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THE EU AND HUMAN RIGHTS AT THE UN: 2011 REVIEW

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SUMMARY

Over the last year, three major crises – Côte d'Ivoire, Libya and Syria – tested Europe's ability to shape decision-making at the UN. The crisis in Côte d'Ivoire showed that China could be persuaded to support democracy and that Russia by itself lacked the leverage to hold up the Security Council indefinitely. The Libyan debate demonstrated the persistence of Western power in the UN system, even though the EU split over how to act. Ironically, although Europe was more united over Syria, this failed to translate into action as the non-Western powers reasserted themselves. Support for European positions on human rights votes in the General Assembly stayed roughly level, but the EU also won important votes about gay rights and its own status as a bloc at the UN.

The picture of the UN that emerges from these events is one of an institution in flux. While the UN has recently seemed to be drifting into bloc politics, this year coalitions formed on a crisis-by-crisis basis. This may foreshadow the emergence of an increasingly multipolar UN dominated by fluid diplomatic alliances. Although it sometimes struggles to maintain its own unity, the EU now has opportunities to build coalitions of states that can deliver action on human rights and crisis management – if it can overcome its own internal divisions.

Over the last year, three major crises tested Europe's ability to shape decision-making at the United Nations: the post-electoral violence that swept Côte d'Ivoire in December 2010, Libya's descent into full-blown civil war in March and the bloodshed in Syria, which escalated to critical levels in April. In each case, the UN became the stage for intense and sometimes very public arguments involving the Europeans, the US and rising non-Western powers over how to react. All three crises were debated repeatedly in the Security Council in New York and in the Human Rights Council in Geneva. All raised fundamental questions about the UN's principles – most obviously the responsibility to protect civilians from mass atrocities – in an acute form.

Since 2008, the European Council on Foreign Relations has shown in a series of reports that Europe's power in the UN is on the wane and bloc politics has been on the rise.¹ There has been a gradual erosion of support for the EU's positions in votes on human rights issues. A growing majority of anti-Western powers has emerged that has repeatedly obstructed action through the UN. For example, China set firm constraints on the deployment of UN peacekeepers to Darfur in 2006–7, coordinated with Russia to veto a Security Council resolution addressing Zimbabwe's post-electoral chaos in 2008, and put aside its strategic differences with

¹ See Richard Gowan and Franziska Brantner, *A Global Force for Human Rights? An Audit of European Power at the UN*, European Council on Foreign Relations, September 2008; Richard Gowan and Franziska Brantner, *The EU and Human Rights at the UN: 2009 Review*, European Council on Foreign Relations, September 2009; Richard Gowan and Franziska Brantner, *The EU and Human Rights at the UN: 2010 Review*, European Council on Foreign Relations, September 2010.

India to limit the UN's interference in both Myanmar and Sri Lanka. This obstructionism has threatened to paralyse the UN.

The last year has not seen any fundamental shift in countries' voting on generic human rights issues, with the EU's "voting coincidence score" (a measure of its overall support from other states for EU positions in human rights votes in the General Assembly) staying level at 44 percent. This is more than 10 percent behind both China and Russia's scores, although the gap has narrowed (see graph on page 3). However, the three crises during the last year have shaken up assumptions about the balance of power in the UN once again. Rather than consistently dividing into neat pro- and anti-interventionist blocs, Western and non-Western states formed shifting coalitions on a crisis-by-crisis basis. In the Ivorian and Libyan cases, remarkable constellations of non-Western governments overtly or tacitly approved international military action. Meanwhile, the EU sometimes looked confused, notably when Germany refused to support the hawkish Franco-British stance on Libya. Some pundits saw this as the end of the EU's quest for united foreign policy.²

However, such pessimistic analyses fail to capture all the lessons of the last year. If the EU struggled to respond adequately to the year's crises at the UN, so did many other powers – including regular opponents of the EU, such as China, Russia and India – as this memo shows. If there were cracks in the EU's front, these fractures among the non-Western powers were equally important, signifying the potential emergence of an increasingly multipolar UN that will be dominated by fluid diplomatic alliances. This offers the EU's members opportunities to forge new coalitions in favour of human rights and even controversial interventions – but the EU's own divisions make this more difficult.

Three crises

The Ivorian, Libyan and Syrian crises followed one brutally simple pattern: a strongman previously tolerated by the West responded to political pressure with violence. In the Ivorian case, the UN's involvement was unavoidable: there had been blue-helmeted peacekeepers in the country since 2004, and the head of the UN mission was charged with certifying the national election results. By contrast, it was not inevitable that the UN would play a significant role in either Libya or Syria: while UN Secretary-General Ban Ki-moon spoke out on the uprisings in Tunisia and Egypt, the Security Council remained silent. It was only with Libya's collapse that the UN took up a significant role in the Arab Spring. In spite of these differences, all three crises tested the Western and non-Western powers' attitudes to interventionism and their abilities to build coalitions for or against action.

Côte d'Ivoire

The Ivorian crisis threw the UN off balance in December 2010. The first presidential elections since the country's civil war in 2002–3 resulted in a narrow win for Alassane Ouattara over the incumbent, Laurent Gbagbo, whom many European diplomats had expected to win. Gbagbo refused to accept that he had lost, and his supporters unleashed a wave of killings in Abidjan, Côte d'Ivoire's commercial capital. Although Ban Ki-moon condemned Gbagbo's behaviour, the Security Council was initially prevented from doing so by Russia, which was widely believed to be motivated by economic interests. But Côte d'Ivoire's West African neighbours decried Gbagbo's behaviour and China indicated that it was willing to follow the African lead. Russia backed down, permitting a Security Council resolution imposing sanctions against Gbagbo's supporters.

