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**Testing the EU's Member States Coordination after Upgraded the EU Status  
at the UNGA: The case of the Palestinian bid for a full Membership in the  
United Nations<sup>1</sup>**

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## I. Introduction:

One of the most defining principles of the European Union (EU) external policy is the EU's commitment and attachment to the multilateralism.<sup>7</sup> The EU has a clear interest in the cooperation with international organizations and in particular with the United Nations (UN) as the pivot and the backbone of the multilateral system.<sup>8</sup> The EU has always underlined the importance of strengthening its voice in the UN in order to fulfill its potential as a global actor; therefore, the EU has sought to take great paces "towards fulfilling its potential as a central pillar of the UN system".<sup>9</sup>

On 3 May 2011, the EU succeeded to upgrade its status at the United Nations General Assembly (UNGA) after the adoption of resolution on the participation of the European Union in the work of the United Nations.<sup>10</sup> Thus, the EU now enjoys a full participation status<sup>11</sup> at the UNGA which enables the EU to present and promote the EU's position in the UN, and "to support the UN's vital work in a coherent and effective manner".<sup>12</sup>

While the EU has moved progressively towards upgrade its status at the UNGA in order to project European values and to speak with a common voice in the UN, yet too often, the EU is still reluctant and hesitant to play an active role in supporting the Palestinian bid for full membership at the UN. Therefore, this paper primarily focuses on presenting the EU status at the UNGA. Then, the paper analyzes the EU internal coordination in the UNGA which is a kind of black box by tackling the question, to what extent the upgraded status of the EU at the UNGA will have an impact on the Palestinian bid at the UN in achieving their statehood.

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<sup>7</sup> J. Wouters, S. Bijlmakers and K. Meuwissen, "The EU as a Multilateral Security Actor After Lisbon: Constitutional and Institutional Aspects", Working paper, no. 10, Leuven Centre for Global Governance Studies, Katholieke Universiteit Leuven, 2011, p. 7.

<sup>8</sup> The United Nations, "The partnership between the UN and the EU: The United Nations and the European Commission working together in Development and Humanitarian Cooperation", Brussels, 2007, p. 8.

<sup>9</sup> Commission of the European Communities, Communication from the Commission to the Council and the European Parliament. "The European Union and the United Nations: The Choice of Multilateralism", COM (2003) 026 final, Brussels, 2003, p. 3.

<sup>10</sup> United Nations General Assembly, Resolution A/66/L.64/Rev.1.

<sup>11</sup> The EU with this status at the UNGA will be equated with the Palestinian Authority and Vatican.

<sup>12</sup> Statement by the High Representative, Catherine Ashton on the adoption of the UN General Assembly Resolution on the EU's participation in the work of the UN, New York, 03 May 2011, Available online at <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/272>, accessed on March 07, 2012.

## II. Where is the European Union at the United Nations?

The increasing tendency of the EU towards effective multilateralism<sup>9</sup> and improving the cooperation with other international organizations has led the EU to ask constantly joining the international fora and being a member in those international organizations.<sup>10</sup>

The Treaty of Lisbon in Article 47 of the TEU<sup>11</sup> explicitly grants the EU a single legal personality which leads to enhance the EU's effectiveness and visibility as a multilateral actor.<sup>12</sup> Thus, the EU may accede and join to any of the international organizations or participate in the conclusion of any international agreements.<sup>13</sup>

In the context of the UN, the relation established by the EU with the UN illustrated that a strong involvement is possible between them since the upgraded status of the EU at the UNGA. The EU had enjoyed an observer status<sup>14</sup> at the UNGA since 1994<sup>15</sup> which allowed the EU to attend formal meetings only; the EU had to intervene at the end of all the interventions of the parties

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<sup>9</sup> S. Gratius, "Can EU Strategic Partnerships Deepen Multilateralism?", FRIDE, A European Think Tank for Global Action, Working Paper, no. 109, 2011, p. 1-2.

