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A Comparison of the Role of Entity Actors in the United Nations: An Intergovernmental Organization (by Example of the European Union) vs. Non-Governmental Organizations

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A Comparison of the Role of Entity Actors in the United Nations: An Intergovernmental Organization (by Example of the EU) vs. Non-Governmental Organizations

Astrid B. Boening*

Introduction

The UN is one of the key multi-lateral, global institutions. In this paper I contrast the roles of two types of entity actors at the United Nations (UN): an intergovernmental organization (IGO) by example of the European Union (EU) (and/or its relevant predecessors) and non-governmental organizations (NGOs) and their differing effects on multilaterality in UN relations.

The Report of the Panel of Eminent Persons on the United Nations – Civil Society Relations "We the peoples: Civil society, the United Nations and global governance" (2005, 1) states that "the involvement of a diverse range of actors, including those from civil society and the private sectors, as well as local authorities and parliamentarians, is not only essential for effective action in global priorities but is also a protection against further erosion of multilateralism". While many question the representativity, legitimacy, integrity or accountability of civil society organizations in the UN (Ibid.), possibly to protect own interests, the UN must evolve in today's world where boundaries have become so porous and improved communication give voice to many in all corners of the world. Globalization has enabled groups of like-minded citizens around the world to have aggregate voices in politics while traditional democracy still relies on the community to channel its requests into the political system. This convergence of the voices of civil society and traditional government affects how the global multilateral agenda is shaped today. While previously foreign policy actors represented their national interests on the global stage, today it is not unlikely that communities of interest will bring issues to the global attention. Likewise, solutions to these issues today frequently involve multilateralism both of state actors and civic entities (Ibid., 8).

The UN today embraces a plurality of constituencies, connecting the local with the global to better address local operational concerns with global goals and deliberations. This process strengthens the participatory democratic processes as well as global governance and accountability for the projects the UN is involved in today. This multi-constituency process at the UN has become the norm today also to respond pro-actively to the ever broadening assignments the UN addresses today. The Panel of Eminent Persons strongly recommended in its report an expansion of more diverse multi-stakeholder partnerships at the UN for tackling operational and policy challenges (Ibid., 9) in order to address their implications on global governance. This regional diversity could reduce the North-South divide, maximize operations on the country level and confront democratic deficits on all levels according to this report. These approaches would also address some of the new global priorities the UN faces today "while facing the erosion of

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power and resources" (Ibid., 12). In the following sections I will compare the role of the EU as an IGO with the role of NGOs in function and structure at the UN.

The EU at the UN

The EU was envisioned from the outset as a supranational structure with common institutions, such as the Council, a Commission (with over twenty-five commissioners) to implement Community legislation, a Court of Justice, and a directly elected Parliament representing today over 450 million citizens in the EU-25. It follows EU external policy closely, such as through its Committee on Foreign Affairs and Human Rights and the Common Foreign and Security Policy (CFSP) and expresses itself through non-binding resolutions on important international issues, many relating to the UN (Ibid.). Through the CFSP the EU speaks almost always with one voice at the UN General Assembly (UNGA). The EU aims for unanimity among its members on topics such as globalization, human rights, development and disarmament (EU cohesion is about 95% of all resolutions passed at the UNGA since the mid-1990s). In 2006 the EU-25 represents more than one eights of all votes in the United Nations General Assembly and EU member and candidate countries together account for one third of the UN Security Council's membership.

As an entity observer with an official delegation at the UN, the EU is more than an IGO but rather a hybrid socio-politically, i.e. a sui generis

where EU members have pooled rather than abandoned sovereignty, so an expression of the European 'national interest' on the world stage would of necessity derive from the integration project and reflect thus EU foreign policy interest that are themselves 'derivative' (Jorgensen and Laatikainen (2004, 6).

Consequently, I disagree with Smith (2003, 568) that the EU is simply a trading state because "the EUs influence on IMF matters is rather limited (Smaghi 2004, 230). Since the EU's performance at the IMF is not really relevant to the EU's role at the UN I side instead with Ian Manners (2003, 389-390) that the EU is a unique entity that transcends narrow national interests. Is the EU's multi-lateral vision behind its commitment to the UN classically interest-driven, i.e. "interests determine policy", or is the causality, as Jorgensen and Laatikainen (2004, 5) suggest, social-constructivist, i.e. that the causality of the EU's activity flows from identity (i.e. value and principles) to interests which then effect policy?