The African states' position stimulated a remarkable degree of unity at the UN. The Human Rights Council held a special session on the attacks in Abidjan and the General Assembly passed a unanimous resolution demanding respect for the election results. But Gbagbo ignored all this and had one ally ready to upset the campaign against him: South Africa. Motivated in part by a desire to win influence in West Africa, the South Africans called for a negotiated solution and argued that the AU should lead in mediating this. Their leverage was boosted when they took up a seat on the Security Council in January 2011, combining with the Russians to put a brake on further actions against Gbagbo.

The European role in the early stages of the crisis was muted. France had some 800 troops in Côte d'Ivoire but was concerned for the safety of its expatriates there. However, Europe and France, in particular, had huge leverage as the main market for Ivorian exports, and the EU took the lead in enforcing the UN sanctions. In an atypically belligerent moment, a spokesperson for the External Action Service (EAS) declared that the goal was the "economic asphyxia" of Gbagbo's regime.³ In the first quarter of 2011, the sanctions achieved just that, as Gbagbo ran out of funds to keep paying his forces.

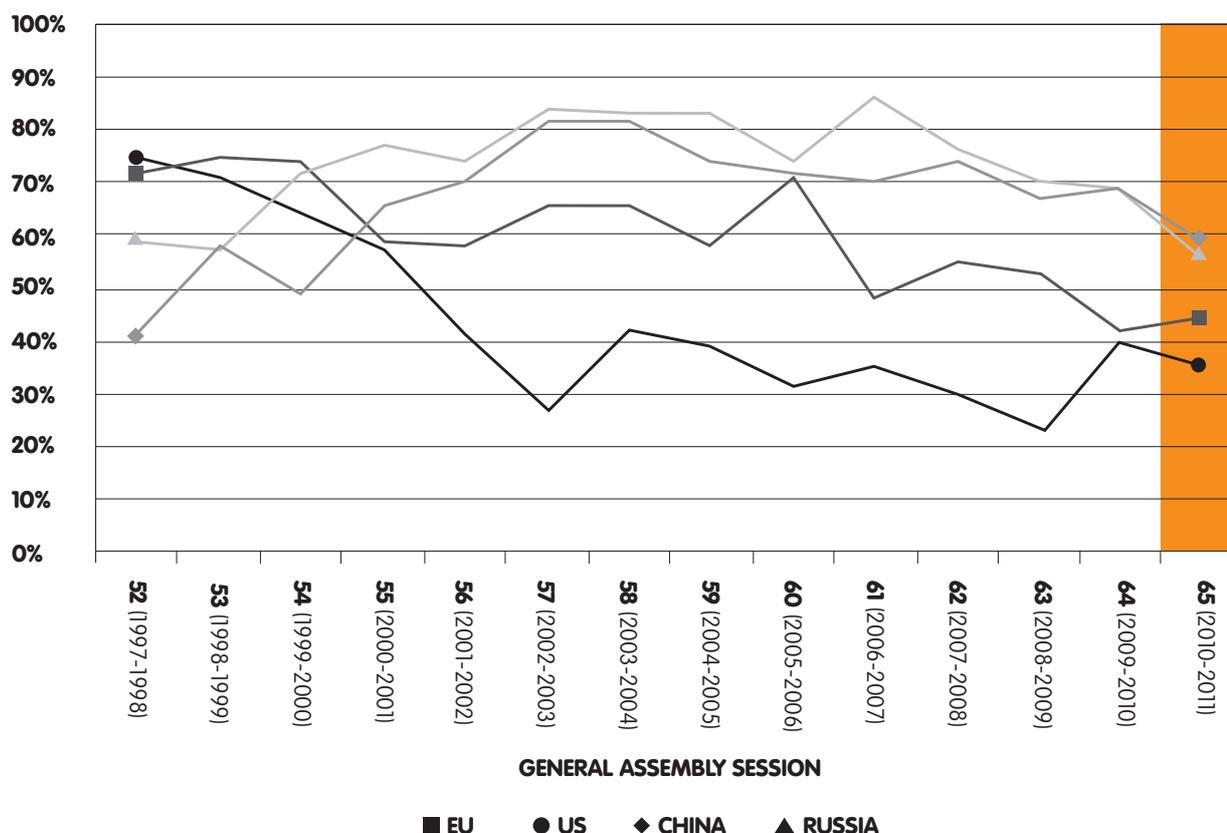
In March, after a panel of AU leaders had confirmed Ouattara's victory and South Africa acceded to this decision, the legitimate president's supporters launched a successful but bloody offensive towards Abidjan. On 30 March, the Security Council mandated the use of force by UN and French forces to protect civilians from heavy weapons fire.⁴ Over the next 10 days, the French and the UN went into action despite Russian criticism. Gbagbo was captured by Ouattara's troops on 11 April. Although there have been continued reports of violence,

² See, for example, Judy Dempsey, "Libya Crisis Reveals Splits on EU Goals", the *New York Times*, 18 April 2011, available at <http://www.nytimes.com/2011/04/19/world/europe/19iht-letter19.html> (accessed 14 September 2011). For a detailed analysis of Libya's implications for European security cooperation, see Anand Menon, "European Defence Policy from Lisbon to Libya", *Survival*, Vol. 53, No. 3, June–July 2011.

