

UPHOLDING UNITED NATIONS GLOBAL LEGITIMACY IN HUMAN RIGHTS PROTECTION AND HUMANITARIAN ASSISTANCE WITHIN THE EUROPEAN UNION: A LEGAL OVERVIEW OF THE EU-UN NATURAL PARTNERSHIP

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Promoting respect for human rights and providing humanitarian assistance exemplify one of the core shared values and objectives of the EU-UN agenda, deeply rooted in the premise that universal values of peace, equal rights, freedom, and human dignity may be effectively defended through efficient multilateralism only. The paper aims to offer a deep analysis of the legal framework underpinning the EU-UN partnership and to underscore the critical intersections of the EU and UN systems of addressing human rights protection and unimpeded access to humanitarian assistance. The research builds on Article 21 of the Treaty on European Union, which sets the basis for the EU's action on the international scene in line with the principles of the Charter of the UN and international law, including the promotion of multilateral solutions to common issues in the area of human rights and humanitarian assistance. Particular emphasis is put on the EU priorities for the UN, adopted annually by the Council's conclusions guiding the EU's yearly work adapted to the UN's agenda and global affairs. Alongside the examination of the current positive law and corresponding scholarly literature, the paper also provides insight into the best practices of the EU-UN natural partnership on the ground, such as the early recovery of war-affected communities in Ukraine through the UN Development Programme (UNDP). Thus, the paper combines doctrinal legal research with the socio-legal approach in outlining the specificities of the EU-UN multi-layered cooperation with respect to human rights protection and humanitarian assistance.

Keywords: *European Union; United Nations; human rights; humanitarian assistance.*

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1. INTRODUCTION

“2023, the 75th anniversary of the Universal Declaration of Human Rights and 30 years since the adoption of the Vienna Declaration and Programme of Action is the year to turn the tide on human rights and democratic decline. Turning the tide means going back to basics: the need for robust advocacy of the UN Charter, of international law, of international humanitarian law and accountability. [...] We celebrate these anniversaries in close partnership with the United Nations, [...] and with all who join the cause of upholding and advancing human rights and democracy around the world.”

Josep Borrell

High Representative of the European Union
for Foreign Affairs and Security

Upholding and advancing human rights and democracy as well as providing humanitarian assistance worldwide are at the core of the EU's current external relations. So is true adherence to international cooperation in a spirit of effective multilateralism.¹ However, just over a decade ago, the narrative on the

¹ The subject matters of the protection of human rights, providing humanitarian aid, and cooperation with third countries and international organisations worldwide are the intrinsic elements of the EU's Common Foreign and Security Policy. See Juncos, A. E.; Friis, A. M., *The European Union's Foreign, Security, and Defence Policies*, in: Cini, M.; Pérez-Solórzano Borragán, N. (eds.), *European Union Politics*, 7th Edition, Oxford University Press, Oxford, 2022, p. 280; Lambrinidis, S., *The Positive Narrative on Human Rights*, in: Westlake, M. (ed.), *The European Union's New Foreign Policy*, Palgrave Macmillan, Cham, 2020, p. 35-36; Costello, P., *Values and Interests in Post-Lisbon European Union Foreign Policy*, in: Westlake, M. (ed.), *The European Union's New Foreign Policy*, Palgrave Macmillan, Cham, 2020, p. 56; Jasiński, F.; Kacperczyk, K., *Multilateralism in EU-UN Relations*, *Polish Quarterly of International Affairs*, vol. 14 (2005), no. 2, p. 30; Daidouji, R., *Inter-organizational Contestation and the EU: Its Ambivalent Profile in Human Rights Protection*, *Journal of Common Market Studies*, vol. 57 (2019), no. 5, p. 1131. As Westlake argues, the EU's external policies in the post-1992 Treaty of Maastricht's era may be denoted as the EU's "new" foreign policy in comparison with the time before 1992 because of an array of newly introduced or redefined existing instruments, actors, and initiatives, on the one hand, and the new geopolitical environment with new challenges, on the other hand. See Westlake, M., *Introduction: The European Union's New Foreign Policy*, in: Westlake, M. (ed.), *The European Union's New Foreign Policy*, Palgrave Macmillan, Cham, 2020, pp. 1-2. See also Smith, K. E., *The European Union's Post-Lisbon Foreign Policy Ten Years on*, in: Westlake, M. (ed.), *The European Union's New Foreign Policy*, Palgrave Macmillan, Cham, 2020, pp. 237-251; Westlake, M., *Afterword: The European Union's New Foreign Policy – A Glass Half Full?*, in: Westlake, M. (ed.), *The European Union's New Foreign Policy*, Palgrave Macmillan, Cham, 2020, pp. 253-265; Hosli, M. O.; Haas, M. I., *The Development of EU Foreign Policy and External Representation*, in: Hosli, M. O. (ed.), *The European Union and the United Nations in Global Governance*, Bristol University Press, Bristol, 2022, pp. 14-28.

