REPRESENTATION, COORDINATION AND COHESION OF THE EU IN THE UN: CONNECTING LEGAL AND POLITICAL APPROACHES

Bachelor Thesis

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1. Introduction

1.1 The importance of the EU’s role in the international sphere: A historical perspective

Walking on the historical path of European integration, one can observe that the necessity for cooperation in foreign matters constantly increases. The strength of the USA, China and the emerging BRIC countries produce the necessity to become a counterweight of equal or bigger power. Being a global power is important for the EU in order to control risks and to promote democracy, the rule of law and a multilateral world order (Farrell, 2006). An important part of increasing European Union (EU) power is the Union’s performance in international organizations (IOs). These are the forums in which decisions are taken which influence power and security structures. However, it took quite some time until the EU started to define their status in these forums. Since the last decade the EU attempts to align its status in IOs in relation to its competences referred by the Member States. Here it is to mention that the Union’s participation in these forums can take the form of a full member or of an observer. Different to the observer status, full membership means that the EU gets a voting right, thereby influencing the outcome of discussion as much as all other participating states (the details of these statuses are discussed in Chapter 2.3). Although, a lot of states, especially the US, complicated the EU’s attempt to upgrade its role in IOs, the EU managed to increase its influence in many IOS, such as the International Civil Aviation Organization, the World Health Organization and the United Nations Educations, Scientific and Cultural Organization (Hoffmeister, 2007). In 1991, a breakthrough was reached in the Food and Agriculture Organization (FAO) were the EU gained full membership. In general, in IOs concerning economical issues the EU was more successful to gain full membership. With regard to the World Trade Organization the EU is not only a founding member but has also the privilege to negotiate and to speak instead of its Member States (Emerson et al., 2011). However, in IOs concerning foreign and security matters the EU gets at the best an observer status. In some forums the observer status developed during the time and expands its rights, such as the allowance to write proposals (Hoffmeister, 2007). To the contrary, in other forums, especially with regard to the United Nations Security Council (UNSC), the situation is rather hopeless and the status of the EU is rather non-existence (Keukeleire & Delreux, 2014). The situation here is not only limited because other states are reluctant to grant the EU more rights. The EU Member States themselves only slowly developed a Common Foreign and Security Policy (CFSP) area. It becomes visible that the necessity of cooperation is clashing with the fact that
this area is an issue of high sensitivity because it touches the core of state sovereignty. So, the internal developments already took longer than the ones for economic integration and the upgrading of its role related IOs only recently started to develop.

In 1970, the establishment of the European Political Cooperation (EPC) started. The European Council (EC) adopted the Luxembourg Report thereby acknowledging the urgency of consistency and implementing regular ministerial meetings, inventing a political committee and working groups for topics of common interest. The achievements of agreements, common stances and consistency became important corner stones of the EPC. Further, the Copenhagen Report of 1973 manifested that the activities and statements of the EPC must be in line with the Community’s structure and policies (Van Vooren & Wessel, 2014). However, foreign and security matters were still far away from becoming a Community’s competences. In the 1990s, the Maastricht Treaty replaced the EPC with the CFSP. The disappearance of the Soviet threat, after the fall of the iron curtain, and the thus fear of shrinking US attention caused that the call for European independence became louder and the European Union was interested to adjust the balance of power to the new global power structures (Hoffmann, 2000).

However, a real change could not be observed until 2003 (Van Vooren & Wessel, 2014). In 2003, the European Security Strategy was adopted to challenge the cohesion problem between the Member States within international negotiations (Drieskens, 2014). The Lisbon Treaty manifested this development in 2009 and laid down several provisions to support the Union’s representation as one unity. With the abolishing of the pillar-structure, CFSP became part of the Treaty on European Union (TEU) and an important objective and competence of the Union as shown in Article three, paragraph five of the TEU.

“In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.”

With this and further legal provisions the Member States proved active effort in CSFP cooperation. According to Van Vooren and Wessel (2014):
“(…) [T]his policy area has developed from a purely intergovernmental form of information exchange, coordination and cooperation in the days of the EPC, to an EU competence in its own right and an area in which the Member States have accepted significant forms of institutionalization and legalization.” (p.346)

These forms of institutionalization and legalization developed throughout history in order to create a political unity. Although slowed down because of sovereignty worries, the EU created step by step a legal framework with two corner stones, already visible in the structure of EPC: coordination and cohesion. With the legal inclusion of the EU in IOs during the last decade, the Union and its Member States added a third important corner stone to the CFSP framework: the representation as one unity (the corresponding legal provisions are examined in the analysis part of this thesis).

That the reservation of Member States to refer competences still decides the speed of the CFSP development prevents the clarification of competences in this area (Van Vooren & Wessel, 2014). So, the EU’s competences in forums, such as the UN, are also still not fully clarified. That may challenge the EU’s performance in IOs. Therefore, it is of high importance that the Member States and EU officials are not only officially accepting the three CFSP corner stones but that they implement them because this is the main condition for CFSP’s global effectiveness. The legal framework, based on coordination, cohesion and representation, builds the ground for the creation of united political performance in IOs. Hence, the question emerges if the EU legal guidelines indeed shape the states’ and EU officials’ performance when it comes to CFSP related negotiations and actions in IOs? This question is not only important with regard to the EU’s global role but also with regard to the value and the practical use of EU law in general.

The United Nations (UN) is the main arena of international politics where the EU has to prove its unity in order to influence international decisions and actions with regard to foreign and security matters. Issues discussed in the United Nations General Assembly (UNGA) and the UNSC automatically become CFSP issues (Hosli, Van Kampen, Meijerink & Tennis, 2010). Therefore, this thesis examines the three mentioned CFSP corner stones in relation to the UNGA and the UNSC.
In order to see where this examination has to start, the next sub-chapter discusses the current state of the existing research concerning the EU in IOs and with regard to CFSP.

1.2 Combining legal and political studies: A gap in the scientific work

The EU’s performance in the international arena, especially in the UN got attention from two research areas: legal science and political science. Both fields are important in order to understand the status quo of the EU foreign and security policy in relation to international organizations (IOs). Nevertheless, combinations of the two fields do not exist in an extensive manner but may be of great value for understanding the topic.

With the increasing ambitions of the EU in relation to global governance, it has become more important to combine legal and political perspectives. This would imply that legal scholars would take into account the political impact of the legal arrangements they invent and study and that political scientists would be more aware of the legal framework, which to a certain extent defines the political options. (Jørgensen & Wessel, 2011, p.285-286)

Existing legal studies mainly concentrate on the analysis of the EU Treaties with a focus on changes through the implementation of the Lisbon Treaty. The legal focus on the UN implies most often the competences, status and representation of the EU within this international forum (e.g.: Van Vooren & Wessel, 2014; Johansson-Noguès, 2014). Many legal scholars combine their findings with assumption about the future political impact of the legal framework (e.g. Wouters, Odermatt & Ramopoulos, 2011). However, they do not go beyond assuming by connecting their studies with the current political practice. On the other side political scholars conduct their studies the other way around. They merely use the legal framework for giving background information by referring to the historical treaty development in the area of CFSP. With a look on the EU-UN relation, political scholars have several focuses, such as multilateralism (e.g. Laatikainen, 2010) and the historical perspective (e.g. Brantner & Gowan, 2009). Especially, the discussion around multilateralism (involving several nations or groups in the process of policy making) shows that political studies of the EU in relation to IOs concentrate on an internal or an external dimension. Blavoukos and Bourantonis (2011) refer to this point in the following way:

(…) the EU interaction with IOs has both an internal and an external dimension: the former encapsulates the intra-EU institutional and political implications of the
interaction, comprising issues of intra-EU policy-making coordination and formal institutional representation. The latter captures the effect of the EU’s presence on the functioning of the respective IOs, in particular the EU effect on their institutional format and policy-making process and outputs. (2011)

Related to performance most political studies consider the voting behaviour of the EU’s Member States within the UN organs (e.g. Jin & Hosli, 2013; Persson, 2012). Alternatives are searched by scholars, such as Drieskens et al. (2013) who look if “(…) sponsor-ship of resolutions in the UNGA can be seen as a quantitative measure for measuring (…) leadership” (p.13). One step in the direction of connecting legal and political science was made by the work Introduction: Assessing the EU’s Performance in International Institutions – Conceptual Framework and Core Findings of Jørgensen, Oberthür & Shahin (2011). In the authors’ work, the legal framework is considered as one factor influencing the EU’s performance. To build up on the existing research, this Bachelor Thesis aims to connect political and legal science, thereby considering the influence of the European legal framework on the EU’s performance in the UN. As presented in the first sub-chapter, the discussed legal framework in this thesis focuses on the CFSP corner stones: Representation, Coordination and Cohesion. The next chapter explains the applied research strategy and why these three indicators are useful for combining legal and political studies.

1.3 Methodology and the main research question

At the very beginning, examining the EU’s performance in the UN requires a conceptualization of the term “performance”. Although, the EU has a unique appearance based on its partly supranational powers, most scholars agree that it shares most similarities with the framework of IOs (Van Vooren & Wessel, 2014). Therefore, this thesis will define performance in connection to IOs based on the scheme developed by Gutner and Thompson (2010). For the authors, performance mirrors the activities of the IO’s Member States and of the EU staff. It comprises the process “ (…) – the effort, efficiency and skill – (…)” for reaching certain goals and the actual results of this process. Summarizing one can say: “(…) a simple starting point for defining performance is that it refers to an organization’s ability to achieve agreed-upon objectives.” (Gutner & Thompson, 2010, p. 231).