³ Jennifer Freedman and Olivier Monnier, "Ivory Coast's Gbagbo Faces Financial 'Asphyxia' as Sanctions Begin to Bite", *Bloomberg*, 21 January 2011, available at <http://www.bloomberg.com/news/2011-01-21/ivory-coast-s-gbagbo-faces-financial-asphyxia-as-sanctions-begin-to-bite.html> (accessed 14 September 2011).

⁴ The best account of UN diplomacy over Côte d'Ivoire is Alex J. Bellamy and Paul D. Williams, "The new politics of protection? Cote d'Ivoire, Libya and the responsibility to protect", *International Affairs*, Vol. 87 No. 4, July 2011, which also contains very useful information on Security Council discussions of Libya.

Voting coincidence with China, the EU, Russia and the US
on human rights votes in the General Assembly, 1997–2010
(in cases of EU consensus)



this episode was arguably a success for the UN and the EU's strategy of undermining Gbagbo through UN-approved sanctions. The crisis showed that, in the right circumstances, China could be persuaded to support democratic elections and that Russia lacked the leverage to hold up the Security Council indefinitely without China's support. By contrast, South Africa's stance foreshadowed tensions that would grow more acute over Libya.

Libya

If the Ivorian crisis challenged many assumptions about the balance of forces in the Security Council – not least China's attitude to interventionism – the Libyan process upset them completely. France and Britain gambled on winning Security Council support for military action – and in so doing placed the UN at the centre of international negotiations while marginalising the EU. The crisis opened in February 2011 with protests in Tripoli. Muammar Gaddafi's regime responded brutally and, by the last week of February, the US, European governments and Ban Ki-moon were arguing that the UN should respond. Most observers expected that China, Russia and the Arab states would object to military intervention. The diplomatic context was, however, highly

conducive to a tough non-military response.⁵ China and India both had tens of thousands of citizens in Libya and significant energy interests there. African migrants were under threat and Libya's own representatives to the UN in New York tearfully deserted Gaddafi. On 26 February, the Council unanimously approved a resolution (1970) that invoked the International Criminal Court, imposed sanctions on Gaddafi's regime and referred to his responsibility to protect his people – only the second time that the doctrine had been cited explicitly in a Security Council resolution.⁶ France and Britain had played an important part in devising the resolution. But European diplomats knew that none of the sanctions involved were likely to affect Gaddafi seriously for up to half a year.

In the weeks that followed, Gaddafi's forces pushed back the rebels while the Western powers continued to try to constrain him through the UN. US Secretary of State Hillary Clinton attended a special session of the Human Rights Council that recommended Libya's suspension from the

⁵ This section draws frequently on Emily O'Brien and Andrew Sinclair, *The Libyan War: A Diplomatic History, February–August 2011*, Center on International Cooperation, New York University, August 2011 (hereafter, O'Brien and Sinclair, *The Libyan War*).

⁶ The previous reference to the Responsibility to Protect in a Security Council Resolution covered Darfur (UNSCR 1706, 31 August 2006).

Matters of principle

Although crisis management dominated news coverage of the UN this year, significant debates on basic human rights principles were also on the agenda. In both New York and Geneva, there was a particular emphasis on Lesbian, Gay, Bisexual and Transgender (LGBT) issues. The defence of LGBT rights has long been strongly associated with European diplomacy, especially since France and the Netherlands initiated a Declaration on Human Rights and Sexual Orientation and Gender Identity at the UN in 2008. In November 2010, a coalition of African and Muslim states backed an amendment to an annual General Assembly resolution on extrajudicial executions that deleted a longstanding reference to states' obligations to protect LGBT citizens. This passed by 79 votes to 70, in spite of objections from EU states led by Finland. The EU and the US mounted a counteroffensive, and on 21 December the General Assembly voted to restore the reference to sexual orientation by 93 votes to 55. This underlines the fluidity of UN diplomacy.

In 2011, debate moved to the Human Rights Council. In March, 85 countries signed a declaration demanding an end to "acts of violence, criminal sanctions and related human rights violations committed against individuals because of their sexual orientation or gender identity." This paved the way for a Human Rights Council resolution in July, which called on the UN High Commissioner for Human Rights to investigate anti-LGBT violence. This initiative was primarily backed by Western countries,

and most African and Asian countries opposed it. But South Africa was a leading member of the coalition in favour of the resolution, which passed by 23 votes to 19 (China was one of the few abstainers). This underlines both the fluidity of UN diplomacy highlighted in the main text and the importance of non-Western states in human rights coalitions.