EU's relevance for transnational justice efforts was noticeably more subdued.² The 2009 Treaty of Lisbon's legacy gave major impetus to the EU's more prominent positioning in the realm of developing, safeguarding, endorsing, and sponsoring the protection of human rights globally. This took effect hand in hand with the enhanced engagement in communication, coordination, and outreach efforts with international partners, especially the UN.³ Over time, the EU has become one of the leading initiators in multilateral fora in matters concerning human rights and humanitarian assistance,⁴ to the point that Leffler denoted it as a champion of multilateralism.⁵ The underlying factor for forging alliances with the UN and advocating multilateralism is to potentiate a robust response to attacks on the universal human rights system, as a forceful defence of its integrity and functionality.⁶ In Serrano de Haro's words, "the EU is well aware that even while bringing together all the capabilities of its Member States, influencing world events also requires cooperation with other partners", and such a stance "is firmly ingrained in the EU's nature, and its multilateral creed".⁷

In the past decade, the EU's capacity to protect and support was repeatedly tested under the weight of the cumulative effect of multiple and overlapping crises – economic, financial, social, migration, Brexit, COVID-19, war, energy, security, etc.⁸ As a side effect, global trust in international institutions, such as the

² See Crossley-Frolick, K. A., *The European Union and Transitional Justice: Human Rights and Post-conflict Reconciliation in Europe and Beyond*, *Contemporary Readings in Law and Social Justice*, vol. 3 (2011), no. 1, pp. 33, 37.

³ European Union External Action, Report of the High Representative of the Union for Foreign Affairs and Security Policy – 2022 Annual Report on Human Rights and Democracy in the World (hereinafter: 2022 Annual Report), Brussels, 2023, p. 13.

⁴ *Ibid.*, p. 6.

⁵ See Leffler, C., *Championing Multilateralism*, in: Westlake, M. (ed.), *The European Union's New Foreign Policy*, Palgrave Macmillan, Cham, 2020, pp. 23-24, 26-29.

⁶ 2022 Annual Report, *op. cit.*, note 3, p. 10.

⁷ Serrano de Haro, P. A., *Working Together for a Safer World*, in: Westlake, M. (ed.), *The European Union's New Foreign Policy*, Palgrave Macmillan, Cham, 2020, p. 78.

⁸ Cini, M.; Pérez-Solórzano Borragán, N., Introduction, in: Cini, M.; Pérez-Solórzano Borragán, N. (eds.), *European Union Politics*, 7th Edition, Oxford University Press, Oxford, 2022, pp. 1-2; Serrano de Haro, P. A., *Working Together...*, *ibid.*, pp. 61-65; Hosli, M. O.; Lentschig, H.; D'Ambrosio, C., Crises, Integration and the EU as an External Actor, in: Hosli, M. O. (ed.), *The European Union and the United Nations in Global Governance*, Bristol University Press, Bristol, 2022, pp. 29-56; Greer, S.; Gerards, J.; Slowe, R., *Human Rights in the Council of Europe and the European Union: Achievements, Trends and Challenges*, Cambridge University Press, Cambridge, 2018, pp. 39-50.