So, to measure this ability one first has to find the agreed-upon objectives related to the EU’s performance in IOs with regard to CFSP. The TEU and the Treaty on the Functioning of the European Union (TFEU) include these objectives. They are embedded in
long-term overall goals described in the Articles three, paragraph five (cited in sub-chapter 1.1.) and 24, paragraph two, of the TEU:

Article 24(2), TEU:

“Within the framework of the principles and objectives of its external action, the Union shall conduct, define and implement a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.”

These Articles basically concern the establishment of the Common Foreign and Security Policy. This objective is very broad and makes research difficult. Therefore, it is necessary to breakdown this objective again into sub-objectives and to concentrate on certain indicators responsible for the establishment of a CFSP. These indicators can be found in the first section of chapter two in title V of the TEU. Here one observes the indicators (before called three corner stones) uncovered already by the historical development: Representation, coordination and cohesion. These three indicators build the ground for CFSP and therefore are used as main indications for the EU’s performance in the UN. The specific treaty provisions are elaborated throughout the analysis for simplifying the understanding of the application of the actual political performance.

Including elements of Kissack’s work (2007), this thesis defines the three terms as the following: Coordination refers to all EU working mechanisms of politicians, EU and national government officials in order to create common positions, policies and statements in relation to UN topics. Representation contains all statements of EU Member States and EU officials to “(...) [represent] the views of (i) the Member States of the European [Union], (ii) the Member States speaking as the (...) members of the European [Union] or (iii) the EU.” (p. 3) Cohesion is related to the ability of the Members and Officials of the EU to represent unity.

The publication of EU’s records has extensive limitations and some records are even destroyed. Further, the analysis of the high number of UN meeting protocols would exceed the available research time (Kissack, 2007). So, information needs to be collected on the basis of a literature review of the EU’s and its Member States’ performance in the UN. The literature used for contrasting the formulated legal CFSP provisions with the actual political performance considers the EU and its actors after the implementation of the Lisbon
Treaty or compares the actual status quo with the one before Lisbon. It is to mention that most literature use also data of the time before the Lisbon Treaty because of its rather short existence. However, the authors consider the important changes. Therefore, this Thesis regards their findings as still reliable. The literature which examines the legal provision with regard to coordination, representation and cohesion, concentrates on the current legal CFSP’s framework created by the Lisbon Treaty. Further, the analysis concentrates on the examination of the EU in UNGA and in the UNSC because of the time - and space limits of this Bachelor Thesis. Thereby, the thesis excludes the consideration of the four committees, subsidiary organs, agencies and incorporated organizations. A common position through a functioning coordination; the representation by EU officials; and high voting cohesion are evaluated as signs that the performance of EU officials and of the Member States, in the UN, reflects the legal framework of the Lisbon Treaty. Instead lacking coordination, representation of national interests and disagreement support the claim that EU Member States rather use the EU law when it fits with their national interest but not beyond.

With the help of the described research strategy and based on the outlined historical development, this thesis aims to answer the following descriptive research question:


In order to answer this question, one has to consider the following sub-questions: What is the EU’s identity and competences in the international sphere, especially in the UN? This question is necessary in order to understand the ground on which the EU has to perform and to understand its possibilities and limitations. Further, with regard to the analysis, the question appears how implications of the legal provisions for representation, coordination and cohesion look like. Consequently, the question follows if these implications fit to the actual performance of EU officials and EU Member States in the UNGA and the UNSC.

In relation to the sub-questions, the next chapter elaborates the current legal conditions of the Lisbon Treaty focusing on: The EU as a global actor; the Existence and Nature of EU external competences; Common Foreign and Security Policy; and the EU in relation to IOs
(especially the UN). The following analysis consists of three parts: One focuses on representation, one on coordination and the last one on cohesion. All analysis parts start with an examination of the corresponding legal provisions. In the end, the conclusion summarizes the main findings and gives recommendations for further research.

2. The legal framework

2.1 The EU’s global identity and competences

Since the Lisbon Treaty, the Union has a legal personality (Article 47, TEU) (Van Vooren, & Wessel, 2014). Thereby “(...) the EU became indisputably an actor under international law” (Koehler, p.63, 2010). However, that does not clarify which kind of actor the EU reflects and does also not put this legal personality into practice (Laatikainen, 2010). Most legal scholars agree that the EU’s institutional arrangements share most similarities with IOs. Nonetheless, the EU’s identity is difficult to define in terms of international law based on its partly supranational power.

Due its partly supranational powers, in the sense that it has been endowed with autonomous competences, the EU is able to build up relations with third countries and IOs independently from its Member States. Thereby, it promotes its own interests and ideas in the international arena. However, competences are not automatically transferred to the same extent in all areas. The EU gains its competences through the principle of conferral as shown in Article five, paragraphs one and two, of the TEU:

“The limits of Union competences are governed by the principle of conferral. (…).

Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States.”

The principle of conferral transfers certain national powers to the EU in order to strive for objectives shared by all Member States. This concept implies that EU’s power is limited, which is especially the case with regard to CFSP (Chalmers, Davies & Monti, 2010).

As the Court’s Opinion 2/94 indicates, EU’s external competence exists in two circumstances. First, the competence is explicitly stated in the EU Treaties. “Second, implied
attribute of competence, meaning that the Union’s capacity to act can be implied from the conferral an ‘internal’ competence in EU primary law” (Van Vooren & Wessel, 2014, p.76). External competence does not only depend on its existence but also on its nature. The nature decides in how far the conferred competence limits the Member States’ influence in the certain foreign policy sphere. Competences can be exclusively given to the EU; shared with the Member States; or can imply the EU’s responsibility to support, coordinate or supplement the Member States in some areas. So, EU’s power, including external competences, differs depending on the policy area. On the one hand the EU has legal competences separated from its Member States. On the other hand, in some areas the EU has to share competence or has even no competence at all. Summarizing, one can say that “(…) the EU is neither a state with ‘full international powers’, nor is it a traditional IO with limited powers to go against the will of its members.” (Van Vooren & Wessel, 2014 p.7).

2.2 The case of CFSP

As arose from the last sub-chapter, the borders of EU’s competences depend on the policy area of interest, in this thesis: CFSP. CFSP is the only competence elaborated merely in the TEU and not in the TFEU. According to Article one of the TEU, both Treaties are of equal legal importance. However, that “(…) does not (…) mean a similar application of the supranational regulations and procedures in all areas“ (Koehler, 2010, p.61). CFSP remains intergovernmental and decisions are still taken mainly with unanimity (Koehler, 2010). Nevertheless, that the Union has competences in this area is not to deny because CFSP is listed among the categories and areas of Union competence (Title I, TFEU). Interestingly, the related Article does not define the nature of competence.

**Article 1(4), TFEU:**

“The Union shall have competence, in accordance with the provisions of the Treaty on European Union, to define and implement a common foreign and security policy, including the progressive framing of a common defence policy.”

Most scholars assume that CFSP is most likely a complementary competence. So, the Union and its Member States are both active with a focus on policy coordination between the Member States and between the Union and the Member States (Van Vooren & Wessel, 2014). Based on the strong intergovernmental nature of CFSP it remains questionable if implied powers could pre-empt Member States (Craig & De Búrca, 2011). Nevertheless, based on the
loyalty obligation ensures that does not mean that Member States are free to decide when they want to cooperate and when not:

**Article 24(3), (1st and 2nd section), TEU:**

“The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.”

The difference between CFSP and other competence areas become especially visible in Article 24, paragraph one of the TFEU:

“The common foreign and security policy is subject to specific rules and procedures. It shall be defined and implemented by the European Council and the Council acting unanimously, except where the Treaties provide otherwise. The adoption of legislative acts shall be excluded (...).”

The EC shall define the overall objectives and guidelines of CFSP. By framing CFSP and by taking decisions, the Council shall put the work of the EC into practice. CFSP decisions are not taken by a legislative procedure and are therefore not the same decisions which are elaborated in Article 288 of the TEU (Article 25, TEU). The fact that CFSP decisions are not legally binding in the same way as other EU decisions cause that the Court of Justice of the European Union (CJEU) has rather limited possibilities to safeguard them (Tobler & Beglinger, 2010). However, the legal formulation makes clear that Member States are also obliged to accept and to adopt taken decisions in the area of CFSP: “Decisions (...) shall commit the Member States in the positions they adopt and in the conduct of their activity.” (Article 28(2), TEU). So Member States are committed to take them into account when formulating national policies. This obligation becomes especially obvious in Article 29 of the TEU: “(...) Member States shall ensure that their national policies conform to the Union positions.“ Summarized by Van Vooren and Wessel (2014) and elaborated in Article 38 of the TEU, exceptions are only allowed under certain conditions:

(…) (1) [T]here must be a case of imperative need; (2) the situation must have been changed; (3) the Council has not (yet) come up with a decision to solve the matter; (4) measures will
have to be necessary; and (5) must be taken as a matter of urgency; (6) the general objectives of the Decision should be taken into consideration; and (7) the Council shall be immediately informed. (p. 378)

Next to decisions, the Union can also conclude international agreements in order to frame legal relations with third countries or IOs. The forms of the relationships with IOs are the focus of the next sub-chapter. The proposal to conclude such an agreement can only be made by the High Representative of the Union for Foreign Affairs and Security Policy (HR) instead by the Commission, as it is normally the case. Further, agreements are decided by unanimity and the European Parliament is not involved at any stage. As in all CFSP related issues the CJEU has no competence to supervise international agreements (Van Vooren & Wessel & 2014).