Identity \rightarrow Interests \rightarrow Policy

The core values of the EU are rule of law, support for democracy and human rights, open market economics, social solidarity, sustainable development, and tolerance of cultural diversity and are shared with others, such as the U.S. (even though) "voting coincidence between the EU and the U.S. has dropped significantly since 2000, ... although the EU remains the political group at the UN with which the United States has the greatest level of cohesion" (Ibid., 10).

Jorgensen and Laatikainen (Ibid.) point out that *similar values*, however, do not necessarily translate into similar *norms of interaction*. In the following sections I show that the EU norms of interaction synchronize with UN programs on multiple intergovernmental and civil society levels on issue areas ranging from the social to the political, the security standpoint, development considerations, disease control and many others.

EU Structure at the UN

The EU is committed to ensuring a stable and peaceful Europe while expanding its role in global multilateralism. Having its roots in economic cooperation following World War II, the EU today is a significant world actor, and the largest trading entity in the world with a single market and a single currency for twelve member states (website "The EU at the UN – Overview", accessed April 28, 2006).

The EU as a non-state entity permanent observer at the UN works with all UN departments and programs from development policy to peacemaking, humanitarian assistance, environment, human rights and culture through out the world to reinforce the UN's quest for multilateral solutions based on its charter. While the EU is represented in most cases by the EU Presidency in UN bodies, the EU Commission speaks for and acts as negotiator for the EU and its Member States in areas where powers have been transferred to it (e.g. trade, fisheries, agriculture and aspects of development and environmental policy) (EU@UN – Description of the European Commission Delegation in New York. Accessed April 28, 2006).

The EU is represented at the UN in several ways: it is represented by the state holding the presidency of the EU Council, by EU member states in the Security Council, plus through Liaison Offices with the UN as part of the Secretariat and an office in Geneva. This UN-EU Commission cooperation was institutionalized in the Commission Communication of May 2001 on "Building an effective partnership with the UN in the fields of development and humanitarian affairs" (Ibid.) and provides for an increase in policy dialogue with UN organizations, and increased activities in UN policy and decision-making bodies and strategic partnerships with UN agencies, funds and programs, especially the Millennium Development Goals (MDGs), such as poverty eradication, universal primary education, promotion of gender equality and women's empowerment, reduction of child mortality, improvement of maternal health, HIV/AIDS and malaria reduction, and environmental sustainability (Ibid.).

Purpose

The role of the EU at the UN today is the political and security dimension (such as peacekeeping and peacebuilding), the economic and social dimension of poverty (e.g. the control and prevention of infectious diseases such as HIV/AIDS and environmental degradation) and the institutional dimension (such as addressing the need to look for more effective ways to cope with the existing linkages between poverty, human security and conflict multilaterally in order not to let the unity of purpose slip from within the global community's grasp) (Ferrero-Waldner 2004, 2), i.e. to pursue the possibility of multilateral action to realize interests to which both the EU and UN are dedicated to.

EU cooperation with the UN has evolved "from ad hoc, project based collaboration towards more systematic and programmatic cooperation" (Europa-eu-un.org website "A new era of EU-UN development cooperation", assessed April 28, 2006). There is great overlap between UN and EU objectives and values, such as the maintenance of international peace and security, the development of friendly relations among nations, cooperation in solving international economic social, cultural, human rights, trade and humanitarian problems, as well as the promotion of democracy, solidarity, sustainability, market-based economies, cultural diversity and the rule of law (Ibid.).