EU and the UN, gradually declined,⁹ while a sense of human rights pessimism rose thereon.¹⁰ The EU is at a critical juncture, with different trends and pressures sabotaging its human rights and humanitarian assistance efforts.¹¹ Russia's ongoing military full-scale aggression on Ukraine constitutes a grave attack on the rules-based global order and democracy,¹² which seriously violates the fundamentals of international human rights law and international humanitarian law.¹³ Laffan anticipated that by 2030, the EU is likely to be negatively impacted by four overarching emergencies: first, the eurozone crisis; second, Europe's unstable borderlands and neighbourhood; third, increased contention in and about the EU, and more fragmented and volatile domestic politics; and fourth, profound structural transformations of the international system, leading to the multipolarisation of the world.¹⁴ Undoubtedly, the unifying power of the EU-UN partnership is playing a decisive role in mitigating the repercussions of various crises.

This paper seeks to shed light on the specificities of the EU's and the UN's manifold normative, operational, and political intersections in the area of human rights and humanitarian assistance. It aims at advancing existing scholarly literature with fresh theoretical and practical knowledge derived from an in-depth analysis of the latest legal and academic sources as well as personal experience of active engagement in the EU's institutional landscape. There is a growing body of literature examining various aspects of the EU's and the UN's human rights and humanitarian assistance agenda; however, very few pieces offer an all-encompassing and comparative analysis, so the purpose of this paper is to fill the respective gap. The scientific research is divided into six sections (including the introductory and concluding remarks). The first section following the introduction provides a general overview of the EU-UN's prolific cooperation, with special emphasis on the notion of multilateralism and the modes of the EU's involvement in the UN's work. The third section

⁹ See Bibbins Sedaca, N.; Kennedy, K., *Human Rights: Progress, Opportunities, and Challenges*, *Georgetown Journal of International Affairs*, vol. 20 (2019), p. 20.

¹⁰ See Sharp, D. N., *Pragmatism and Multidimensionality in Human Rights Advocacy*, *Human Rights Quarterly*, vol. 40 (2018), no. 3, pp. 502-505.

¹¹ Laffan, B., *The Future of the EU*, in: Cini, M.; Pérez-Solórzano Borragán, N. (eds.), *European Union Politics*, 7th Edition, Oxford University Press, Oxford, 2022, pp. 437-438.

¹² 2022 Annual Report, *op. cit.*, note 3, p. 8.

¹³ *Ibid.*

¹⁴ Laffan, B., *The Future of the EU*, *loc. cit.*, note 11. See also Leffler, C., *Championing Multilateralism*, *op. cit.*, note 5, pp. 29-32.

focuses on the examination of a legal basis framing the EU-UN's partnership, i.e. the three founding treaties (the Treaty establishing the European Coal and Steel Community, the Treaty establishing the European Economic Community, and the Treaty establishing the European Atomic Energy Community) and "the Treaties" (the Treaty on European Union and the Treaty on the Functioning of the European Union). The fourth section outlines seminal legal norms, procedures, mechanisms, entities, and principles of the overarching EU-UN alliance in the human rights endeavour. A similar approach is applied in the fifth section, which analyses the points of the EU-UN's convergence and synergies in the domain of humanitarian assistance, drawing particular attention to the Russian military aggression on Ukraine as an example of a composite approach to mutually interwoven human rights and humanitarian issues. The paper's final remarks offer a synthesis of the elaborate findings, recapped in two points.

2. EU-UN COOPERATION AT LARGE

Starting as far-reaching projects of peace and reconciliation after World War II,¹⁵ in the years after, the EU and the UN devoted themselves to a number