2.3 The EU and international organizations

The EU has formal positions in several IOs and thereby got “(…) a formal influence on [their] output (…)” (Van Vooren & Wessel, 2014, p.247). The conditions for participating in IOs are defined by the existence and nature of competence of the EU in the related policy field and the statute of the certain IO. The existence and nature of competence may create the necessity of a EU participation in an IO. The statute of the IOs defines the kind of membership the EU is allowed to get. Based on the fact that most competences are shared, often the EU and its Member States conclude mixed agreements with IOs (Van Vooren & Wessel, 2014). In the EU Treaties, following Articles provide the basic provisions for the Union to join an IO:

**Article 211, TEU:**

“Within their respective spheres of competence, the Union and the Member States shall cooperate (…) with the competent international organisations.”

**Article 216(1), TEU:**

“The Union may conclude an agreement with (…) international organisations where the Treaties so provide or where the conclusion of an agreement is necessary in order to achieve, within the framework of the Union's policies, one of the objectives referred to in the Treaties, or is provided for in a legally binding Union act or is likely to affect common rules or alter their scope.”

**Article 217, TEU:**

“The Union may conclude with (…) international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedure.”
In IOs, EU’s participation is mostly granted through two possible ways. The members of the certain IO can decide if the EU is allowed to become a full member or an observer. The first possibility may take the form of a Regional Economic Integration Organization (REIO) clause which an IO can add to its international conventions, so that the EU is regarded as such. This is also the case in the FAO (Wouters et al., 2011; Höckerfelt, 2011). Van Vooren and Wessel (2014) define a REIO with the help of several articles of the Kyoto Protocol:

“A REIO is commonly defined (...) as ‘an organization constituted by sovereign states of a given region to which its Member States have transferred competence in respect of matters governed by . . . convention or its protocols and [which] has been duly authorised, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it [the instruments concerned]’.” (p.250)

However, as mentioned before, there is no equivalent to a REIO in relation to foreign and security issues. Therefore, a REIO cannot be applied on the UNGA or the UNSC. Being a full member of an IO basically means that the Commission can take part in all working steps of a certain institution. However, most competences are shared between the Union and its Member States. Therefore the way of participation in IOs is mixed also when the EU is a full member. To safe this competence sharing, the TEU provides to the principle of sincere cooperation:

**Article 4(3), (1st section), TEU:**
“Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties.”

In most IOs, the EU gets the observer status. That implies rights, such as joining meetings and making proposal but without a voting power. However, the extent of the observer status differs from IO to IO (Hoffmeister, 2007). So, in some institutions the Union is only allowed to attend to formal meetings and to speak up after formal interventions. The situation becomes especially complicated when issues, concerning a EU’s exclusive competence, are on the agendas of IOs which at best allows the EU to become an observer. In this case, the Union’s Member States have to act in the interest of the EU. Based on the principle of sincere cooperation, they are not allowed to take advantage of the officially limited role of the EU (Van Vooren & Wessel, 2014).
Sometimes EU Member States limit also the Union’s influence in IOs through attempts to safeguard their national influence, even when the EU has nearly exclusive competences in the concerned policy field (Van Vooren & Wessel, 2014). This becomes especially problematic in areas of high sensitivity, such as CFSP to which the EU’s participation in the UNGA and the UNSC is related (Emerson et al., 2011).

2.4 The UN - EU legal relationship

While reading the EU Treaties, one gets the impression that the UN is the most important and influencing IO for the Union’s legal framework. According to Van Vooren and Wessel (2014), “[t]he EU Treaties present the UN and its Charter as the guiding legal framework for the EU in its external relations (p.267). Article three, paragraph five, and Article 21 of the TEU build the legal ground for this claim because they require the respect for the principles of the United Nations Charter. Next to several other articles which refer this Charter, the UN is one of the first IOs with a provision in the Union’s Treaties explicitly mentioning its name for the creation of a relationship:

**Article 220(1) TFEU:**
“The Union shall establish all appropriate forms of cooperation with the organs of the United Nations and its specialised agencies, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development (...).”

The UN only allows the EU to be an observer based by Article four of the UN Charter: “Membership in the United Nations is open to all other peace-loving states (...)” (Chapter II, 1945). So, UN membership is an exclusive right for states. However, after much negotiations and resistance of UN Member States, the EU was able to get an enhanced observer status in the UNGA. Drieskens, Van Dievel and Reykers (2014) summarize the implication of the enhanced observer status:

“The EU was granted the following rights (...): to be inscribed on the list of speakers with priority equivalent to that given to representatives of major groups; to participate in the General Debate, taking into account the practice for participating observers; to have its communications circulated directly and without intermediary, as documents of the UNGA meeting or conference; to make proposals and submit amendments; to raise points of order but not to challenge decisions of the presiding officer; and to exercise the right of reply (...). The EU’s representatives who remain seated among the observers, do not have the right to vote or to put forward candidates.” (p.26)
Contrary, in the UNSC the EU not even has the observer status and is represented by a maximum of six states. Nevertheless, the TEU requires that CFSP decisions are taken into consideration from Member States participating the UNSC. Further, since Lisbon the HR is allowed to speak in the UNSC when the EU Member States in the UNSC decide so:

**Article 43(2), TEU:**
“(…) Member States which are also members of the United Nations Security Council will concert and keep the other Member States and the High Representative fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the High Representative be invited to present the Union's position.”

To secure Member States powers within the UN, Declaration No. 13 was adopted during the Lisbon Intergovernmental Conference. The impact of this declaration is a point of discussion. Van Vooren and Wessel argue that this Declaration cannot refute the legal provisions (2014). However, Gaspers (2008) argues that:

“(…) It is debatable to what extent an ever-growing convergence of Member States’ foreign policy actions and their compliance with CFSP decisions can be established if none of the CFSP provisions stipulated in the Lisbon Treaty affect the responsibility of the Member States to formulate and conduct their own national foreign policies.” (p.38)

The legal provisions of the EU Treaties in relation to the UN and CFSP with regard to representation, coordination and cohesion are examined in the analysis parts of this thesis, for a better understanding of the application on the current political performance.

3. **Representation**

3.1 **Legal framework**

Until 2009, the rotating Council Presidency was the main representative of the EU in IOs, so also in the UN.

“[However] (…) it was recognized that, in a union of twenty-seven Member States, the rotating presidency of the European Council no longer made sense. Initially conceived as both a statement of membership equality between the original six and an
empirical form of apprenticeship in leadership, the arrangement had become internally dysfunctional and externally mystifying.” (Howorth, 2011, p. 305)

To enable the EU to communicate in a clear manner with the external world, for instance in the UNGA, the Lisbon Treaty replaced the external representation of the Presidency with two other positions in the area of CFSP. The first option is the representation through the HR, which is currently Catherine Ashton (Johansson-Nogués, 2014; Emerson et al., 2011).

**Article 27(2), TEU:**
“The High Representative shall represent the Union for matters relating to the common foreign and security policy. He shall conduct political dialogue with third parties on the Union's behalf and shall express the Union's position in international organisations (…).”

The enhanced observer status, given to the EU in May 2011, simplifies the implementation of this provision in the UNGA because it includes “(…) to be inscribed on the list of speakers with priority equivalent to that given to representatives of major groups; to participate in the General Debate, taking into account the practice for participating observers (…)” (Höckerfelt, 2011; Drieskens et al., p.26, 2014). With regard to the UNSC, the Lisbon Treaty strengthened the HR’s representation role, too. In the past, the rotating Presidency could speak on behalf of all EU Member States or the HR could do so with the permission of all UNSC members (Blavoukos, Bourantonis, 2011). Now the TEU states the following:

**Article 34 (2nd and last section) TEU**
“When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the High Representative be invited to present the Union’s position.”

This Article clearly creates the obligation for EU Member States, participating in the UNSC, to involve the HR. The second representative, mentioned in the Treaties, is the President of the EC, at present Herman Van Rompuy.

**Article 15(6), (5th section), TEU:**
“The President of the European Council shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy.”

His level is not further defined but one can assume that the term put the President on one level with the Heads of States and Governments.
However, in most IOs the EU are still independent participants independently of the EU and its competences, especially with regard to CFSP. The Lisbon Treaty intends that the Union’s Member States have to uphold the EU’s decisions and opinions (Van Vooren & Wessel, 2014). This is especially important with regard to the UN because the EU cannot become a full member.

Article 34(1), TEU:

“Member States (...) shall uphold the Union's positions in [international organisations]. (...) In international organisations (...) where not all the Member States participate, those which do take part shall uphold the Union's positions.”

As described, in the UNGA and the UNSC Union’s Member States have the possibility to let themselves be represented by EU officials. In this chapter, the willingness of Member States to do so will be regarded as upholding the Union’s position. If they do not choose a EU institutional representative, it can be assumed that they are in favour of representing own national interests.

The enhanced external representation possibilities of the Union do not remain without EU Member States’ concerns as shown by, the before mentioned, Declaration 13.