Function

The EU development policy can offer a comparative advantage to UN programs, especially in the areas of: trade and development (including obtaining a final multilateral agreement in the WTO on the Doha Declaration on trade-related aspects of international property rights and financing for Development), regional integration and cooperation, macro-economic policies linked with poverty reduction strategies, particularly the strengthening of social sectors like health and education, reliable and sustainable transport as a strategic link between access to social services and economic progress, food security and sustainable rural development strategies and institutional capacity-building, good governance and the rule of law (Ibid.), a common EU defense policy which includes the Rapid Reaction Force and civilian as well as permanent political and military crisis management capabilities (Ibid.). For example, the EU provided the

Artemis EU military operation in the Democratic Republic of Congo in June 2003. It is also the leading donor of reconstruction and humanitarian aid in Afghanistan within the Bonn Agreement (December 2001). The EU is also a member of the "Quartet" (together with the Russian Federation, the US and the UN) in launching the "roadmap for peace" between Israel and the Palestinian Authority. On January 1, 2001 a new EuropeAid Cooperation office was established so that most of the EU's external assistance projects are managed under a single administrative structure from start to finish with the aim of speeding up delivery and improving the quality of programs and projects. The EU took the leading roles at the UN conference on Financing for Development in Monterrey in March 2002, the World Food Summit in Rome in June 2002, and the World Summit on Sustainable Development in Johannesburg in September 2002, as well as follow-up conferences in Rio, Vienna, Cairo, Beijing, Copenhagen, Rome, Istanbul, New York, Kyoto, Monterrey, Johannesburg and the Millennium Summit itself (Ibid.). The EU accounted with USD 35.5 billion for almost half of the world's total Overseas Development Assistance (ODA) in 2002.

The comprehensiveness of EU development cooperation consists of three elements and are intended to synergistically put into action relevant UN resolutions:

- The European development policy agreed on by the European Commission and EU development ministers in the Development Council in 2000
- The new Cotonou Agreement (which replaces the Lome' convention) agreed upon between the EU and seventy-eight African, Caribbean and Pacific (APC) countries, entering into effect on April 1, 2003.

The key objective of the Cotonou Agreement is the reduction of poverty through an innovative economic and trade cooperation framework which supports regional integration and cooperation efforts between ACP countries to help them integrate gradually into the world economy, partially by paving the way for increased foreign direct investments to which the EU contributes. Peace-building and conflict prevention policies and migration issues have also been introduced into this agreement (Ibid.).

• EU reform of Community external aid

The EU sees this partnership with the UN in terms of the impact of how development policy is understood and implemented globally effectively and with harmonized donor practices (Ibid.).

The EU is in the process of adjusting its policies to support the implementation of resolutions of the major international conferences, such as the World Summit for Sustainable Development in Johannesburg in September 2002, e.g. the EU water initiative "Water of Life", the "EU action plan for forest law enforcement, governance and trade" ("which aims to address the growing problem of illegal logging and related trade", Ibid.) initiatives and support overall to ensure that the three pillars of *sustainable development* (economic, social and environmental) are equally well developed pursuant to this conference and reflect the EU's commitment to translate UN agreements into concrete action.

Since global issues are increasingly driving European environmental policy, the EU recognizes that environment and sustainable development issues need better global governance through reinforcing existing international bodies (e.g. the United Nations Environment Programme) and ensuring better implementation of environmental agreements. "The EU also advocates the inclusion of *environmental considerations* into the activities of other UN bodies and the international financial institutions" (Ibid.). Hence the EU seeks to address environmental problems such as global climate change, ozone depletion and biodiversity loss, through better global governance.

In the field of *global health* concerns, EU and the WHO widened their collaboration in December 2000 by identifying various priority issues in this area, e.g. communicable disease control (such as a comprehensive program for accelerated action, coordinated efforts and international public/private partnerships against infectious diseases such as malaria, tuberculosis and HIV/AIDS), the Framework Convention on Tobacco Control, the global strategy on diet,

physical activity and health, environment and health and the strategic partnership between the EU and the WHO in the field of development (Ibid.). Since the 2003 outbreak of severe acute respiratory syndrome (SARS) there also exists an effective synergy between the EU early warning and response system and the WHO global outbreak alert and response network.

The EU contributes troops, police officers and observers to EU peacekeeping operations (in 2003 the EU-25 made up 13.2% of the UN total). Additionally, the EU is by far the latest troop contributor to other peace missions under the authority of the UN Security Council, even if not directly run by the UN (e.g. SFOR in Bosnia and Herzegovina), KFOR (in Kosovo) and UNMIK. In these missions EU member states comprise about 60% of the total" (Ibid.). The share of the EU-25 in the UN peacekeeping is about 39% of the world total, making the EU by far the largest contributor. Since the EU pays their assessed contributions on time and in full, the EU plays a decisive role in the smooth operations of UN peacekeeping. In terms of peacebuilding EU member states have financed important programs (e.g. as part of UNOMOZ in Mozambique) to bring about normalization, disarmament and non-proliferation in post-conflict areas, to create a safe environment in countries emerging from conflict for their populations to enjoy the "peace dividend" as soon as possible (Ibid.). Through established decision-making procedures and structures, as well as planning tools and concepts the EU has the military and civilian capabilities to carry out field policing missions, enforcement of the rule of law, civilian administration and civil protection in addition to the whole range of economic, diplomatic and military tools at its disposal.