¹⁵ According to the Preamble of the Treaty of Paris setting up the European Coal and Steel Community, the signatories considered that world peace might be safeguarded only by creative efforts equal to the dangers which menace it, convinced that the contribution which an organised and vital Europe could bring to civilisation was indispensable to the maintenance of peaceful relations. In that spirit, they resolved to establish, by creating an economic community, the foundation of a broad and independent community among peoples long divided by bloody conflicts, and to lay the bases of institutions capable of giving direction to their future common destiny. See *Traité instituant la Communauté Européenne du Charbon et de l'Acier*, 1951, available at <https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:11951K/TXT> (accessed 5 July 2023). Six years later, the same commitment to peace was also confirmed in the Rome Treaties, i.e. the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community. Pursuant to the Preamble of the former, the signatories agreed, *inter alia*, to strengthen the safeguards of peace and liberty as well as to abide by the principles of the UN Charter, while the Preamble of the latter emphasises that nuclear energy will permit the advancement of the cause of peace. See *Traité instituant la Communauté Economique Européenne*, 1957, available at <https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:11957E/TXT> (accessed 5 July 2023); *Traité instituant la Communauté Européenne de l'Énergie Atomique*, 1957, available at <https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:11957A/TXT> (accessed 5 July 2023). Similar to the founding treaties of the EU, the Preamble of the UN Charter stipulates that the peoples of the UN are determined, *inter alia*, to practise tolerance and live together in peace with one another as good neighbours and to unite their strength to maintain international peace and security. See *Charter of the United Nations*, 1945, 1 UNTS XVI. See also Phinnemore, D., *The*

of universally shared values and goals, such as the development of friendly relations, the maintenance of international peace and security, the promotion of international cooperation, and safeguarding respect for human rights and fundamental freedoms.¹⁶ In short order, both organisations effectively positioned themselves as pivotal actors of the international community in defining, promoting, and protecting globally accepted standards and principles of peace, equal rights, freedom, and human dignity. To multiply and reinforce their efforts in respective domains, they naturally turned to one another and joined forces through efficient multilateral action.¹⁷

Multilateralism has a firm and indispensable standing in international law. Ruggie defines multilateralism as “an institutional form which coordinates relations between three or more states on the basis of generalised principles of conduct”,¹⁸ and Taylor as “a particular way in which states conduct their relations with each other”.¹⁹ In her outlook on challenges to multilateralism in the context of the shared agendas of the EU and the UN, Hosli portrayed multilateralism as “a foundation to global cooperation, based on negotiations and the work and activities of international institutions”.²⁰ In his speech at the 77th session of the UN General Assembly (hereinafter: UNGA) on 23 September 2022, the President of the European Council defined multilateral cooperation as “collective intelligence in action”, which is part of the “EU’s DNA” as well.²¹ In

European Union: Establishment and Development, in: Cini, M.; Pérez-Solórzano Borragán, N. (eds.), *European Union Politics*, 7th Edition, Oxford University Press, Oxford, 2022, p. 10; Lambrinidis, S., *The Positive Narrative...*, *op. cit.*, note 1, p. 34; Hosli, M. O., Introduction, in: Hosli, M. O. (ed.), *The European Union and the United Nations in Global Governance*, Bristol University Press, Bristol, 2022, pp. 1, 4; Greer, S. et al., *Human Rights in the Council of Europe and the European Union...*, *op. cit.*, note 8, pp. 5-8.

¹⁶ How the European Union and the United Nations Cooperate, United Nations Regional Information Centre for Western Europe (UNRIC), Bonn, 2007, p. 2.

¹⁷ For more details, see Leffler, C., *Championing Multilateralism*, *op. cit.*, note 5, p. 29.

¹⁸ As cited in Degrand-Guillaud, A., *Actors and Mechanisms of EU Coordination at the UN*, *European Foreign Affairs Review*, vol. 14 (2009), no. 3, p. 411.

¹⁹ See Taylor, P., *Multilateralism, the UN and the EU*, *European Review of International Studies*, vol. 1 (2014), no. 2, p. 16.

²⁰ Hosli, M. O., *Tackling Challenges to Multilateralism: Shared Agendas of the EU and the UN*, in: Hosli, M. O. (ed.), *The European Union and the United Nations in Global Governance*, Bristol University Press, Bristol, 2022, p. 57. For more definitions of multilateralism see Jasiński, F.; Kacperczyk, K., *Multilateralism in EU-UN...*, *op. cit.*, note 1, pp. 31-33.