Declaration no. 13 concerning the common foreign and security policy, OJ2010 No. C83/343 (1st and 3rd paragraph)

“The Conference underlines that the provisions in the Treaty on European Union covering the Common Foreign and Security Policy, including the creation of the office of High Representative of the Union for Foreign Affairs and Security Policy (...), do[es] not affect the responsibilities of the Member States, as they currently exist, for the formulation and conduct of their foreign policy nor of their national representation in third countries and international organisations.”

According to Van Vooren and Wessel (2014):

“This Declaration underlies the tension between, on one hand, the need to coordinate positions in international organizations and where possible have these presented by an EU representative and, on the other hand, the wish of many Member States to maintain their own visible presence in international institutions.” (p.258)

So, the power-distribution is not clarified between the new posts and the Member States.
If this tension is also visible in the active political performance or if the legal provisions are put to practice, is examined during the next sub-chapter.

3.2 Political reality: Representation

The outlined legal framework gives the impression the HR and the EC’s President, gained more authority and autonomy through the Lisbon Treaty. According to Johansson-Nogués (2014) authority and autonomy can be explained in the following way:

“Authority refers to the rights and powers granted to the [representatives of European institutions] by the [Member States] in order for the former to be able to interact and/or negotiate with third entities (states or organizations) effectively. The authority can be thought of as (...) legal authority. (...) [A]utonomy exists when there is a clear operative differentiation between the EU and its member states facilitated by the legal frameworks and/or by a political practice.” (p.4-5)

When Van Rompuy hold his speech in the opening session of the UNGA in September 2014. The media made it to a historical event. For the first time, a representative of a regional organization spoke in front of the plenary, a right normally reserved for Heads of State or Government, thereby apparently reflecting the importance of the EU within the international sphere. It was interpreted as the first step to the long desired EU unity (Johansson-Nogués, 2014). Nonetheless, many obstacles accompany the translation of more authority and autonomy into political practice. The first points of interest are the persons chosen to externally represent the EU in the area of CFSP. The appointment of Ashton and Van Rompuy, two rather inconspicuous persons for positions of such meaningful weight, shows the reluctance of some EU Member States to acknowledge that EU representation exceed the intergovernmental sphere (Howorth, 2011). Additionally, the abolishment of the external representation by the rotating Presidency became an issue of high disagreement. Despite the fact, that some states were in favour of the new form of external appearance, some states wish to remain the representation powers in form of the six-monthly presidency. The states in favour of the old system, argue that in areas of shared competences, such as CFSP, the external representation should stay in the form of the rotating presidency (Johansson-Nogués, 2014). Symbolizing this attitude, José Luis Rodriguez Zapatero, holding the Spanish Presidency in January 2010, celebrated the start of his new office in an unusual extensive manner. Thereby, he clearly showed that his country did not support the external
representation by Van Rompuy. However, different to Ashton, Van Rompuy was at least invited to the festivity. In contrast, the Belgian takeover of the Presidency of the second term, was a nondescript event, partly because of the absence of a Belgian government to this time but surely caused also by that the fact that Van Rompuy himself is a Belgian statesperson and thereby gave no reasons for national concern about lost external visibility (Howorth, 2011; Johansson-Nogués, 2014). This controversy underlines the problem of the non-clarified power distribution in the Lisbon Treaty. The fear of Member States to lose further power through the new way of external representation grows. According to Johansson-Nogués (2011), it is rather improbable that a united representation in IOs could lead to a new distribution of competences in the EU legal framework. However, the author continues, in October 2011, after exhausting and lengthy negotiations, the legal service of the Council together with the Commission adopted a memorandum concerning the interpretation of EU’s external representation provisions:

“First, the member states will agree on a case by case basis whether and how to (…) represented externally. The member states may ask the new post-Lisbon [representatives] or the sitting EU Presidency to represent them. Second, states will seek to ensure and promote possibilities for the new [representatives] to make statements on behalf of the EU. (…) The new [representation] will also ensure maximum transparency through adequate and timely consultation on statements reflecting the position of the EU in multilateral organizations. (…) The representation shall be exercised from behind the nameplate of the EU except in cases where the rules of the forum in question prevent such practices. Third, and finally, the external representation does not affect the distribution of competences agreed to by the Treaties nor can the issue of representation be evoked to acquire new ones. Hence, the EU institutional actors can only make statements related to cases over which it has jurisdiction and when there is an agreed common position, following the provisions of the Treaty.” (p.8-9)

Consequently, the legal framework of the Lisbon Treaty did not change the intergovernmental influence on the external representation of the Union. Member States can decide about the form of representation in IOs on a case-by-case basis, also for CFSP. The constantly changing form of representation leads to confusion beyond the Union’s borders in relation to transparency and predictability. Further, the speeches in UNGA augural sessions of van Rompuy show that external representation only happens in front of an intergovernmental background. The representation in the UNSC is even more challenging because the EU has almost no status in this forum. So, the HR and the EC’s President have totally to rely on the willingness of its Member States to confer their representation (Johansson-Nogués, 2014). However, as mentioned, the HR’s representation task is questioned by some Member States,
such as Italy. When the HR officially stated that the EU would have worried about the increasing violence in Libya, the Italian Prime Minister Silvio Berlusconi made a press release which made clear that he does not plan to interfere in Qadhafi’s actions. According to Koenig (2012): “Regardless of the reasons, the statement was clearly not consistent with the diplomatic wording agreed at EU level” (p.20). Going back to the legal gain of authority and autonomy, one has to face a different actual political reality. There is an increase of authority of the HR and the President of the EC but this authority lead to a decreasing of their autonomy because it was only tolerated on the basis of more supervision powers by the Member States (Johansson-Nogués, 2014). This claim is also supported by the fact that Member States insisted to add the Declaration 13 to the legal framework of Lisbon. The lack of Member States’ acceptance was made worse, when Ashton admitted a clear lack of knowledge concerning her possibility to represent the EU in the UNSC during an interview in 2010 (Rüger, 2012). Further, Ashton was mainly conspicuous by her absence in international forums (Zanon, 2012). One could argue, that the surely overloaded timetable and the high number of tasks of the HR may be too much for one person alone. However, experts claim that, officials define the borders of their power within in their first year in office. Deduced from this, the legally planned supranational external representation of the EU got long-term damages as a result of Ashton’s absence.

In addition, there is also an external problem which prevents a successful implementation of the legal provisions in relation to representation. A high number of UN member states have the opinion that the EU is over-represented. This is especially a concern with regard to the UNSC because one third of the attending states may be Union’s members or candidates to the EU. So, the EU sometimes decides to take a backseat to prevent resistance of third countries which fear a EU leading position in security matters. A high proportion of third states’ resistance could lead to a rapid destroying of all steps taken for the upgrading of the EU’s role in the international arena. Therefore, small steps are sometimes seen as more diplomatic than ad hoc changes (Ojanen, 2011). Third states’ reluctance to acknowledge the new form of EU’s external representation was reflected in spring 2010, when The US President Barack Obama cancelled a EU-US summit with Van Rompuy with the reason that Washington was apparently uncertain who represents the Union (Howorth, 2011).

Summarizing one can refer to Gatti and Manzini (2012):
“From a political viewpoint, the external representation of the European Union is an extremely sensitive topic, since it affects the visibility and role of European institutions and Member States on the international scene. In a legal perspective, this topic is particularly challenging, since the EU Treaties, as amended by the Lisbon reform, are not completely straightforward in this regard. Such combination of political sensitivity and legal uncertainty renders the EU’s representation very contentious: in the recent past, this area has seen not-so-hidden “turf wars” that damaged the image and effectiveness of the EU’s external action.” (p.1703)

4. Coordination

4.1. Legal framework

Despite the statuses the Union has in IOs, in most institutions its Member States enjoy full membership independent from the EU, also in the UN. Therefore, coordination between the Member States and between the Member States and the EU is imperative in order to speak with one voice (Keukeleire & Delreux, 2014; Van Vooren & Wessel, 2014). This is especially important in the area of CFSP, an area that is of high sensitivity and for which the kind of EU competence is not clarified. The CFSP legal framework provides three mechanisms to enable coordination in IOs.

First, the Member States have the obligation to coordinate their actions and opinions and to comply with the Union’s positions (Van Vooren & Wessel, 2013; Höckerfekt, 2011):

**Article 24(3), TEU:**

“The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in [CFSP].”

**Article 34(1), TEU:**

“Member States shall coordinate their action in international organisations (...). They shall uphold the Union's positions in such forums. (...)”

The obligation of coordination exists also in forums which the EU and/or some Member States cannot join, such as the UNSC.

**Article 34(2), (1st & 2nd section), TEU:**

“(…) Member States represented in international organisations (...) where not all the Member States participate shall keep the other Member States and the High Representative informed of any matter of common interest.
Member States which are also members of the United Nations Security Council will concert and keep the other Member States and the High Representative fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.”

Further, Article 32 of the TEU obliges the states to inform and consult each other in all CFSP matters of general interest. The Article’s formulation is rather vague, especially with regard to the term “general interest” which is not further defined. Nevertheless, the increasing interdependence of the Member States makes it doubtful that any issue is not of general interest. (Van Vooren & Wessel, 2014). This Article, together with additional articles, shows also that Member States’ coordination shall happen within the Council and the EC.

**Article 32, (1st section), TEU:**
“Member States shall consult one another within the European Council and the Council on any matter of foreign and security policy of general interest in order to determine a common approach. Before undertaking any action on the international scene or entering into any commitment which could affect the Union's interests, each Member State shall consult the others within the European Council or the Council. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity.”