Another positive development at the Human Rights Council was that, for the first time in over a decade, the Organization of the Islamic Conference (OIC) did not put forward a resolution on the "defamation of religions". This issue – viewed by Western governments as a patent ploy to curb freedom of speech – had always been a flashpoint in Geneva. On taking office and ending the US boycott of the Human Rights Council, the Obama administration had made resolving the problem a central part of its efforts to reduce tensions with Muslim states at the UN. Some European diplomats, having fought over the issue repeatedly, thought this was naïve, as we noted in ECFR's 2009 update. However, a vote on the issue at the General Assembly in December indicated that the OIC was fast losing support for its position. In Geneva, talks between American and Pakistani diplomats opened the way for the OIC to back down, signing on to a resolution on religious tolerance introduced by the EU instead. In spite of individual successes, the US and EU were disappointed when a much-hyped inter-governmental review of the Human Rights Council failed to deliver politically significant results this year.

body, which the General Assembly enacted shortly thereafter. EU members broadly agreed that the crisis should continue to be handled through the UN, but they could not agree on how. France and Britain began to talk up the idea of a UN-mandated no-fly zone over Libya. France raised the stakes by unilaterally recognising the rebel government on 10 March. As German journalist Andreas Rinke revealed in a detailed reconstruction of European diplomacy over Libya, France's decision sparked fury among other EU leaders. Germany felt that "Sarkozy had once again gone it alone," while "the eastern and southeastern Europeans, in particular, were appalled at how ruthlessly France and Great Britain attempted to push through their policies."⁷

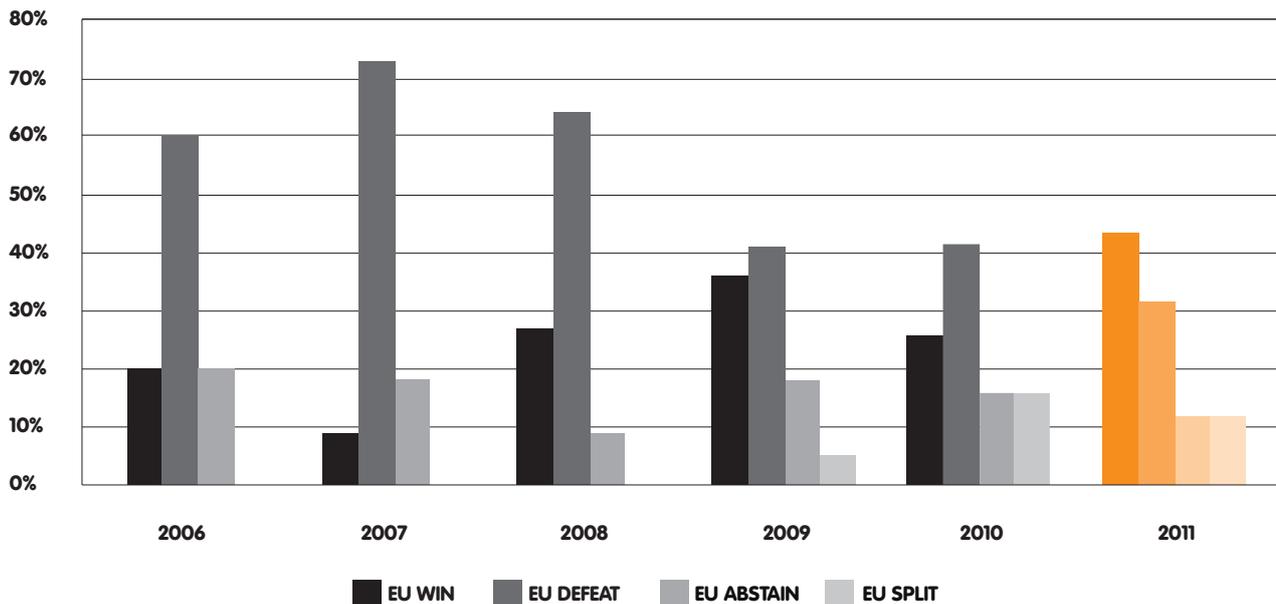
The Franco-British initiative had supporters elsewhere. While the African Union avoided condemning Gaddafi, his many Arab opponents engineered calls for military action by the Gulf Cooperation Council (GCC), the Organization

of the Islamic Conference (OIC) and, most influentially, the League of Arab States. There was an irony here: the OIC has long clashed with the EU over human rights issues at the UN, but now Paris and London were at odds with much of the EU yet aligned with an anti-Gaddafi Islamic bloc.

On 14 March, with Gaddafi's forces menacing Benghazi, France and Britain were working on a draft resolution approving a no-fly zone and British Prime Minister David Cameron even hinted that he might consider action without a UN mandate. The initiative looked unlikely to pass in New York. Russia was opposed to it, Germany remained sceptical and US officials thought that the Franco-British initiative was ill prepared – a view shared by some British and French diplomats who doubted that their governments had a credible strategy. But the situation altered dramatically on 16 March, when the US swung round in favour of an intervention. The Americans mounted a push for an immediate resolution authorising not just a no-fly zone but also the utilisation of all necessary military means to protect civilians. The main targets of this diplomatic campaign were

⁷ Andreas Rinke, "Srebrenica or Afghanistan? Why German abstained on the Libya vote – tracing the history of a decision", *IP Global*, 14 June 2011.

EU performance in votes at the Human Rights Council, 2006-2011



Figures for 2011 cover votes on resolutions before September.
 Figures for 2010 have been updated since last year's review to include votes in September–December 2010.