²¹ In the same vein, the President emphasised that the European leadership is about building solutions in partnership with the UN for the purpose of peace, development, and the promotion of human rights. See European Council, *Speech by President Charles Michel at*

fact, the underlying foundations of both the EU and the UN are the principles of effective multilateralism and rules-based governance.²²

The EU's commitment to multilateralism, with the UN and international law at its core, is repeatedly affirmed in the latest 2016 European Union Global Strategy, a comprehensive document guiding the EU's foreign and security policy within global governance for the 21st century. The Strategy underlines that the EU will "promote a rules-based global order with multilateralism as its key principle" and "strive for a strong UN as the bedrock of the multilateral rules-based order". Moreover, it particularly accentuates that "a multilateral order grounded in international law, including the principles of the UN Charter and the Universal Declaration of Human Rights, is the only guarantee for peace and security at home [the EU] and abroad".²³

The areas of multilateral cooperation between the EU and the UN are wide and varied, spanning peacebuilding, crisis management and human rights matters, sustainable development and climate change, disarmament and non-proliferation, as well as the administration of migratory and labour issues, to name a few of the most prominent examples.²⁴ As expected, the coordination of activities between the EU and the UN in such a setting is complex and multifaceted.²⁵ The EU's elements are firmly interwoven into the UN's structure, thus significantly contributing to decision-making processes at the universal level. Since 1974, the EU, formerly the European Communities until the 2009 Treaty of Lisbon,²⁶ has had the status of a permanent observer at the UNGA,

the 77th Session of the UN General Assembly, 23 September 2022, available at <https://www.consilium.europa.eu/en/press/press-releases/2022/09/23/speech-by-president-charles-michel-at-the-77th-un-general-assembly/> (accessed 7 July 2023).

²² Hosli, M. O., *Tackling Challenges...*, *op. cit.*, note 20, p. 60.

²³ European Union, *Shared Vision, Common Action: A Stronger Europe – A Global Strategy for the European Union's Foreign and Security Policy*, European External Action Service, Brussels, 2016, pp. 8, 10, 15-16.

²⁴ European Union External Action, *The EU and the United Nations, EU-UN Cooperation*, available at https://www.eeas.europa.eu/eeas/eu-and-united-nations_en (accessed 6 July 2023).

²⁵ See more, Hosli, M. O., *Introduction*, *op. cit.*, note 15, pp. 8-9; Degrand-Guillaud, A., *Characteristics of and Recommendations for EU Coordination at the UN*, *European Foreign Affairs Review*, vol. 14 (2009), no. 4, pp. 607-622.

²⁶ Pursuant to horizontal amendments to the Treaty establishing the European Community, the words "European Communities" were subsequently replaced by "European Union" throughout the succeeding Treaty on the Functioning of the European Union. See Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, Official Journal of the European Union, C 306, 17 December 2007, Chapter 1 – General Provisions of the Union's External Action, Article 2(1) and Article 2(2).

with reinforced participating rights since 2011.²⁷ Since membership in the UN is reserved for States only, the EU is represented in the UN by the EU Member State holding the rotating six-month Presidency of the Council of the EU. The EU's voice in the UN is further bolstered and channelled through 27 EU Member States as independent Members of the UN, which together make up around one-eighth of the total votes in the UNGA. Seven EU Member States, i.e. Belgium, Denmark, France, Greece, Luxembourg, the Netherlands, and Poland, were founding members of the UN in 1945, and France's influence is particularly underscored under the aegis of its permanent membership of the UN Security Council (hereinafter: UNSC).²⁸ Since the 1990s, while voting in the UNGA, the EU Member States have had predominantly unified views (well over 90%) with respect to the critical matters of the Common Foreign and Security Policy.²⁹ Furthermore, the EU's significance in the UN is additionally accentuated by its substantial financial impact. The EU is the UN's single largest financial contributor, with EU funds totalling more than one-third of the UN