To ensure these provisions, Systematic Cooperation shall support Member States:

**Article 25(c), TEU:**
“The Union shall conduct the common foreign and security policy by: (...) strengthening systematic cooperation between Member States in the conduct of policy.”

Based on this, the second mechanism implies that the HR and the President of The EC have the main responsibility for creating a basis for Systematic Cooperation.

**Article 18, (2nd & 3rd section), TEU:**
“The High Representative shall conduct the Union's common foreign and security policy. He shall contribute by his proposals to the development of that policy, which he shall carry out as mandated by the Council. (…) The High Representative shall preside over the Foreign Affairs Council.”
**Article 32, (2nd section), TEU:**
“When the European Council or the Council has defined a common approach of the Union within the meaning of the first paragraph [(see p.22)], the High Representative of the Union for Foreign Affairs and Security Policy and the Ministers for Foreign Affairs of the Member States shall coordinate their activities within the Council.”

So, the post of the HR gets also the chair over the Foreign Affairs Council and thereby connects European and national interests for increasing the cohesion between national- and EU policies. This is supported by the fact that the HR is also the Commissioner for Foreign Affairs and one of the Vice-Presidents of the Commission (Schmidt, 2012). The HR can formulate CFSP proposals and, in cooperation with national foreign ministers, shall coordinate common actions (Articles 30 & 32, TEU). Looking again on Article 34 of the TEU, it is clearly shown that his coordination responsibility is also in force with regard to EU’s and Member States’ actions within IOs (Keukeleire, Delreux, 2014):

**Article 34(1), (1st section), TEU:**
Member States shall coordinate their action in international organisations (...). They shall uphold the Union's positions in such forums. The High Representative of the Union for Foreign Affairs and Security Policy shall organise this coordination.

The President of the EC has the responsibility for CFSP coordination on his level.

**Article 15(6), (5th section), TEU:**
“The President of the European Council shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy.”

As the chair of the EC he can influence Member States through an agenda-setting power. Thereby he can try to bring Union’s foreign policy objectives in line with the certain national policies and to bring the national foreign policies in line with each other. The Treaties do not further specify the difference between the President’s tasks and the tasks of the HR (Gaspers, 2008).

The third coordination mechanism is to implement a diplomatic foreign service to assist the HR, called the European External Action Service (EEAS). The necessity of such a service was uncontested (Koehler, 2010). However, the related Article is rather vague and leaves the reader in the dark about the nature of the EEAS (Gaspers, 2008). The only hint on
its role with regard to coordination is that it shall combine the work of EU- and national officials (Koehler. 2010).

**Article 27(3), TEU:**
In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission.

The EEAS is connected with the Union delegations, which replaced the Commissions’ delegations with the implementation of the Lisbon Treaty. The delegations are also headed by the HR and work together with Member States’ diplomats and consul offices (Keukeleire & Delreux, 2014).

**Article 221, TFEU:**
“Union delegations in third countries and at international organisations shall represent the Union.

Union delegations shall be placed under the authority of the High Representative of the Union for Foreign Affairs and Security Policy. They shall act in close cooperation with Member States' diplomatic and consular missions.”

Diplomatic missions of the Member States and the EU are also obligated to ensure an effective coordination in IOs by “(…) cooperate and contribute to formulating and implementing a common approach (…)”(Article 32, (last section) & Article 35, (1st & 2nd section), TEU) (Van Vooren & Wessel, p.258, 2014).

The following analysis of the political reality in relation to coordination is based on the described three mechanisms: Systematic Cooperation; responsibility in the hands of the HR and the EC President; and the EEAS (in connection with Unions’ delegations).

4.2. Political reality: Coordination

Focusing first on Systematic Cooperation, the EU Treaties do not give a clear insight in its nature. According to Keukeleire and Delreux (2014):
“Systematic Cooperation (...) is a generic term incorporating different levels and forms of cooperation, including information exchange, consultation (...) and convergent action (...) based on continuous interaction between national foreign ministries, their representatives in Brussels, their embassies in third countries, the EEAS and the EU Delegations” (p.163)

However, the Council has never formulated mechanisms to ensure Member States’ compliance with the coordination responsibility. Therefore, Member States, such as the ones sitting in the UNSC, do not shrink from using the end of Article 34(2) TEU as explanation to resign from common EU approaches by arguing it would affect their “(...) responsibility to formulate their own national foreign policies.” Continuous information exchange can be observed between diplomats in Brussels and national diplomats mainly concerned with EU foreign policy. However, between national diplomats who work on the bilateral relations of their states with third countries or with IOs, cooperation is very limited or even absent. Additionally, this regular consultation does not only take place between the EU Member States and the Union but also between the Member States and other multilateral organizations, such as the UN, which might impede the creation of common EU positions. Especially about the most relevant topics of international interest, Member States are rather reluctant to share information. That may be based on the fact that other international actors are more promising partners or that an issue is of high sensitivity. Issues discussed in the UNSC are mainly of high sensitivity. Therefore, one can assume that with regard to the UNSC information sharing is rather limited. In general, based on the fact that Member States are allowed to decide by themselves which topics are of general interest, the coordination obligation can also here easily be avoided. However, an even greater problem is that the reluctance of the Member States is supported by the vague formulation of EU policies. The states can easily interpret them in their own interests. Nevertheless, when an issue concerns long established EU policies, Member States most of the time stay in line with the EU approach because of peer pressure and a certain degree of socialization, one can assume that this is also the case during UNGA- and the UNSC negotiations. (Keukeleire & Delreux, 2014). General speaking, in the UNGA more Systematic Cooperation takes place than in the UNSC. In relation to issues on the UNSC, only the Member States who do not join this forum share information. Nevertheless, different to other UN members, EU states have this additional source for gaining knowledge (Drieskens et al., 2014).
To stimulate the cooperation process between Member States, the HR and the EC’s President have been left in charge of supporting the coordination of Member States’ and Unions’ actions and positions in relation to CFSP. With regard to the HR, Member States agreed that such a post is necessary but to the same time they were reluctant to put it in practice without compromise. The planned Constitutional Treaty intended to use the title Union Minister of Foreign Affairs which would have clarified the HR’s tasks and position in the hierarchy of the EU for third countries. That would have simplified his standing in IOs, such as the UN. However, as in the past the HR remains to be considered as a CFSP diplomat acting only in sense of the Member States instead of being an important independent part within the CFSP structure. Therefore, the international community is still uncertain which person is the right contact when communicating with the Union. This clearly shows that language is much more important than Member States were willing to accept. Instead they were mainly concerned with the symbolic value of the term Union Minister of Foreign Affairs (Gaspers, 2008). Further, the appointment of a person for the HR post clearly showed the difference between the high expectations of EU’s legal provisions and the Member States rather low effort to implement them (Helwig, 2013). It explains how national sensitivity disturbs an effective functioning of CFSP. According to Howorth (2011):

“(…) [I]nstead of attempting to identify the most appropriate (i.e., the most qualified) person for the job, the Member States introduced arcane criteria such as citizenship of a small state or a large state, a Northern state or a Southern state, right- or left-wing political affiliation, and even gender. Since the presidency of the Commission had already gone to José Manuel Barroso (a right- of-centre male from a small Southern state), EU ‘logic’ dictated that one of the two remaining top jobs [(HR- and EC’s President post)] had to go to a left-of-centre politician from a large Northern state – if possible, a woman.” (p.306)

So, not an international-known and acknowledged foreign policy person was chosen but the inexperienced and former Commissioner for Trade, Catherine Ashton (Koehler, 2010; Howorth, 2011). In Europe, even in the UK, Ashton was rather unknown. Ashton’s name came into the negotiations through the President of the European Commission José Manuel Durão Barroso. Barroso’s choice of a harmless HR was surely based on the fact that the HR is to the same time the Vice-President of the Commission and the Commissioner for Foreign Affairs. He probably thought that Ashton would not be a danger for his authority. With the appointment of Ashton, the Member States sent the signal to the world that the EU would not increase its role with regard to foreign and security matters and that the power would remain
in the hands on the most powerful EU Member States. It is clear that the EU Treaties are also in favour of a common foreign policy approach through agreements of the Member States. However, an experienced person, with a high standing in the field of foreign and security politics and with leader abilities could have a huge impact on the coordination’s success. After taking up the post, Ashton had to go through several struggles (Howorth, 2011). Instead of filling her private office with experienced foreign and security policy advisors, she decided to work together with the people who already advised her in the time as Trade Commissioner. That decision, with the look to her CFSP inexperience is rather incomprehensible. Further, Ashton was criticized for her priorities, for instant she did not show up at an important meetings and instead spent time with her family in London (Howorth, 2011). Her lack of authority was proved during the Libya Crisis in Spring 2011. Helwig (2013) summarizes the situation in the following way:

“In the beginning, the competences that the Lisbon Treaty granted to the post of the HR – head of the EEAS and presidency in CFSP inter alia – enabled her to play a central role in the reaction to the crisis. The HR was engaged in keeping contact with relevant international partners on the matter of Libya, such as Anders Fogh Rasmussen, Ban Ki-Moon and Hillary Clinton. She sent a fact-finding mission to Libya and convened a special meeting of foreign ministers before the extraordinary European Council dealing with the Southern Neighbourhood on 11 March. (...) However, the rising issue of recognizing the opposition in Libya and the possibility of a military intervention further politicized the issue and revealed mismatches among the positions of the Member States. As a consequence, the decisions shifted to a higher decision-making level in the Member States: it was not the foreign ministers who decided in the national capitals, but the heads of state and government. Accordingly, the meeting of the foreign ministers on EU level, chaired by the HR, was no longer in charge of decision-making and responsibility moved to the European Council.” (p.246)