Conflict prevention has been on the EU agenda even before the development of the CFSP through a range of effective and proactive instruments, such as trade policy, development policy, cooperation and association agreements, social (e.g. long-term development policies in a mutually reinforcing and coordinated fashion) and environmental programs, humanitarian assistance (the EC Humanitarian Office - ECHO), cooperation mechanisms in the fields of justice (e.g. horizontal measures against the illicit trade in small arms and "conflict" diamonds") and home affairs, diplomatic tools (declarations, visits, demarches, special envoys) and political dialogue (e.g. the comprehensive an innovative strategies to promote stability and prosperity in a complex region through the Euro-Med Partnership launched at the Barcelona conference in November 1995), and the strategy against the proliferation of weapons of mass destruction. Additionally, the EU contributes to all UN disarmament and arms-control efforts through its involvement with the Conference on Disarmament in Geneva (such as small arms and light weapons), the Convention on Conventional Weapons, the Biological Weapons Convention, the chemical Weapons Convention, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer Anti-Personnel Landmines and their destruction, as well as several initiatives aimed at preventing the proliferation of weapons for mass destruction, especially by non-state actors, such as terrorists, through EU activities in chemical weapons destruction, nuclear submarine dismantlement, fissile materials security and disposition, and the re-employment of former weapons experts.

Terrorism is today one of the most serious challenges facing the international community as it constitutes a threat to internal and external security, to the peaceful relations between states and to the development and functioning of democratic institutions and principles (Ibid.). The EU support UN Security Council resolutions on counter-terrorism by applying autonomous economic and financial sanctions to persons, groups and entities providing directly or indirectly funds supporting terrorists as well as disrupting the links between organized crime, drug trafficking and terrorism. Additionally, the EU assists with capacity building within the police and judiciary border security as part of their development assistance in development programs. The Treaty of the EU's institutional framework against transnational crime is synchronized with the UN Convention against Transnational Organized Crime and its protocols on smuggling of migrants, trafficking in human beings, trafficking in fire arms, as well as the inter-linked UN Commission on Narcotic Drugs and the UN Office on Drugs and Crime (Ibid.).

The EU Treaty mandates that member countries foster cooperation with third countries in the sphere of *culture*. On the UN level, this translates into active EU involvement with UNESCO. Among the current political challenges the EU welcomes UNESCO's participation in the reconstruction of Afghanistan, especially in the fields of education, heritage and communication, and it actively supports UNESCO's efforts to protect and recover the cultural heritage of Iraq (Ibid.). The EU contributes particularly to the discussion and resolution of issues pertaining to language, international communication, freedom of expression, free-flow of information, the arts and other culture-related social issues. The EU also works with UNESCO on programs strengthening genuine dialogue between cultures and civilizations as a lever to achieve peace.

The EU and UN recognize that respect for human rights is closely linked to *democracy and development*. The clauses of the UN Charter were among the guiding principles in the establishment of the EU since the Treaty of Rome in 1957. The EU places a high priority on the "global task for the promotion and protection of human rights and fundamental freedoms as laid down in the Universal Declaration on Human Rights and its complementary core human rights conventions, as well as other international and regional instruments, including the European Convention on Human Rights" (Ibid.) and the EU Charter of Fundamental Rights, adopted at the Nice European Council meeting in December 2000. Since May 1995 the EU has usually included a human rights clause in its bilateral trade and cooperation agreements based on the principle of stainable, equitable and participatory human and social development and the promotion of human rights, democracy, the rule of law and good governance.