Russia and China. Germany's sceptical stance appears to have been treated as an afterthought.⁸

On 17 March, the Security Council approved Resolution 1973, with Brazil, China, India, Russia and Germany abstaining.⁹ China underlined that its decision was influenced by the Arab League's stance. India, by contrast, argued in a draft explanation of its vote that its commercial stakes in Libya were one reason not to vote in favour of the resolution. Russia's decision not to veto seems to have been made by President Dmitry Medvedev against opposition from officials and Prime Minister Vladimir Putin. The factor common to all abstainers appears to have been recognition that a "no" vote would severely alienate the Americans.

Germany's decision to abstain was the most controversial. Left to their own devices, German diplomats in New York might have preferred to vote for the resolution for the sake of Western unity. But Berlin's coalition government felt ill-treated by France, Britain and the US. It was also concerned by the domestic implications of an unpopular "yes" vote. While the German abstention has been interpreted as an effort to align with the BRICs, it is probably better explained as the product of fast-moving diplomacy.

Once Resolution 1973 had been passed, the diplomatic action moved away from New York – although the Security Council continued to meet to discuss the issue as the air campaign wound on. The Western countries and their Arab allies convened a contact group that met regularly to discuss the politics of a post-Gaddafi Libya. The African Union, with South Africa in the lead, began to criticise NATO's tactics and declared that it would not cooperate with the ICC's pursuit of Colonel Gaddafi. Brazil, Russia, India and China were also fiercely critical. Nonetheless, there was no serious attempt to overturn Resolution 1973, which had provided an open-ended mandate for Western operations. After the successful rebel offensive on Tripoli, South Africa briefly threatened to hold up the lifting of sanctions on Libya, but bowed to American pressure.

The Libyan debate ultimately demonstrated the persistence of Western power in the UN system: when the US, Britain and France finally got their act together in mid-March, no other powers tried to block them. Yet the three powers had only cohered at the last moment, and Germany's abstention symbolised a lack of European unity over the crisis. Ironically, the crisis in Syria – the next focus for UN diplomacy after Libya – engendered a far higher degree of Western and European consensus. Yet this consensus failed to translate into action as the non-Western powers reasserted themselves at the UN.

⁸ Andreas Rinke notes that "the German government did not learn of the shift in the Americans' position until the afternoon of March 16 – and then only because the American UN ambassador informed her German colleague. There had been no phone call from Obama or Clinton to Merkel or Westerwelle, no attempt to explain the astonishing turnaround in Washington. Members of the German government were taken by surprise. After all, they had received signals, even from the National Security Council itself, indicating that military operations would be possible only under Arab command." (See note 7.)

⁹ See Bruce D. Jones, "Libya and the Responsibilities of Power", *Survival*, Vol. 53, No. 3, June–July 2011, available at <http://www.iiss.org/publications/survival/survival-2011/year-2011-issue-3/> (accessed 14 September 2011).

Syria

UN diplomacy over the Syrian crisis gathered pace in late April and May 2011. After Bashar al-Assad's regime had cracked down on protesters in March, the US and Europe had initially adopted a cautious approach, hoping that Syria could be persuaded to reform. However, as it became clear that Assad would not make any serious compromise, they turned to the UN to put diplomatic pressure on his regime. In April, a special session of the Human Rights Council, proposed by the US and seconded by European members of the Council, resulted in a resolution mandating a UN fact-finding mission to Syria. The non-Western members of the Council were divided over how to act: China and Russia opposed it but Saudi Arabia abstained. At the start of May, Syria withdrew its candidature for a seat of its own on the Human Rights Council. A consensus seemed to have formed that the much-maligned Human Rights Council should finally exclude at least some of the very worst abusers.

However, the Assad regime was not ready to make significant compromises over its domestic behaviour. The authorities in Damascus repeatedly ignored the fact-finding mission's requests for access to the country. As reports of military assaults on protesters and whole cities across Syria mounted, France, Britain and Germany turned to the Security Council with support from the US. In June, the European members of the Council (which also included Portugal) floated a resolution condemning Syria's behaviour. But since Brazil, Russia, China, India, South Africa and Lebanon (the sole Arab member of the Council) were opposed, it had little chance of success.

Facing this bloc, European leaders presented the resolution as a test of other nations' moral character. David Cameron argued that "if anyone votes against that resolution or tries to veto it that should be on their conscience."¹⁰ But the BRICs feared that the resolution would open the way to an attack on Syria. In fact, with NATO strained by the operation over Libya, this seemed rather unlikely. The European sponsors of the resolution were even wary of applying the maximum possible economic pressure on Syria, with Britain especially resisting oil sanctions until August. Nevertheless, the resolution did seem to unsettle Brazil, India and South Africa, who recognised that lining up with Russia and China in defence of Assad left them looking passive – hardly fitting for aspirants to permanent seats on the Security Council. In August, Brazil and India tried to show autonomy by negotiating a statement with the Europeans and the US condemning Assad's actions but implying that the Syrian opposition might also have responsibility for violence. The Council approved this, although Lebanon immediately made a statement disassociating itself from the criticism of its powerful neighbour.

In late August, the Human Rights Council met to hear from the fact-finders, who had collated a report on the basis of

what they could learn outside Syria, and passed a resolution put forward by Poland calling for a fuller UN commission of inquiry into the violence. The resolution also demanded a real political dialogue in Syria. The level of support for Damascus had shrunk since April: Saudi Arabia supported the resolution, and it was only opposed by China, Cuba, Ecuador and Russia. But it is questionable whether the UN's deliberations have had any noteworthy impact on Assad's behaviour.