²⁷ Not long after the Treaty of Lisbon granted the EU full legal personality, on 3 May 2011, at the 88th plenary meeting, the UNGA adopted the Resolution on the enhanced participation of the representatives of the EU, in their capacity as observers, "in the sessions and work of the UNGA and its committees and working groups, in international meetings and conferences convened under the auspices of the UNGA and in UN conferences". The updated rules allowed the EU representatives to present commonly agreed EU positions, be on the list of speakers among representatives of major groups in order to make interventions, participate in the general debate of the UNGA, circulate EU communications directly as official documents of the UNGA, meeting or conference, present proposals and amendments orally as agreed by the EU Member States, and exercise the right of reply regarding positions of the EU. See Participation of the European Union in the Work of the United Nations, A/RES/65/276, 10 May 2011. For more, see Hosli, M. O.; Verbeek, N., The EU in the UNGA and the UNSC, in: Hosli, M. O. (ed.), *The European Union and the United Nations in Global Governance*, Bristol University Press, Bristol, 2022, pp. 81-83; Smith, K. E., EU Member States at the UN: A Case of Europeanization Arrested?, *Journal of Common Market Studies*, vol. 55 (2017), no. 3, pp. 628-644.

²⁸ In accordance with Article 34(2) of the TEU, in the execution of its duties, France as a member of the UNSC is obliged to keep the other EU Member States and the High Representative fully informed of any matter of common interest and defend the positions and the interests of the EU, without prejudice to its responsibilities under the provisions of the UN Charter. See Consolidated Version of the Treaty on European Union, Official Journal of the European Union, C 326, 26 October 2012. For more, see Hosli, M. O.; Verbeek, N., The EU in the UNGA and the UNSC, *op. cit.*, pp. 86-89; Marchesi, D., EU Common Foreign and Security Policy in the UN Security Council: Between Representation and Coordination, *European Foreign Affairs Review*, vol. 15 (2010), no. 1, pp. 99, 104-105.

²⁹ How the European Union and the United Nations Cooperate, *op. cit.*, note 16, p. 6. For more, see Degrand-Guillaud, A., Actors and Mechanisms..., *op. cit.*, note 18, pp. 405-430; Hosli, M. O.; Verbeek, N., The EU in the UNGA and the UNSC, *op. cit.*, p. 84.

budget over the 2014-2020 financial perspective. For example, combined funding of the EU, the EU Member States, and EU institutions support 38% of the UN's regular budget, over two-fifths of UN peacekeeping operations, around one-half of all UN Members' contributions to UN funds and programmes, and 56% of development aid and assistance.³⁰ As the only non-State party to more than 50 UN treaties, an observer in most of the UN specialised agencies, a full participant in key UN conferences, and a full member of UN bodies (e.g. the Food and Agriculture Organization – FAO and the World Trade Organisation – WTO), the EU contributes profusely to the development and codification of international law.³¹

3. LEGAL BASIS OF THE EU-UN PARTNERSHIP

3.1. Founding Treaties

The legal origins of the EU-UN partnership can be traced back to as early as the 1950s when the three founding treaties of the EU introduced the provision regulating the maintenance of interorganisational relationships. It was Article 93 of the 1951 Treaty establishing the European Coal and Steel Community which first stipulated that "The High Authority will maintain whatever relationships appear useful with the United Nations and the Organization for European Economic Cooperation, and will keep these organizations regularly informed of the activity of the Community".³² In the same vein, Article 229 of the 1957 Treaty establishing the European Economic Community provides that "The Commission shall be responsible for ensuring all suitable contacts with the organs of the United Nations, of their specialised agencies and of the General Agreement on Tariffs and Trade. The Commission shall also ensure appropriate contacts with all international organisations".³³ Moreover, the Preamble of the respective Treaty explicitly ties in the EU with the UN Charter, stressing that the solidarity

³⁰ European Union External Action, *The European Union and the United Nations, EU Major Contributor to the UN*, available at https://www.eeas.europa.eu/un-geneva/european-union-and-united-nations_en?s=62 (accessed 7 July 2023). It is noteworthy to emphasise that the EU is the single biggest budgetary contributor as regards voluntary contributions to the UN budget. See Leffler, C., *Championing Multilateralism*, *op. cit.*, note 17.