The UN Economic Commission for Europe (UN/ECE) is actively involved in the process of convergence of central European and CIS countries practices with those of the EU and the elaboration of conventions norms and standards in the fields of trade, transport and the environment (Ibid.). As part of the campaigns to address the root causes of conflicts, such as poverty, disease, lack of governance and the rule of law, the EU adopted in February 2001 a new initiative "Everything but Arms", which provides full market access for products originating in developing countries to EU markets, covering all products except the arms trade in order for developing countries to export their way out of poverty. This integration of developing countries into the multilateral trading system is also a crucial element of the new Doha round for its potential to eradicate poverty and contribute to sustainable development in these countries.

The EU in its simplest analysis can be viewed as a very sophisticated version of IGO, representing the interests of membership states (as do all other UN member to varying degrees). The EU-25, because it represents the coordinated socio-political and economic aims – as well as the combined overseas assistance - of its members at the UN, it is also in a position to support the UN's missions and goals synergistically and pro-actively in a manner also reflecting its values. Since many problems are intertwined, such as poverty and socio-political instability with migration and international asylum requests, and since many EU member states are directly affected e.g. due to their geographic proximity to Africa, the Middle East and the NISs, the EU is highly motivated to address these issues from legitimate (intergovernmental) multilateral angles.

NGOs at the UN

The end of the Cold War has expanded diplomacy from its focus on peaceful relations between states to include non-state actors such as NGOs as essential partners to address transnational problems, not only in mobilizing public opinion, but also in deliberations, policy formulation and in the execution of policies. Involvement of NGOs are often already involved in the preparatory work for conferences (C. Smith 2006, 133), through direct participation in intergovernmental negotiations through their consultative status (Ibid., 133), e.g. inclusion of the NGO in the national delegation, or by influencing UN conferences through parallel events which might involve information sharing and networking (Ibid., 134). NGOs can also be involved in UN projects during implementation of conference agreements (Ibid.), especially since the expanded

mandates of the UN are not automatically matched by corresponding budget increases. Additionally, NGOs often have the technical and logistical know how necessary to assist in the implementation of certain UN projects.

NGOs tend to focus on a single issue, even though the range of concerns among NGOs is very broad. Their resources can be substantial and their international organizations are frequently able to mobilize action plans and further resources on short notice. This single focus can, however, also blind some NGOs (Fagot Aviel 1999, 157) to see the bigger picture.

While many goals which NGOs pursue have socio-economic or security related significance, they do not operate on the governmental level, i.e. NGOs lack the intergovernmental "legitimacy" and have to "sell" their campaigns to the UN (e.g. by getting accredited by the UN) with the results that their voice has nowhere near the weight as compared to that of the EU.

While the budgets of many NGOs are considerable, they are obviously no match to the EU which represents almost fifty percent of all overseas development assistance (ODA). Many of the concerns addressed through these programs do, however, also involve the relevant NGOs and other private groups in addition to intergovernmental alliances. The NGOs' diversity in purpose, size, organizational dimensions, range of concerns and mechanisms of accountability to members and donors is both a strength and weakness (Fagot Aviel 1999, 156): while some have organizations with established headquarters, a democratically adopted constitutions and a representative structure with appropriate accounting mechanisms, other lack some of these (Ibid.) and to varying degrees.

Comparing the EU with NGOs at the UN

In 1994 Boutros-Ghali declared development a human right in his "An Agenda for Development" within the framework of interdependence, peace, economy, civil society, democracy, social justice and environment. This positioned "development" in a security and social context beyond simply economic growth. (Weiss, Forsythe, Coate 2001, 248). While the UN had been directly concerned with quality of life in the context of de-colonization, "good governance", government for the people, was to develop as countries started to control their own destinies. The Cold War, however, hid many shortcomings in global governance and the economy behind the East-West political veil. Since the end of the Cold war international diplomacy focused on "good governance" which was operationalized by the World Bank as democratically elected governments, respect for human rights, eradication of corruption and accountable governments. This shift in the meaning of development in the global political context came to embrace four widely share global values: Peace, human security, sustainable human development and ecological balance and the growing appreciation of the indivisibility of human social order and natural earth system" (Ibid., 255). The issues arising from the implementation of these values are supranational and may even override national sovereignty (Ibid. 295). This led to a drastic increase of UN mandates and the need for new partnerships among states, markets and nongovernmental groups. The increased recognition during the last decade about the importance of non-state actors in the work of the UN, especially for development projects beyond mere basic human assistance requires both local (non-centralized action and cooperation) and global thinking (e.g. coordination of resources) (Weiss, Forsythe and Coate 2001, 246). Both NGOs and the EU complement these UN needs through their own mandates, based on their values. The EU supports NGOs both internally and as part of UN projects as they provide important input to EU policies, programs and initiatives, e.g. NGOs are frequently involved as part of advisory councils on environment and sustainable development in the design of national as well as local strategies.

