursuit of this objective. It launched an unprecedented series of consultations with the whole UN membership through numerous informal bilateral encounters and meetings with all regional groups. Through these EEAS-coordinated, intensive outreach efforts the EU got first-hand information about the concerns and the resistance points of all UN members, especially those that voted against the draft resolution. This information permitted the EU to delineate accurately the existing zone of possible agreement and construct a revised draft resolution within this zone.[[16]](#endnote-16) The revised draft was a conscious attempt to reach out to states that might be considering potentially abstaining or voting against it and accommodate their concerns. Concessions were progressively introduced to the Resolution as a result of intensive consultations, including personal talks of the Union’s High Representative especially with CARICOM states even in the last night before the discussion and voting in the Plenary.[[17]](#endnote-17) The intensity of these consultations was apparent in the introduction of a last-minute oral revision by the EU to the submitted text in the expectation of a consensual decision on the Resolution.[[18]](#endnote-18)

These concessions gave its final shape to the text, which was tabled, discussed and approved by 180 votes to none, with two abstentions, in May 2011. In the debate that preceded the voting, the EU representative made explicitly clear that the Resolution was mutually beneficial for both the EU and the constituent UN member-states. Not only would the EU acquire a more orderly framework for coordinated action but also the other delegations would have more space to express their views given the diminishing number of interventions from EU member-states.[[19]](#endnote-19) This was another indication of the conscious EU integrative strategy to build the necessary support for the Resolution.

In this vein, the revised draft contained substantive amendments to the September 2010 failed attempt (see Table 1). First, particular emphasis was laid on the intergovernmental nature of the UN reinstating the fact that the UN is and should remain an organization of sovereign states. This countered expressed concerns about the alleged EU intention to upset the organizational structure and basis of the UN undermining the Westphalian world order. Second, the EU put forward a much more restrained set of rights to reassure opposing member-states that the EU did not intend to acquire state-like privileges and rights. More importantly perhaps, the revised draft Resolution proscribed explicitly the EU from the veto right, the right to co-sponsor Resolutions, or put forward candidates. This provision was inserted into the draft text at the request – more accurately, at the no-vote threat- of CARICOM states who wanted to ensure that the EU would not take advantage of customary practice over time to expand the agreed rights.[[20]](#endnote-20) As CARICOM states underlined, the provisions of the revised draft Resolution “… constraints the European Union to enjoy only those rights that are specifically and explicitly delineated in the Resolution”.[[21]](#endnote-21) Third, the rights envisaged for the EU could be conferred to other regional organizations without prejudice to their level of integration. In contrast to the first attempt that referred to an advanced level of integration as a prerequisite for such a conferral of rights, the revised draft provided that as long as a regional organization has developed agreed arrangements that allow its representatives to speak on behalf of the organization and its member states, that organization may avail of those rights enumerated in the draft Resolution. In line with it, all references to the Lisbon Treaty were removed from the 2011 draft.

**Conclusions**

The UNGA Resolution 65/276 constitutes a significant development as far as the EU international interactions are concerned. It creates the institutional set-up of an enhanced EU collective representation in the most important political international organization. Assessing positively this development rests upon the assumption that a single voice will create more visibility and lead to more international clout. However, as much of the relevant literature suggests and the empirics of the politics surrounding the passing of the Resolution confirm, speaking with a single voice is a necessary but not sufficient condition for an enhanced global role. The twenty seven - at that time - EU member-states did align behind the ambitious first draft but at vein. Thus, effectiveness is not solely an issue of bargaining power, in which case coherence plays clearly a critical role. Bargaining leverage is conditioned by three additional parameters: first, the institutional set-up within which negotiations evolve; second, whether the EU adopts extreme positions or not and whether these positions are in defense of the existing *status quo*; and third, whether the EU has attractive alternatives in hand in case a bargaining breakthrough never occurs. These parameters should inform and direct the adoption of the appropriate EU bargaining strategy. In the case of UNGA Resolution 65/276 the EU did the exact opposite of what should have been done in terms of formulating the proposal and reaching out to the UNGA members. In other words, it is not only about who delivers the message but also about the content of the message and the way of delivering it. In both issues, the EU failed initially to read the situation appropriately and develop the right strategy to communicate it.