<sup>10</sup> The Lisbon Treaty provides the EU with legal commitments towards multilateralism and the UN. Article 3(9) TEU mentions that "*In its relations with the wider world, the Union... shall contribute to the development of international law, including respect for the principles of the United Nations Charter*", and Article 3(1) TEU states that: 1. "*The Union's action on the international scene shall be guided by... and respect for the principles of the United Nations Charter and international law... it shall promote multilateral solutions to common problems, in particular in the framework of the United Nations*". 2. "*The Union shall... preserve peace, prevent conflicts and strengthen international security, in accordance with the principles of the United Nations Charter...*".

<sup>11</sup> Consolidated Version on the treaty on European Union, Title VI, Article 47 states that "*The Union shall have legal personality*".

<sup>12</sup> J. Wouters, S. Bijlmakers and K. Meuwissen, *op. cit.*, P. 4.

<sup>13</sup> I. Govaere, J. Capiu & A. Vermeersch, "In-Between Seats: the Participation of the European Union in International Organizations", *European Foreign Affairs Review*, vol. 9, no. 2, 2014, p. 106.

<sup>14</sup> UNGA Resolution 3208 (XXIX) of 11 October 1994. See, Michael Emerson and others, "Upgrading the EU's Role as Global Actor Institutions: Law and the Restructuring of European Diplomacy", Centre for European Policy Studies (CEPS), 2011, 60. See, M. Vaughne, "The European Union at the United Nations", Working Paper, UK House of Commons Library Research Papers, International Affairs and Defense Section, United Kingdom, 2011, p. 7. See also, E. Passivirta and D. Porter, "EU Coordination at the UN General Assembly and ECOSOC: A view from Brussels, a view from New York", in Jan Wouters, Frank Hoffmeister & Tom Ruys (eds.), *The United Nations and the European Union: An Ever Stronger Partnership*, The Hague, T.M.C. Asser Press, 2006, 30.

<sup>15</sup> F. Hoffmeister, & P. Jan Kuijper, "The Status of the European Union at the United Nations: Institutional Ambiguities and Political Realities", in J. Wouters, F. Hoffmeister & T. Ruys (eds.), *The United Nations and the European Union: An Ever Stronger Partnership*, The Hague, T.M.C. Asser Press, 2006, p. 18. See also, J. Wouters, "The United Nations and the European Union: Partners in Multilateralism", EU Diplomacy Papers, no. 4, College of Europe, 2007, p. 6.

which means the EU had to carry less political weight. Moreover, the observer status did not allow the EU to propose amendments or serve as *rapportuer*, as well as the EU did not have the right to vote.<sup>13</sup> Currently, after the adoption of the UNGA resolution on May 2011, the EU enjoys the full participation or enhanced observer status in the UNGA which means that, the EU have the right to make proposals and amendments.<sup>14</sup> There is no restriction on the time or on the length of the interventions. The EU can serve as a *rapportuer* or chair the meeting. However, the EU does not have the right to vote or to block consensus.<sup>15</sup>

### III. Will the EU be up to this challenge and to speak with one voice?

The EU has always sought to speak with one voice regarding to the UN matters by the virtue of the fact that, the individual EU Member States which make up one seventh of the UN's total membership might carry massive role and weight within the UN if these Member States could reach an agreement between themselves and act coherently in international fora.<sup>16</sup> Although, the EU has succeeded to act cohesively at the international fora and in particular at the UN regarding to different matters, the EU faces sometimes difficulties in coordination between its member states, some Member States prefer to act independently regarding to different national interest at the UN.

What is not known at this moment is how the EU will manage to reach a common position between its member states in order to speak with one voice regarding to the Palestinian bid for a full membership in the UN.

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<sup>13</sup> *Ibid.*, p. 14-15.