Ashton found herself in a chaos of numerous statements of the Member States; of Van Rompuy’s office; from certain persons and groups of the EP and a group statement from Cameron, Merkel and Sarkozy. Here, Ashton was not able to impose own measures to coordinating the situation (Howorth, 2011). With regard to UN negotiations about the National Transitional Council (NTC), as political contact in Libya, the lack of Ashton’s ability to assert herself turned out to be a real problem for EU’s unity. Ashton did not made a clear statement about her opinion and she refused to meet the officials from the NTC in public. She was not willing to make a statement before she had not consulted all Member States. The result was, that the UK, France and Italy joined the US’s approach (The disunity of the Member States during the Libya Crisis is further examined in chapter five). This example clearly shows the dependence of the HR, at least when the post is given to a rather
weak person, on the willingness of the Member States to cooperate (Helwig, 2013). However, when the post would be inherited by a more expertized and experienced person, there are several reasons why the HR would still prioritize the intergovernmental instead of the communautaire way. Due to the high number of tasks which are connected the post, the HR needs to set priorities and is “(...) not (...) able to make the expected contribution towards reducing inconsistencies between the intergovernmental and communautaire aspects of EU foreign policy” (Gaspers, 2008, p.25). The more the HR is willing to give authority to the Member States the more it is probable that they allow him to play role in international affairs and to give him a place in IOs organs, such as the UNGA and the UNSC. Further, the HR has mainly to be answerable to the EC and not to the Commission and the European Parliament. The President of the Commission cannot dismiss him of his offices as Vice-President or as Commissioner for Foreign Affairs and the European Parliament has no real powers in CFSP. So, the legal framework itself contributes to a less effective coordination ability of the HR (Gaspers, 2008). The example of Libya shows also that the clarification lack about the division of tasks between the HR and the EC’s President can lead to an authority loss of one post. In this example the EC and therefore the EC’s President took away the HR’s tasks. For the EU’s performance in the UNGA and the UNSC that would not necessarily be a problem, as long as the President has enough capacities to take on the coordination.

For the President - post the Member States were again rather reluctant to take a candidate who could become a strong leader. However, the choice of Van Rompuy is not considered as bad as the one of Ashton. According to Dinan (2013), he is “a competent chairman; a team-builder; a safe pair of hands. That is not to say that he lacked ambition. A convinced Euro-federalist, Van Rompuy made no secret of his desire to deepen European integration along supranational lines“ (p.1259). Van Rompuy was able to build up good relationships to the Heads of states, the HR and, after initial problems, also to the countries holding rotating presidency. However, that he is a great chairman does not wipe out the fact that he comes from a small member state and that he had the position as Belgian Prime Minister only since one year when he came into office. These conditions give the strong Member States’ (especially France and Germany) enough ground to prevent that the new post impinges their power (Dinan, 2013). Therefore, the EC President, despite his promising qualities, depends also to a certain extent on the goodwill of the Member States. This was also shown in the Libya Crisis because in the end Member States were too a large extent not able
to present unity in the UNSC. Van Rompuy’s power became with the time rather one of a manager and not the executive power of a President (Howorth, 2011). However, in general;

“Having a standing President of the European Council is a major innovation for the EU. The European Council is no longer subject to national grandstanding, occasional weak leadership and uneven presidential performance. The new arrangement provides continuity and consistency. Of course, there is no guarantee that a standing president will be a good president, but Van Rompuy turned out to have been an ideal choice.” (Dinan, 2013, p.1270)

Looking again on the HR, it would be misleading to conclude that Ashton was unsuccessful in fulfilling all tasks. With regard to the EEAS, she was able to set up the service within one year because of great negotiation skills and persistence. While Ashton got the full support of the Member States rather fast, the European Parliament and the Commission were not satisfied with the planned nature of the EEAS. But Ashton asserted herself. As she wanted, the EEAS became an autonomous body, with strong relation to the Commission but not an organ of it. There is not a strong hierarchy in the EEAS based on the high number of Directors General with equal powers. The European Parliament proposed to get the function similar to a senate for having influence on the allocation of top position. However, they only got an advisory role without veto-right. Different to her personal office, Ashton equipped the EEAS with well-experienced and specialized diplomats (Howorth, 2011). The Council’s report of 2009, which goes with the EEAS implementation, concluded that single geographical thematic desks should build the structure of the service (Koehler, 2010). As Koehler (2010) states, the combination of all foreign policy areas in one institution has a high potential for increasing the coordination success of EU’s foreign policy. The EEAS further builds a bridge between intergovernmental- and communautaire institutional aspects of the Union in the area of CFSP. That is caused by the fact that officials of the EEAS head the network of CFSP Council Working Groups (Emerson et al. 2011). The implementation of Union’s delegations at IOs, also at the UN in New York, was not an equal smooth process because the EU had not clarified how their representation in such institutions should look like. The EEAS’s Policy Coordination Division publishes a regular report, called EU Diplomatic Representation in third countries. In the report of 2011, one can read that the working in multilateral delegations is more complicated than in bilateral ones because it asks for a more challenging coordination based on a greater variety of legal and competence provisions (Van Vooren & Wessel, 2014). Nevertheless, more than 1300 coordination meeting take place in the Delegation in New York in order to prepare the EU’s activities in the UN (Drieskens et
Another important part of the EEAS is the CORrespondence EUropénne (COREU) network which already existed before Lisbon. The COREU ensures, the transfer of communications about CFSP between European correspondents of Member States’ capitals, the national permanent representatives in Brussels and the EEAS. While the EEAS is connected to all involved actors, the involved actors are only in contact with the EEAS. This structure shall safeguard that all messages have an official character and are mainly delivered to all participants thereby preventing the creation of sub-groups. Further, by having only one contact point, Member States’ coordination becomes less complex and confusing. Per working day an average number of 40 messages is exchanged. When the COREU was first implemented, messages only included agendas and minutes. By now, all stages of a policy cycle are communicated. This network is a good and fast option for Member States to put their obligation to inform the HR and the other Member States about all issues of general interest. Member States do not share all actions and information, especially with regard to their bilateral relations. States withhold information based on strategic reasons or when the issue is of high sensitivity. According to interviews with officials, around 50 per cent of bilateral relations are communicated via the COREU. However that the Member States support this way is shown by the fact that all of them approximately send the same number of information through the system. Thereby they create a shared knowledge and a same language, so Member States base their positions on the same information (Bicchi, 2011). Nevertheless, Bicchi (2011) concludes:

“(…)[O]fficials [of the COREU] involved in EU foreign policy communications can be conceived as a ‘community of practice’, i.e., a group of people who routinely share a practice of communication and collective learning, and by doing so integrate different national systems and compensate for the qualitative discontinuities they bring to the EU foreign policy system (…). [Although Member States share not all information], the effects of this practice are to open up national foreign policies to close scrutiny by other member states, to foster trust and communication, and thus to strengthen the foundations of the community of practice.” (p. 1115 & 1126)

One example of the EU coordination within the UNGA is the process to pass the resolution for the enhanced EU observer status in the UNGA. It shows that the EU often has problems to put legal goals effectively into practice but that it is nevertheless able to learn from past failures and to reach changes. At the beginning a “(…) small staff size; the limited support of the national capitals of the EU member states (…); a lack of negotiations on the resolution’s text with external partner; the introduction of amendments at the very last minute,
the EU’S outspokenness in New York in Autumn (…), the elections in the UNSC (…) and the autonomous stance of some permanent representative” were a more than weak ground for enhancing EU’s role in the UNGA (Drieskens et al., 2014, p.25-26). However, the EU was able to change their strategy and in the end EU officials together with the Member States reached an improvement of the Unions position (for implications see chapter 2.1.) (Drieskens et al., 2014).

Concluding, the COREU network shows that the CFSP area has crossed the border of pure intergovernmentalism. In general, the EEAS seems to have a positive long-term perspective. The combination of EU - and national officials and the sharing of knowledge and resources could lead to a more united appearance of the Union in the UNSC and the UNGA. Although, the HR together with the EEAS can make CFSP proposal, this development highly depends on the willingness of the Member States to share information and to put a common line in practice because in the end they have the decision-making power (Emerson et al., 2011; Koehler, 2010). The implementation of the HR’s and the EC’s President’s legal coordination responsibilities highly depends on the chosen persons which is again depend on the Member States’ decisions. However, the legal framework itself makes also its reflection in the political performance difficult by not clarifying the differentiation of tasks between the HR and the EC’s President.

5. Cohesion
5.1. Legal framework

The coordination obligation aims to create a coherent EU approach on the global level. Therefore, cohesion builds one important principle of the EU. It contains the element of consistency between EU and national politics and between the national politics themselves. (Blockmans & Wessel, 2009). That this principle has a binding force is manifested in Article 21, paragraph three, second section, of the TEU.

“The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect.”
With the help of several articles, this obligation is transferred to the different policy areas of the EU. In the case of CFSP the following Articles extent cohesion to this area (Van Vooren & Wessel, 2014).