Naturally, the glass is never only half-empty. One could credibly focus on the second stage of the negotiations; after having suffered a surprise and embarrassing defeat, the EU stood up, regrouped, and adjusted its negotiating strategy accordingly. In this narrative, emphasis should be laid on the adaptation capacity of the EU as an international actor and the efficiency of the EU diplomatic machinery, including the EU Delegation at the UN, the EEAS and member-states, in carrying out this delicate task. The initial failure could be attributed to the over-enthusiasm triggered by the Lisbon Treaty and the nascent stage of the same EU diplomatic machinery, with the newly-born EEAS counting only few months of existence. Although proactive international actors usually take all credit –and gains- in the international arena, quick reflexes in reactive responses are also worth praising. In that respect, the EU exhibits a fast-track and correct new reading of the situation and the mistakes that led to it and appropriately alters her bargaining strategy. In the hope the EU will eventually become a successful and influential proactive actor, learning by her mistakes and quickly correcting them is not a negligible and unimportant skill for the EU.

Besides additional analytical work on the underpinnings of what takes to become an influential international actor, the Resolution *per se* requires further research at least in two respects: first, we need to examine the extent to which its provisions have been implemented and whether this has actually led to the desired enhancement of the EU political role and status in the UN General Assembly as it was initially aspired to and envisaged; second, we need to explore the intra-EU repercussions of the Resolution in particular whether it contributes to the centralization of the EU diplomatic system with the strengthening of the EU Delegations and the EEAS at the expense of national delegations and member-states.

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| **Table 1: Comparison between the EU draft Resolution A/64/L.67 and the UNGA Resolution 65/276** | | | |
| **EU Draft Res. A/64/L.67 (September 2010)** | | **UNGA Res. 65/276 (May 2011)** | **Differences** |
| **Modality of EU participation (Rights)** | | | |
| a | The EU shall be invited to speak in a timely manner, similar to the established practice for representatives of major groups. | The EU is allowed to be inscribed on the list of speakers among representatives of major groups, in order to make interventions. | No major differences between the two texts. |
| b | The EU representatives participate in the UNGA general debate. | “The EU is invited to participate in the general debate of the General Assembly, in accordance with the order of precedence as established in the practice for participating observers and the level of participation.” | The EU participates in the UNGA General Debate after invitation like in the case of the other two observers (Holy See and Palestine) (Haro 2012: 30). |
| c | The EU “…shall be permitted to circulate documents”. | The EU is permitted to have its communications, circulated directly, and without intermediary, as UNGA documents. | No major differences between the two texts. |
| d | The EU “…can make proposals and submit amendments”. | The EU “… is permitted to present proposals and amendments orally as agreed by the States members of the European Union; such proposals and amendments shall be put to a vote only at the request of a Member State”. | The Res 65/276 restricts the EU to make only oral proposals and amendments; the EU as a non-state actor cannot put to a vote any such proposals and amendments. |
| e | The EU can “…exercise the right of reply”. | The EU “… is allowed to exercise the right of reply regarding positions of the European Union as decided by the presiding officer; such right of reply shall be restricted to one intervention per item”. | UN member-states enjoy the right to reply even if they are not inscribed in the list of speakers; they are allowed up to two interventions per item (Sabel 2006: 120-1). In contrast to the broad wording of the Draft, the Res 65/276 restricts the EU right of reply only to cases the EU has expressed own positions and only for one intervention per item.[[22]](#endnote-22) |
| **Scope and Prerequisites** | | | |
| Sessions and work of the UNGA, “… including the general debate, and its committees and working groups, in international meetings and conferences convened under the auspices of the Assembly, as well as in UN conferences”. | | The EU will participate in “… its capacity as observer, in the sessions and work of the General Assembly and its committees and working groups, in international meetings and conferences convened under the auspices of the Assembly and in UN conferences”. | Same scope at a similar wording emphasizing the EU observer status. |
| Another organization for regional integration can benefit from the conferring of equal rights when it “… develops common external policies and establishes permanent structures for their conduct and representation” | | A regional organization “…that has observer status in the General Assembly and whose member States have agreed arrangements that allow the organization’s representatives to speak on behalf of the organization and its member-States” | The initial draft presupposed an advanced level of integration (Wouters et al 2011:5) |
| **Other Differences** | | | |
| The EU can raise points of order. | | No reference regarding the right to raise points of order. | The EU is not granted the right to raise points of order; this was a last minute concession of the EU at the end of the negotiation process (Haro 2012: 32). |
| “The EU shall not have the right to vote or to put forward candidates in the General Assembly”. | | “The representatives of the EU shall not have the right to vote, to co-sponsor draft resolutions or decisions, or to put forward candidates”. | The Res 65/276 further excludes the EU from co-sponsoring draft resolutions in an attempt to fully delimit the EU scope of action in the UNGA (see Bahama’s explanation of vote in UN Doc A/65/PV.88, 3 May 2011, pp. 10-12) |
| Several references to the Lisbon Treaty | | No references to the Lisbon Treaty | Criticism directed to the EU that it had drafted “an EU rather than a UN document”; subsequently, all references were deleted.[[23]](#endnote-23) |
| No reference to the UN intergovernmental nature | | The Resolution “[r]eaffirms that the General Assembly is an intergovernmental body whose membership is limited to States that are Members of the United Nations”. | Explicit reference to the intergovernmental nature of the UN after the insistence of a number of small states that were afraid of the UN becoming “an organization of organizations”.[[24]](#endnote-24) |