Especially since the implementation of its human rights policy, the EU has also recognized the importance of contributions made by international, regional and civil society to the development of democracies which uphold political, civil, economic, social and cultural rights, especially the fight against torture and impunity, for the establishment of international tribunals

and criminal courts, combating racism, xenophobia, and discrimination against minorities, indigenous people or on the grounds of racial or ethnic origin in the fields of employment, training, social protection religion and belief, disability, age and sexual orientation in the field of employment with the aim of changing attitudes at the grassroots level. The relationship between NGOs and the EU can even be reciprocal since some NGOs (such as the International Red Cross) receive a portion of their funding from governmental institutions, such as the EU) or the 1998 action program to promote European environmental NGOs provides a legal framework for the financial relationship between the EU and NGOs.

There are also significant differences between the EU at the UN as compared to NGOs at the UN. The EU does not simply pursue a single agenda but coordinates the resources of its twenty-five member EU seeks to enhance the global vision and goals of the UN today for the greater good of all its members. While other permanent observers at the UN also represent large population groups (e.g. the Holy Sea as a state observer represents approximately 125 billion people) and with a mandate based on social justice and values, the EU is unique in its near federal status per se and its emphasis on a soft power approach.

Conclusions

Multilateralism today is multi-faceted, involving constituencies beyond governments. The UN today needs to network and catalyze these relationships to meet its ever increasing mandates. It should set an example of inclusion, participation and accountability to its partners and "it must engage more systematically with world public opinion to become more responsive" (Report of the Panel of Eminent Persons 2004, 12), to provide moral leadership to the world and to hereby set an example for multilateralism.

While both NGOs and the EU are entity observers and neither has votes per se, "the EU is party to more than fifty UN multilateral agreements and conventions as the only non-State participant" (website "The European Union at the UN", accessed April 28, 2006), although the total of individual NGOs at the UN even exceeds this number.

On September 10, 2003 the EU presented its renewed commitment to the UN system and multilateral foreign policy in a communiqué "argues that the EU can and should act as a 'front-runner' in developing and in implementing UN targets" (Ibid.), taking a pro-active approach to UN resolutions and protocols, and moving forward in a more systematic policy of partnership with the UN in the field and to develop more stable, long-term funding relationships and strengthen the policy dialogue with selected UN development and humanitarian aid agencies, and in the field of crisis management. The EU avails itself to a more dynamic, flexible and coherent force in policy debates in the UN, capable of arriving at common, coordinated positions in most UN policy forums. The UN needs to move from a culture of reaction to a culture of prevention (Ferrero-Waldner 2004:1), e.g. peacebuilding and addressing the root causes of terrorism (including the UN office on drug control and crime prevention, and human trafficking).

In this paper I showed that state sovereignty, at least in terms of the EU, is becoming more relative in the twenty-first century in favor of multilateral diplomacy. Luzhi (2005, 286), quoting Bodin (1576), writes: (we observe) "two basic aspects of sovereignty: a legal status and an empirical reality, or a norm and a fact. ... The former make sovereignty 'a legal, absolute, and unitary condition'. The latter confirms the state as an independent reality in the world". This paper shows how today both aspects of state sovereignty have become relative, rather than remain absolute, within new public and private global structures. Yet an enigma has arisen as well: by contrast, the right to self-determination, based on the human rights declarations, nevertheless requires collective (multilateral) responsibility for the individual, and individual (organizational, such as through an IGO or NGO) responsibility for the collective group (global entity), as e.g. both IGOs and NGOs are poised to activate mechanism (based on the values of their identities) which may overrule state sovereignty in cases when a state-actor does not provide the peace and

security for its population which the UN Charter requires. This confirms what many social-constructivists have postulated: that international society is never constructed finite, but is co-constructed synergistically through all its actors (Jorgensen and Laatikainen 2004, 19).

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