**Article 24(3), (2nd section), TEU:**
“The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.”

**Article 26(2), (2nd section), TEU:**
“The Council and the High Representative of the Union for Foreign Affairs and Security Policy shall ensure the unity, consistency and effectiveness of action by the Union.”

Therefore, to fully evaluate the success of the coordination process, described in the chapter before, one has to consider the EU’s ability to present cohesion in international forums, in this thesis the UNGA and the UNSC.

**5.2. Political reality: Cohesion**

Despite the legal division of CFSP and other areas within the EU, all issues discussed in the UNGA and the UNSC automatically become a matter of CFSP (Persson, 2012). Therefore, even when a discussed topic concerns Union’s competences, the presentation of a united opinion is regulated through CFSP methods and is thereby highly depended on the cooperation of the Member States (Hosli et al., 2010). Therefore, the effectiveness of coordination is mirrored by the ability of the Member States to represent the EU as a cohesive power.

The cohesion in the UNGA is measurable with the help of an analysis of the states’ voting behaviour (Rasch, 2008). For this purpose and in relation to the impact of the legal framework on states’ performance, one needs a study which compares pre-and post- Lisbon voting and which is very recent, so that enough data is evaluated. The last point is especially important with regard to the still short existence of the Lisbon Treaty. The study of Jin and Hosli (2013) fulfils all these criteria. Their research is designed as a longitudinal and theory testing case study based on quantitative data. The data are UNGA roll calls in the time frame from 1993 (implementation of the Maastricht Treaty) until 2012. The Lisbon Treaty in 2009
was the intervention during the data observation. Three types of votes were considered: yes, no and abstain. To take all three answers into account and to observe voting cohesion, Jin and Hosli used the Agreement Index which gives all three options an equal weight. The data is partly based on the dataset of Eric Voeten containing UNGA votes cast of 1946 to 2008 of adopted resolutions. The authors used this dataset to get information of the time frame between 1993 and 2008. To get data about the time until 2012, Jin and Hosli used the UN Bibliographic Information Centre and the Official Document System of the UN. One could argue, that the concentration on roll calls is misleading because a high number of issues are decided by consensus. However, consensus votes do not tell anything about the impact of the CFSP’s legal framework on cohesion building, since all UNGA members were able to agree. When states such as Israel and Syria are able to find a common way than the EU will also probably not need its enhanced coordination structures (Rasch, 2008).

By using a linear regression analysis, Jin and Hosli (2013) examined a general increasing of cohesion since the implementation of the Maastricht Treaty and therefore also of the CFSP. However, a two-sample t-test showed that the change after the Lisbon Treaty is not of statistical significance. Figure 1 illustrates the analysed roll call votes from the 48th UNGA session until the 67th UNGA session. Session 48 took place between 1993 and 1994, so directly after the implementation of the Maastricht Treaty. During session 61, the Lisbon Treaty was implemented. The last session describes the resolutions until the 24th of December 2012.
Scholars such as Drieskens, Van Genderen, Reykers (2013) and Molnár (2012) support with their research the findings of Jin and Hosli. All of them agree that the Lisbon Treaty did not brought a significant increase of EU cohesion.

Further, Jin and Hosli (2013) studied in how far cohesion differs with regard to the issues at stage and if cohesion in difficult domains increased after 2007, when the negotiations about the Lisbon Treaty started. All 1419 UNGA resolutions were assigned to five issue areas: International security; Middle East; Human rights; Decolonisation and Other issues. To do so, the authors used the committee that was responsible for a certain resolution. After doing so, the assignment was specified by keywords (Appendix). In addition, the UN yearbooks were used for resolutions who could be assigned to several areas. The area called Other Issues was excluded because it contains only five per cent of all cases. The issues International Security and Decolonisation appeared to create the most conflicts. On this basis Jin and Hosli examined if in these areas cohesion increased since the implementation of the Lisbon Treaty.

“(…)[They] categorised all the resolutions regarding ‘International Security’ into a group encompassing the 60th–63rd Sessions and one with resolutions dealt with in the 64th–67th Sessions, respectively. The two-sample t-test, assessing differences in the means of these two categories, provides a statistically insignificant p-value, showing that in this area, EU voting cohesion is not significantly higher post-Lisbon compared to pre-Lisbon. Results for the category ‘Decolonisation’ reveals the same trend.” (p. 1286)

Persson (2012), defined the same issue areas and agrees with the claim that cohesion in this two areas did not significantly increased.

A special look to the impact of the EEAS, which partly shows also the HR’s coordination ability as head of this institution, can be found in the work of Stretton (2014). The author considered the UNGA roll call votes from the 58th session (2003/2004) to the 66th session (2011/2012). During session 65 the EEAS was implemented. Stretton examined the unanimity rates for the different sessions and for each involved committee. He used the committees for defining different issue areas. The aim of his study is to “(…) analys[e] how cohesion rates have been affected vis-à-vis the operations of the EEAS (...)” (Stretton, p.113, 2014). Although, Stretton did not get statistical significant results, he is convinced that the
EEAS helped to increase cohesion because the unanimity percentage increased in every year the EEAS was active. However, he found also the differences between the issue areas. In accord with the findings of Jin & Hosli (2013) and Károly Molnár (2012), Human Rights is one of the most cohesive areas. Member States unanimity could be observed against the violation of Human Rights in Korea, in the Islamic Republic of Iran and in the Democratic Republic of the Congo. Further, the EU voted also with unanimity for a resolution protecting women and children. In contrast, disunity concerning issues in relation to disarmament and nuclear weapons is the biggest problem for the EEAS. France and the United Kingdom (UK) are the only nuclear powers in the Union. These two countries’ votes were always against the rest of the Member States. Further, British and French resolutions, stating the importance of nuclear weapons for the security of all, did not go down well with the other Member States (Stretton, 2014).

Summarizing one can say, that the CFSP’s legal framework of the Lisbon Treaty did not, with the exception of the EEAS, supported the EU cohesion building in the UNGA. The question remains, if this is also true in the UNSC. Different to the UNGA, roll calls are in this forum not a good tool for measuring cohesion. The UNSC never includes all EU Member States to the same time. France and the UK are the only permanent members. The others can get a seat for two years, when they are elected by the UNGA. So, on the basis of votes one could only measure the cohesion of the EU member states temporarily serving in the UNSC. However, this does not add anything to the analysis of the overall EU cohesion (Drieskens, 2012). Consequently, one needs to examine EU cohesion in the UNSC on the basis of observations. This thesis claims that the UNSC’s reform discussions and the Libya Crisis, of 2011, show that Member States have no interest in implementing the CFSP’s legal framework with regards to cohesion in the UNSC.

Since approximately 20 years the UN community tries to reform the UNSC with regard to the new power structures brought by the Cold War. The EU does not play a driving role in this process (Drieskens et al., 2014). On the first view, one could argue that this based on a strategic reason. Several regional groups assemble together the UNSC. The EU’s enlargements in the past ensured that in a lot of these groups EU Member States are represented. So, the actual formation of the UNSC has a positive potential for the Union (Drieskens, 2012). However,
“(…) Brussels-driven election dynamics are absent in New York, both in terms of presenting and electing candidates. Giving an overview of the countries with the ambition of serving at the UNSC in the coming years, Table shows that their EU membership does not impede EU member states from running against each other (…)” (Drieskens, 2012, p.61-62)

Consequently, there is no strategic reasoning for being calm in the reform debate. An enhanced role in the UNSC reform process, could lead to an enhanced EU role in the UNSC in general by forming it in the own interests. Nonetheless, the Member States or the responsible EU representatives (the HR and the EC’s President) were neither able to formulate a common position, nor to decide for a representative who negotiates in reform discussions on behalf of them. The reform process creates a typical example of the difference between the EU’s language and the Member States’ and EU official’s actions. The EU repeatedly stated that a Reform would be necessary to enable the UNSC to become more effective by more equilibrated and far-reaching outcomes. However, the goals were never specified and the EU did not take any related steps. This lethargy is caused by the fact that the Lisbon Treaty could also not change that MS still have a very different point of views with relation to a reform. Most Member State’s (also the UK and France) support a proposal which plans an increase of permanent seats and non-permanent seats. The implementation of this proposal would mean a permanent seat for Germany. However, Italy together with Spain and Malta support a proposal which suggests seats with duration of six years and a higher number of non-permanent seats. According to many scholars, this clearly shows Italy’s quiet protest against German dominance. That the HR and the EC President did not made big efforts to define a common approach becomes clear when one looks on the number of EU events concerning the reform process. Indeed, only one related EC meeting in 2005 took place and this was without success. With regard to a EU seat in the UNSC, as suggested by the European Parliament, Member States remain reluctant. Only some states referred to a common seat but only as a long-term goal (Drieskens et al., 2014).

Another example of EU cohesion in the UNSC is the Libya Crisis, which was already partly discussed in the analysis chapters before. The thesis will now consider the consistency of Member State’s political performance during this crisis. Member States fast agreed that instead of using force, Libya should be called for reforms. They set up a pro-active sanction’s policy. Even without a meeting of the foreign minister, two declarations could be passed with help of the European Correspondents and the Political and Security Committee. So, before,
the UNSC passed a resolution for sanctions, the EEAS already prepared its implementation. The EU was the first who implemented the UNSC’s resolution against the Libyan regime, one day after the resolution has passed (Helwig, 2013). However, concerning the NTC, the Member States’ were not able to present cohesion. The EC set up a meeting for discussing the European approach towards the NTC. One day before the meeting took place, France officially accepted the NTC as true representative of the Libyan population and declared the exchange of ambassadors. Some days later, Italy followed France. This was to the displeasure of other Member States. The extent of this incoherence became clear when the UNSC discussed the military intervention in Libya. Germany abstained in the vote concerning the related UNSC Resolution 1973 and thereby turned against its EU partners (Koenig, 2012).