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1. **NOTES**

   Interviews, EU diplomats of EU member-states, 29 April and 9 May 2014, New York. [↑](#endnote-ref-1)
2. Interview, UN diplomat of a non-EU member-state, 6 May 2014, New York. Interview, EU diplomat of an EU member-state, 7 May 2014, New York. [↑](#endnote-ref-2)
3. Interviews, EU diplomats of EU member-states, 28 April and 6 May 2014, New York. [↑](#endnote-ref-3)
4. Interviews, UN diplomats of non-EU member-states, 6 May and 9 May 2014, New York. Interviews, EU diplomats of EU member-states, 2 May and 12 May 2014, New York. [↑](#endnote-ref-4)
5. UN Doc. A/64/PV.122 of 14 September 2010, p. 4. [↑](#endnote-ref-5)
6. Interviews, EU diplomats of EU member-states, 6 May and 7 May 2014, New York. Interview, UN diplomat of a non-EU member-state, 6 May 2014, New York. [↑](#endnote-ref-6)
7. Interview, EU diplomat of an EU member-state, 8 May 2014, New York. Interview, EU official, 6 October 2014, Brussels. [↑](#endnote-ref-7)
8. Interview, EU official, 7 May 2014, New York. [↑](#endnote-ref-8)
9. Interview, EU diplomat of an EU member-state, 13 May 2014, New York. [↑](#endnote-ref-9)
10. Interview, UN diplomat of a non-EU member-state, 6 May 2014, New York. Interview, EU diplomat of an EU member-state, 12 May 2014, New York. [↑](#endnote-ref-10)
11. See the speech of Suriname delivered on behalf of the 13 CARICOM countries in UN Doc. A/64/PV.122 of 14 September 2010, p. 3. [↑](#endnote-ref-11)
12. See the speech of Suriname delivered on behalf of the 13 CARICOM countries in UN Doc. A/64/PV.122 of 14 September 2010, p. 5. See also the speech of Nauru delivered on behalf of the Pacific Islands countries in UN Doc. A/64/PV.122 of 14 September 2010, p. 4. See also the speech of Lesotho delivered on behalf of the African group in UN Doc. A/64/PV.122 of 14 September 2010, p. 3. [↑](#endnote-ref-12)
13. See the speech of Iran in UN Doc. A/64/PV.122 of 14 September 2010, p. 5. [↑](#endnote-ref-13)
14. Interview, EU official, 7 May 2014, New York. Interview, EU diplomat of an EU member-state, 9 May 2014, New York. [↑](#endnote-ref-14)
15. Interview, EU diplomat of an EU member-state, 7 May 2014, New York. [↑](#endnote-ref-15)
16. Interview, EU diplomat of an EU member-state, 9 May 2014, New York. [↑](#endnote-ref-16)
17. Interview, EU diplomat of an EU member-state, 12 May 2014, New York. [↑](#endnote-ref-17)
18. UN Doc. A/65/PV.88, 3 May 2011, p. 3. [↑](#endnote-ref-18)
19. UN Doc. A/65/PV.88, 3 May 2011, p. 4. [↑](#endnote-ref-19)
20. Interview, UN diplomat of a non-EU member-state, 7 May 2014, New York. Interviews, EU diplomats of EU member-states, 28 April and 7 May 2014, New York. [↑](#endnote-ref-20)
21. UN Doc. A/65/PV.88, 3 May 2011, p. 10. [↑](#endnote-ref-21)
22. Interview, EU official, 7 May 2014, New York. [↑](#endnote-ref-22)
23. Interview, UN diplomat of a non-EU member-state, 6 May 2014, New York. [↑](#endnote-ref-23)
24. Interview, EU official, 12 May 2014, New York.

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