The multipolar UN

The overall picture of the UN that emerges from these events is one of an institution in flux. Three years ago, liberal Western ideas about human rights and interventionism appeared to be in retreat across the organisation. The primary cause remained the non-Western powers' mistrust of the Bush administration's exploitation of these causes. The EU's members were trapped in the middle, claiming to act as a "bridge" between the US and the rest, but often failing to influence either. One European diplomat told us when we were researching ECFR's 2008 report that it was "no longer the West versus the Rest but Europe versus the world." Today, it is far harder to explain UN politics in binary terms.

While Western and non-Western countries continue to vote on fairly predictable lines on generic human rights issues, the last year's crises have seen them form unexpected alliances when urgent interests are involved. After the events of the last year, the UN no longer looks as if it is moving towards bipolarity as it often did in recent years. Rather, it seems to be entering a period of multipolarity in which impromptu coalitions coalesce around particular crises or issues. Looking back over 2011, it is possible to draw rough conclusions about how the key poles in this multipolar UN are evolving.

The United States

Resolution 1973 on Libya – an expansive resolution that endorsed the use of military force against Gaddafi – was a diplomatic coup for the US that demonstrated that American power can still be a decisive factor in the UN in the last resort. But this episode was exceptional. While the US also militated for tough responses over Syria, it was unable to create a consensus as it did over Libya. Rather, it encountered pushback from other powers, although this pushback was hardly comparable to the degree of diplomatic resistance that the Bush administration encountered over Iraq in 2003.

At the same time, the Obama administration's success over Libya has had only a limited impact on domestic US debate and was overshadowed – even for some of its supporters – by its decision to avoid a vote on the air campaign in Congress. The administration's efforts to make the case for multilateralism were also increasingly complicated by the Israeli–Palestinian conflict. In February, the US vetoed a Security Council resolution criticising the Israeli settlement expansion. By August, the Palestinian decision to push for recognition of its

¹⁰ O'Brien and Sinclair, *The Libyan War*, p.19.

The EU's status in the General Assembly

In May, the EU took a small but politically significant step towards a more coherent identity at the UN when it secured an enhanced observer status in the General Assembly. This gives its officials the right to speak in the Assembly's debates and present proposals that are supported by all EU members. Although there are still many limits to what the EU can do, winning this status had required a concerted effort by the External Action Service and other European officials after it was held up in 2010.

The EU campaign to win an increased status in the General Assembly began shortly after the ratification of the Lisbon Treaty. However, it encountered scepticism in New York. Other blocs – with the Caribbean group in the lead – argued that the EU should not enjoy privileges denied to other regional organisations. Other UN members did not want to see a host of regional entities complicating debates. This was a concern for the US, although the Americans supported the EU's initiative. The EU was left to argue that it alone should enjoy an enhanced status. Its campaign was complicated by the fact that officials in Brussels were focused on the creation of the External Action Service and had little time for UN politics. Britain quietly signaled doubts about the proposal.

In September 2010, the General Assembly voted by 76 votes to 71 to postpone a vote on the issue. This meant that EU Council President Herman Van Rompuy was not able to address the Assembly's high-level opening session that month alongside world leaders. This symbolic rebuke to the UN was compounded by the fact that some of its usual allies, such as Canada and

Australia, abstained on the grounds that the Europeans had not made a convincing case. The External Action Service responded by retooling the campaign, setting up a task force in Brussels to coordinate diplomatic efforts to win over the doubters.

The task force was able to ensure that the issue was brought up frequently in senior EU officials' meetings with other leaders. Special attention was given to the small states that make up the bulk of the General Assembly's voters. For example, EU Development Commissioner Andris Piebalgs used a visit to the Pacific to make the case with leaders of countries such as Nauru and Micronesia. In New York, the EU delegation entered a new round of dialogue with other blocs in an effort to dispel claims that it had tried to railroad its initiative through. It accepted a series of small modifications to its proposed status.

There was no deal by early May, but EU High Representative Catherine Ashton visited New York and engaged in direct talks to finalise an agreement. On 3 May, the General Assembly voted by 180 votes to 0 to approve the revised proposal. Syria and Zimbabwe made a point of abstaining, but European officials felt that the two rogue regimes' stance only made the EU's position look more reasonable. The External Action Service's drive for recognition after the September setback is arguably a model for how the bloc can pursue successful strategies at the UN in the future by ensuring effective coordination, involving officials in Brussels closely in New York diplomacy and understanding the political weight of small states.

statehood at the UN had soured the American debate – and showed the limits of American influence in dealing with the single most poisonous item on the UN agenda. The Libya vote was a major but short-lived success for President Obama.

China and Russia

Since the end of the Cold War, China and Russia have been something of a double act at the UN, frequently – though not always – working together to thwart proposals that they dislike. Although they have an equal right of veto in the Security Council, they have typically preferred to cast vetoes jointly on issues such as repression in Zimbabwe. China dislikes acting unilaterally at the UN, while Russia lacks the real-world power to do so too often. This year, the crisis in Côte d'Ivoire highlighted China's pragmatism and Russia's weakness. China put aside its preference for non-intervention to assuage African concerns, which left Russia isolated. Even

though South Africa's membership of the Security Council gave Moscow an African ally to legitimise its position, it finally failed to protect the Gbagbo regime.