“How the German Foreign Minister Guido Westerwelle officially justified the decision stating that the risks of German participation in the military engagement outweighed the benefits. The fact that important federal state elections were held two weeks later might also have been factored into this cost-benefit analysis. Germany’s abstention ‘‘surprised’’ the Italians and ‘‘disappointed’’ the French, but also slowed down crisis management efforts at EU level. Germany was not the only EU member sceptical of military involvement. According to a European diplomat, ‘‘some member states were not in favour of a CSDP operation. (. . .) The only possible result was a minimum role for the EU.’” (Koenig, 2012, p.22)

Concluding, the EU’s consistency in the UNSC as well as in the UNGA highly depends on the Member State’s own national preferences. The impact of the CFSP’s legal framework seems to be rather limited. However, the EEAS showed a positive development with regards to its impact on unanimity.

6. Conclusion

Although, CFSP is an issue of high sensitivity, EU Cooperation in this field is very important in order to create a political counterweight to other global players, such as the US. The effectiveness of this cooperation becomes to a great extent visible by the examination of the EU’s performance in the UNGA and the UNSC. The performance highly depends on the implementation of the agreed-upon legal objectives which shall ensure cooperation: Coordination, representation and cohesion. Existing literature mainly analysed either the legal- or the political aspects of this performance. This thesis aimed to connect both approaches. Therefore the research was based on the following research question.

To answer this question, the thesis first examined the EU’s identity and competences in the international sphere in order to understand the basis, possibilities and limitations of the EU in IOs, especially in the UN. The research showed that EU’s competence in the area of CFSP clearly exists but that its nature is not clarified, which makes the correct implementation of the legal objectives difficult. However, it is important to ensure the EU’s global effectiveness in this area. With regard to the UNGA the EU has the status of an enhanced observer which lays a good basis for the implementation of coordination, representation and cohesion. The situation in the UNSC is more complicated because the legal rights of the EU are only embedded in the Union’s legal framework but not in the one of the UN.

The next research step analysed how the CFSP’s legal framework for coordination, representation and cohesion looks like and if its appearance is mirrored by the political performance of EU’s officials and of the Member States. To regulate representation in IOs, the EU Treaties implemented two positions with regard to CFSP. The first one is the HR, which is at the moment represented by Ashton. The HR shall express the Union’s positions in IOs and the EU Member States, serving in the UNSC, have the obligation to invite the HR for representing. The second post is the President of the EC, currently Van Rompuy, who shall uphold the Union’s position at his level. Additionally, the Member States have also the obligation to comply with the Union’s decision in IOs. The actual political performance showed that the countries holding the rotating Presidency claimed a bigger role for them and thereby contested the representation tasks of the HR and the President. This controversy shows that the Lisbon Treaty does not provide a clarification of the power distribution between these two posts. The Member States feared to loose further power and got through a memorandum concerning the interpretation of the external representation provisions. The memorandum implies that the question of representation is decided on a case-by-case basis which leads to external confusion because of a lack of transparency and predictability. So, the legal enhancement of the representation authority for the HR and the EC’s President let to a decrease of their autonomy. Member States only accepted to transfer authority for more
control in return. So, the legal framework did not change the intergovernmental influence with regard to external representation of the Union. In the UNSC the situation is even worse than in the UNGA because Ashton does not seem to be aware of her legal rights in this forum. Additionally, third states in the UN challenge also a united EU representation because some members think that the EU is over-represented. Summarizing, one can say that the EU’s performance in the UN with regard to representation does not mirror the related legal provisions. This is based on the fact that the legal framework does not clarify power structures and that Member States fear to loose their visibility on the international stage.

The second part of the analysis focused on coordination. The CFSP’s legal framework provides three mechanisms to ensure coordination. First, the Member States have the obligation to coordinate their actions and opinions, also with regard to IOs. Systematic Cooperation shall support them. Second, the HR and the EC’s President have, next to states, the main responsibility for the implementation of Systematic Cooperation. By being also the chair of the Foreign Affairs Council, the post of the HR connects national- and European interests. The EC’s President gets influence through his agenda-setting power in the EC. The third mechanism is that HR’s work shall be supported by the EEAS. The examination of the political reality showed that there is a continuous information exchange between diplomats in Brussels and national diplomats responsible for EU foreign policy. However, diplomats who are concerned with the bilateral relations of their states do merely not cooperate. Information exchange with other IOs or states can also hamper the creation of European unity. Further, the CFSP’s legal framework again impedes itself. The obligation of Member States to share only information of general interest leaves leeway for an individual national interpretation of this term. The name High Representative reduces the HR’s possibilities to fulfil its tasks. Other states, for example in the UNGA and the UNSC, do not know the tasks of such a post and have therefore problems to acknowledge him as EU contact person. Additionally, according to the EU Treaties the HR mainly depends on the EC because the Commission and the European Parliament do not have extensive powers with regard to CFSP. So, the HR’s actions will probably always highly depend on the Member States’ willingness to cooperate. However, not only the legal framework challenges the HR’s authority. Instead of choosing the most appropriate person for this post, the States decided on the basis of national sensitivities and chose the inexperienced Ashton. The appointment of Van Rompuy for the President’s post was a much better choice. However, he is also rather a manager than a president with
executive power. The EEAS implementation complies with the legal provision and was successful by connecting intergovernmental- and communautaire institutional aspects. More than 1300 coordination meetings within the Union’s delegation in New York prepare EU’s actions in the UN. Additionally, the COREU network shows that the creation of a shared knowledge and a same language between the member states helped to move the CFSP’s framework beyond the borders of pure intergovernmentalism. Consequently, the legal coordination provisions are mirrored by the implementation of the EEAS. However, in general, they are highly depending on the Member States’ efforts and the people they choose for the HR and President posts.

The last analysis part was concerned with the EU’s cohesion in the UNGA and the UNSC. Cohesion is an important principle manifested in the CFSP’s legal framework. It aims to present a united EU in IOs. To study EU’s cohesion in the UNGA, this thesis examines existing research about the EU’s voting behaviour. The analysis showed that the legal framework of the Lisbon Treaty did not had a statistical significant influence on the CFSP cohesion. This was also not the case for conflicting issues, such as International Security. Nonetheless, the EU’s unanimity rate increased in each year in which the EEAS was active. Cohesion in the UNSC was examined on the basis of the Libya Crisis and the UNSC reform discussions. The Libya Crisis shows that the Union’s Member States only present themselves as a cohesive power when national opinions are from the start similar. However, when more conflicting issues are on the agenda, no coordination mechanism is successful and Member States’ performance clearly not mirrors the legal principle of cohesion. The example of the reform process supports this claim.

Concluding and answering the research question, the EU’s performance, so its ability to achieve the agreed-upon objectives (coordination, representation and cohesion), mirrors the CFSP’s legal framework only limited. Only with regard to the EEAS, the performance of the EU mirrored the legal expectations. Although, the Member States are to a large part responsible for this lack of legal influence, the CFSP’s legal framework hampers also itself mainly caused by a lack of clarifications of certain terms or roles. However, it remains questionable if Member States sign a treaty with provisions which would not leave leeway for own interpretations. One has also to keep in mind that the actual CFSP’s legal framework is relatively new in place, so further studies need to show if the legal provisions influence the
actual political performance after a longer implementation time. Later research will also
enable a better examination of the HR’s and EC’s President post. When more people filled a
post, one can see if the current lack of authority is caused by the vague legal formulation or
by the persons’ characteristics. The research in this field will probably remain limited because
of the lack of observation possibilities and the great limitation of EU document publications.
However, the study of UN meeting protocols could increase the extent and validity of this
thesis by adding another source as reference. However, this thesis gives insights about the
current status quo of the EU’s performance in the UN by connecting legal- and political
science. This approach shows that institutional – and national aspects influence the
possibilities and limitations of EU’s cooperation.
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### Keywords for Issue Area Classification

<table>
<thead>
<tr>
<th>Issue area</th>
<th>Selected keywords</th>
<th>Main committee</th>
<th>Cases (%)</th>
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<tr>
<td>1. International security</td>
<td>Nuclear, proliferation, disarmament</td>
<td>Disarmament and International Security</td>
<td>466 (33%)</td>
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<td>2. Middle East</td>
<td>Israel, Palestine, Palestinian, Lebanon, Syria, Middle East Jerusalem.</td>
<td></td>
<td>397 (28%)</td>
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<td>3. Human rights</td>
<td>Human rights, cultural</td>
<td>Social, Humanitarian and Cultural</td>
<td>326 (23%)</td>
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<td>4. Decolonisation</td>
<td>Decolonisation, colonial, coercion, Cuba</td>
<td>Special Political and Decolonisation</td>
<td>152 (11%)</td>
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<td>5. Other issues</td>
<td>Climate, economic, development, environment, law.</td>
<td>Economic and Financial, Administrative and Budgetary, Legal</td>
<td>78 (5%)</td>
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(Jin & Hosli, 2013, p.1285)