<sup>14</sup> The European Union External Action, "The European Union at the United Nations: Partnership in Action", available online at [http://www.europa-eu-un.org/articles/en/article\\_10999\\_en.htm](http://www.europa-eu-un.org/articles/en/article_10999_en.htm), accessed on March 12, 2012. See also, G. Grevi, "From Lisbon to New York: The EU at the UN General Assembly", FRIDE, A European Think Tank for Global Action, Working Paper, no. 81, 2011, 5.

<sup>15</sup> *Ibid.*, p. 15. See also, J. Wouters, J. Odermatt & T. Ramopoulos, "The Status of the European Union at the United Nations after the General Assembly Resolution of 3 May 2011", Global Governance Opinion, Leuven, Leuven Centre for Global Governance Studies, 2011, p. 3.

<sup>16</sup> A. Degrand-Guillaud, "Actors and Mechanisms of EU coordination at the UN", *European Foreign Affairs Review*, vol. 14, no. 3, 2009, p. 405.

#### IV. The Palestinian bid at the United Nations and the EU's Reaction:

The Palestinians have been waiting for decades in order to join the UN and to gain the international community recognition for their right of self-determination and their right to have fully independent state. In 2011, the Palestinians decided to go to the UN to enhance their position for a full membership at the UN.<sup>10</sup> At this moment, the Palestinians have many scenarios in order to request the recognition for a sovereign state, either they go to the Security Council which is threaten and stall by the United States veto, or to go the UNGA where they are required to gain the two-third majority of votes needed, which will give them access to international judicial bodies of the UN.<sup>11</sup>

The international diplomatic recognition of states in *status nascendi*<sup>12</sup> could be the case of the direct recognition of the EU to the Palestinian statehood. The EU over the last decades has been articulated progressively its relation with the Palestinian Territory. The EU has taken a role in the Middle East peace process through developing various instruments to support the Palestinian state-building. However, the full EU backing for the Palestinian bid at the UN would be roughly difficult and challenging for its Member States. The EU Member States are deeply divided between themselves on the issue of Palestinian membership of the UN.<sup>13</sup>

The EU diplomacy is struggling when it comes to matters of international high politics.<sup>14</sup> The EU's 28 Members are divided into three different groups regarding to the Palestinian bid to the UN,<sup>15</sup> those supporting a Palestinian statehood bid include Spain, Sweden, Belgium, Cyprus, Greece, Ireland, Portugal and Luxembourg. Other five European countries do not support the Palestinian bid include Germany, Italy, the Netherland, the Czech Republic and Bulgaria. The

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<sup>10</sup> R. Alcaro and A. Dessì, "The September UN Vote On Palestine: Will the EU be up to the Challenge?", Istituto Affari Internazionali, (IAI) Working Papers, no. 11, 2011, p. 1.

<sup>11</sup> P. Sasnal, Daniel Levy, " Palestinian UN Vote and Triple-faced EU Policies", Policy Paper, the Polish Institute of International Affairs, no. 16, 2011, p. 3.

<sup>12</sup> Its Latin term means something in the process of becoming, but which still hitherto has not received the legal recognition. See, S. R. Silverberg, "Diplomatic recognition of States *in statu nascendi*: The case of Palestine", *Tulsa Journal of Comparative and International Law*, vol. 6, no. 1, 1998, p. 21.

<sup>13</sup> R. Alcaro, *op. cit.*, p. 3.

<sup>14</sup> R. Alcaro *op. cit.*, p. 9.