The Libya crisis further underlined China's growing willingness to accept tough UN action. Russia-watchers give the Kremlin some credit for corraling China and other non-Western powers to criticise NATO's campaign against Gaddafi and block action against Syria. Nonetheless Russian power at the UN looked as if it was based on flimsy foundations.

India and Brazil

In 2008, we argued that UN politics was likely to be affected by a group of "alienated emerging powers" including Brazil, India and South Africa. Although they enjoyed growing real-world influence, these countries have little formal influence in the UN. Along with Germany and Japan, all

The EU and Palestine at the UN

In the last edition of this review, we warned that European divisions over how to address the Israel-Palestine issue had “weakened the EU’s reputation for coherence on fundamental values at the UN”. This problem has become more acute in the run-up to this year’s plenary session of the General Assembly as the Palestinians have pushed for recognition as a state. In the course of 2011, some EU members (notably France) have apparently leaned towards Palestine but others (including Germany and the Netherlands) have underlined their opposition to any resolution that could damage Israel’s interests. Israel itself has mounted a diplomatic campaign to win over wavering smaller European states.

Europe’s uncertainty has not been surprising. Over the last three years, sensitive votes over the Palestinian issue have been the one consistent cause of EU divisions on human rights issues in the UN system. Over the last year, all of the EU’s splits on votes in the Human Rights Council have concerned Israel and Palestine, and this issue has accounted for nearly all the bloc’s rare divisions on human rights resolutions at the General Assembly in the last five years.

The EU has also repeatedly split over the Middle East at the UN in Geneva:

- In 2009, European members split over whether to boycott the UN’s “Durban II” conference on racism in Geneva because of its anti-Israeli bias. Italy, Germany and the Netherlands stayed away, while the Czech Republic withdrew after Iranian President Mahmoud Ahmadinejad gave a fiery anti-Israeli speech.
- In October 2009, European members of the Human Rights Council could not agree on whether to endorse

the Goldstone Report on Israel’s 2008 incursion into Gaza, which accused both Israel and Hamas of war crimes. Hungary, Italy, the Netherlands and Slovakia joined the US in voting against it. Belgium, Britain and France abstained, and Slovenia voted in favour.

- In 2010, after Israeli commandos killed pro-Palestinian activists on the Mavi Marmara, the EU split again in the Human Rights Council. Italy and the Netherlands opposed the creation of a UN panel to investigate the incident. Slovenia supported the initiative and other EU members abstained. When the panel produced a report accusing Israel of “excessive” force, the European members of the Council all abstained on a vote to endorse the report, and the US opposed it.

The EU’s members still regularly vote together in favour of UN resolutions defending the Palestinians’ basic rights. In February 2011, all European members of the Council backed a Security Council resolution – vetoed by the US – attacking Israel’s settlement programme. In the run-up to the General Assembly, however, German Foreign Minister Guido Westerwelle has reinforced Germany’s opposition to Palestine’s recognition bid.

Ironically, this lack of European cohesion has created political space for EU High Representative Catherine Ashton, who has been locked in talks with the Israelis and Palestinians to shape an agreement on new talks that might avert a breakdown at the UN. At the time of writing, the final outcome of this manoeuvring – and extensive US pressure on the Palestinians – remains unclear. But the EU’s struggles to find common positions on Libya and Palestine this year show the bloc’s continuing limits at the UN.

three hanker after permanent seats on the Security Council. As we noted in last year’s ECFR update on the UN, Brazil in particular has been drifting away from the West on human rights issues in part because of its desire for higher status. 2011 offered a chance to address some of these issues as all three countries, along with Germany, were coincidentally on the Security Council. India’s goal appeared to be to use its presence to improve its ties with the West, a plan strengthened by President Obama’s declaration in late 2010 that the US supported a permanent Indian seat on the Council. Brazil was expected to adopt a more pro-Western line after clashing with Washington in 2010 over efforts to find a nuclear deal with Iran.

However, events upset both powers’ intentions. Neither Brazil nor India broke ranks over Côte d’Ivoire, but relations

with the West cooled after both abstained on Resolution 1973 and President Obama pointedly failed to endorse Brazil for permanent Security Council membership on a trip there. A campaign for a General Assembly vote on Security Council reform, which was launched by Brazil, India, Germany and Japan after the Libya vote, failed to get sufficient support from developing countries. The refusal by India and Brazil to countenance tough action against Syria further damaged their diplomatic reputations. But August’s relatively ineffectual compromise Security Council statement hinted at shifts in the dynamics of UN politics. If India and Brazil were prepared to split decisively from China and Russia in the future, smaller non-Western powers could also be inspired to do so, creating opportunities for the US and the Europeans.

South Africa and the African bloc

In the past, South Africa has been grouped together with Brazil and India as a middle-ranking non-Western power. But in 2011 it carved its own controversial furrow. Its support for Laurent Gbagbo helped constrain the UN in Côte d'Ivoire, and, although it voted for Resolution 1973 along with other African members of the Security Council, this decision was attacked at home as caving in to Western interference. For the rest of the year, therefore, South Africa and other members of the AU were among the most ardent opponents of NATO's Libya campaign. President Jacob Zuma of South Africa twice visited Tripoli to meet Gaddafi and the AU insisted that it should mediate and potentially provide peacekeepers in Libya. Its persistence alienated the Libyan rebels, who argued that many African governments were Gaddafi's stooges.