<sup>15</sup> P. Sasnal, D. Levy, *op. cit.*, p. 3.

third group includes France and Britain remains uncertain whether they are ready to support or not.<sup>26</sup>

The EU's Member States have realized that, the UN vote on the Palestinian statehood would be one of the first tests of how the EU should act unanimously on a key foreign policy matter.<sup>27</sup> To extent that, the EU's High Representative for Foreign Affairs and Security Policy, *Baroness Catherine Ashton* has tried to persuade the Palestinian leaderships to modify their stance at the UN<sup>28</sup> in order to create the conditions that would allow the EU to vote as a bloc<sup>29</sup> and to avoid any contradiction to the USA position.<sup>30</sup>

#### V. The Role which the EU should take:

The EU as a regional organization on a world scale and as a successful multilateralism in multilateral negotiations,<sup>31</sup> it is the most credible partner to the Palestinian. Therefore, the EU as a largest single donor and biggest trading partner with the Palestinian Territory, and as a member of the Quarter can do immense effort regarding to the Palestinian bid.<sup>32</sup> The EU after ungraded its status at the UNGA have a new speaking power at the UNGA and can draw the support to the Palestinian bid of its twenty seven Member States, as well as the two dozen other countries that often vote alongside with the EU.<sup>33</sup> Bearing in mind that, the EU Member States are spreading

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<sup>26</sup> D. Makovsky, "The Palestinian Bid for UN Membership: Rationale, Response, Repercussions", Policy Notes, Working Paper, the Washington Institute for Near East Policy, Number 9, 2011, p. 6.

<sup>27</sup> *Ibid.*, p. 6.

<sup>28</sup> B. Smith and A. Thorp, "Palestinian Statehood", Working Paper, UK House of Commons Library Research Papers, International Affairs and Defense Section, United Kingdom, 2011, p. 9.

<sup>29</sup> R. Alcaro *op. cit.*, p. 7.

<sup>30</sup> International Crisis Group, "Curb Your Enthusiasm: Israel And Palestine After The UN, International Crisis Group: Working to Prevent Conflict worldwide", Middle East Report, no. 112, 2011, p. 32.

<sup>31</sup> A. Degrand-Guillaud, *op. cit.* p. 412.

<sup>32</sup> H. Michou, "Towards declaration of a Palestinian State?", FRIDE, A European Think Tank for Global Action, Working Paper, No. 99, 2011, p. 4.

<sup>33</sup> D. Makovsky, *op. cit.*, p. 8.

into three separate regional groupings in the UN<sup>75</sup> which can be very positive as it expands the EU's influence over other countries in the UN.<sup>76</sup>

## VI. Conclusion:

The Palestinian bid at the UN is a potential Pandora's box<sup>77</sup> for EU's Member States. If the EU's Member States will succeed to avoid any division between themselves and to speak with one voice, this would be an important victory for Europe. The EU will gain an important international recognition as an a credible actor on the world scene. But, in the event that the EU's Member States repeat the UNISCO<sup>78</sup> scenario<sup>79</sup> and show their internal split, this would undermine the EU credibility and prove that the EU is not yet able to speak with one voice at the international fora.

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<sup>75</sup> P. Luif, "EU cohesion in the UN General Assembly", Occasional Paper, Institute for Security Studies, no. 49, 2007, p. 7. See also, Bardo Fassbender, "The Better Peoples of the United Nations? Europe's Practice and the United Nations", *The European Journal of International Law*, vol. 10, no. 6, 2004, p. 877-878.

<sup>76</sup> A. Degrand-Guillaud, *op. cit.* p. 411. See, T. Renard and B. Hooijmaaijers, "Assessing the EU's Strategic Partnerships in the UN System", Security Policy Brief, No. 24, Egmont - Royal Institute for International Relations, 2011.

<sup>77</sup> D. Makovsky, *op. cit.*, p. 11.

<sup>78</sup> The EU considered that UNISCO plays a major role in the UN system. See, P. Adriaenssens, "Rapprochement between the EU and the UN: History and Balance of Intersecting Political Cultures", *European Foreign Affairs Review*, Vol. 13, 2008, p. 66.

<sup>79</sup> At the UNISCO, the EU failed to come to a common position and to speak with one voice (11 Member States voted in favor, 11 abstained and 6 voted against). Palestine in UNESCO: US, EU in diplomatic chessboard, available online <http://read-online.org/archives/083>, accessed on March 09, 2012.

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