The AU's members divided uncertainly over how to deal with Syria. This corresponds with our earlier research, which suggested that African governments have typically avoided strong stances on human rights abuses outside their continent. As of late 2011, however, the AU's performance within the continent looks ropey. AU mediation failed to resolve the Ivorian crisis and was reduced to a sideshow in Libya. The AU has scored successes, not least a very important role in facilitating South Sudan's relatively smooth secession. But the region's security experts note that South Africa's leadership in the AU is increasingly in question, and that the year's crises leave the bloc searching to reassert its strategic role.

The Arab League

The much-maligned Arab League has enjoyed a year of unexpected prominence. The League's decision to endorse military action against Gaddafi (who has long been heartily loathed by most other Arab leaders) made the bloc look like a force for human rights. This moment of boldness has since been overshadowed by backtracking by some Arab leaders and the League's comparatively cautious approach to Syria, although it has also put pressure on Damascus. In the short term, the Arab countries' status at the UN is once again tied to their position on Palestine. In the medium to long term, the bloc's reputation will also be shaped by whether Egypt, Tunisia and Libya become stable democracies and take a lead role in deliberations. However, the Arab League's close collaboration with France and Britain over Libya in March shows that, when the conditions are right, it can be a surprisingly useful partner.

Opportunities for Europe?

While the diplomatic landscape at the UN is evolving very fast and is increasingly unpredictable, this new multipolar UN may create some opportunities for Europe to pull together coalitions – especially when the stakes are high. Of the three crises during the last year, the Ivorian one was the best for the EU as a bloc. Europe's economic power allowed it to ensure that UN sanctions had a significant impact on Laurent Gbagbo. France and its allies were arguably too slow to react in December 2010, and were then severely constrained by the complexities of African diplomacy. But they followed a medium-term strategy towards the crisis that had legitimacy and bite.

By contrast, the Libyan crisis damaged relations between France and Britain and other EU members, notably Germany (Italy also vacillated badly over Libya but did so away from the UN). However, the EU's position at the UN was not fatally undermined and history shows that European splits on individual crises at the UN are usually resolved fairly quickly. Even the disunity over Iraq in 2003 gave way to renewed cooperation and talk of "effective multilateralism". Similarly, having stumbled over Libya, Germany regained credibility by taking a lead role in putting pressure on Syria. Meanwhile, Foreign Minister Guido Westerwelle, blamed for Germany's Libya debacle, is now a lame duck.

A more serious problem is that the Libyan crisis created a sense among some French and British officials that they do not need the EU's help to succeed at the UN. This is true up to a point: it proved possible to secure action against Gaddafi without the support of the EU, but only because the US weighed in. On their own, Britain and France would almost certainly not have won a resolution on a no-fly zone, let alone the more expansive mandate for military force created by Resolution 1973. Without the Arab League, they would have stood even less of a chance. Britain and France got very lucky. Equally, the Syrian crisis showed that even concerted EU diplomacy at the UN can be ineffectual.

Overall, the crises of 2011 illustrate that EU power at the UN remains limited. However, in the new multipolar UN, the EU is not alone in this respect. From the US, China and Russia to India, Brazil and the African Union, none of the diplomatic players in New York and Geneva is any longer able to muster enough leverage on its own to address a crisis. The new fluidity of UN diplomacy suggests that, although it is a more unpredictable environment than in recent years, the EU now has greater opportunities to build new coalitions that can deliver action on human rights and crisis management. Rather than lick their wounds after the diplomatic brawls of the last year, Europeans should be looking for ways to harness China's pragmatism and Brazil and India's desire for leadership roles, and to influence African and Arab debates over interventionism.

Can the EU take on these challenges coherently or will individual member states – most obviously Britain and

France – focus primarily on bilateral efforts to build new alliances at the UN? There is a dual challenge here. Even those European powers inclined to go it alone will lose influence if the EU is persistently disunited. But those that place a premium on European unity still need to find ways of reducing the diplomatic transaction costs of presenting a united front. In our original report on the EU at the UN, we argued that the burden of intra-European diplomacy was stifling the bloc's efforts to persuade other powers to back its positions. The EU's newly-enhanced status in the General Assembly should help it overcome these obstacles in that forum – but not when it comes to high-stakes negotiations in the Security Council or the Human Rights Council. The need for Europe to focus its diplomatic energies at the UN on influencing the rising non-Western powers rather than managing the EU's internal splits is now more urgent than ever.

Methodological note

To calculate voting coincidence with the EU on human rights, we took all votes on draft human rights resolutions adopted by the General Assembly in which the EU's members voted "in favour" or "against" together. (Resolutions adopted without a vote were excluded.) We calculated the voting coincidence of non-EU members by dividing the number of votes cast by non-EU countries coinciding with the EU's positions by the overall number of votes, abstentions and no-shows of all non-EU countries on these resolutions, giving us a percentage score for support for EU positions.

We excluded those cases in which the EU split from our calculations. When non-EU states abstained or did not participate in a vote, their vote was coded as partial disagreement, weighing half as much as full disagreement.

We applied the same calculations to China, Russia and the US. "Human rights votes" refers to those on resolutions from the Third Committee of the General Assembly, which deals with "social, humanitarian and cultural" affairs.

For a full methodology, see www.ecfr.eu.

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