³¹ See European Union External Action, *The European Union and the United Nations, EU Major Contributor to the UN*, *ibid.*

³² *Traité instituant la Communauté Européenne du Charbon et de l'Acier*, *op. cit.*, note 15.

³³ *Traité instituant la Communauté Economique Européenne*, *op. cit.*, note 15.

which binds Europe and overseas countries as well as the development of their prosperity will be accomplished in accordance with the Charter's principles. Finally, Article 199 of the 1957 Treaty establishing the European Atomic Energy Community, with nearly the exact wording as the above-mentioned Article 229, regulates that "It shall be for the Commission to ensure the maintenance of all appropriate relations with the organs of the United Nations, of its specialised agencies and of the General Agreement on Tariffs and Trade. The Commission shall also maintain such relations as are appropriate with all international organisations".³⁴

3.2. The Treaties

About half a century later, the narrative on EU-UN cooperation and embedding the UN values into the modern-day EU system substantially broadened, as demonstrated in two principal EU treaties – the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU).

Article 21(1) TEU sets the basis for the contemporary EU's action on the international scene in line with the principles of the UN Charter, multilateralism, and international law. Incorporated under Chapter 1 on general provisions on the EU's external action, within the wider Title V on general provisions on the EU's external action and specific provisions on the common foreign and security policy, Article 21(1) lays down the fundamentals of the EU's conduct in the international community, prescribing that its action will be governed in line with "the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law".³⁵ As Lambrinidis rightly points out, "those are Treaty obligations" but "also

³⁴ *Traité instituant la Communauté Européenne de l'Énergie Atomique*, *op. cit.*, note 15.

³⁵ Consolidated Version of the Treaty on European Union, *op. cit.*, note 28. For criticism of such a persistent EU rhetoric on upholding EU-UN priorities to human rights, see Debuysere, L.; Blockmans, S., Crisis Responders: Comparing Policy Approaches of the EU, the UN, NATO and OSCE with Experiences in the Field, *European Foreign Affairs Review*, vol. 24 (2019), no. 3, pp. 261-263. For another example of questioning the EU's ability to fully comply with the international human rights law, see Hilmy, P., The International Human Rights Regime and Supranational Regional Organisations: The Challenge of the EU, *Michigan Journal of International Law*, vol. 36 (2014), no. 1, pp. 179-218; Keller, H.; Schnell, C., International Human Rights Standards in the EU – A Tightrope Walk between Reception and Parochialism?, *Swiss*

international, universal human rights obligations”.³⁶ Additionally, the successive subparagraph of Article 21(1) establishes a vital link between the EU and the UN in the context of multilateralism, stipulating that the EU will “seek to develop relations and build partnerships with [...] international, regional or global organisations which share the principles referred to in the first subparagraph”, and “promote multilateral solutions to common problems, in particular in the framework of the United Nations”.³⁷ A detailed list of objectives to be pursued through common EU policies and actions, with a view to achieving a high degree of cooperation in all fields of international relations, is outlined in Article 21(2). The aspirations include, *inter alia*, support for democracy, the rule of law, human rights and the principles of international law; preservation of peace, prevention of conflicts and strengthening international security, in accordance with the purposes and principles of the UN Charter; providing assistance to populations, countries, and regions confronting natural or man-made disasters; and the promotion of an international system based on stronger multilateral cooperation and good global governance.³⁸ Although it has an exceptional impact on its own, Article 21 can be additionally well enhanced if taken in conjunction with the common provision of Article 3(5) TEU, which regulates the EU’s relations with the wider world, specifically referring to the EU’s commitment to strictly comply with international law, including the principles of the UN Charter. Namely, Article 3(5) obliges the EU to “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” when engaged on the international scene.³⁹

Originating as the Treaty establishing the European Economic Community, the TFEU retained some of its initial provisions framing the cooperation between the EU and the UN. Firstly, a clause safeguarding the establishment of all appropriate forms of cooperation with the organs of the UN and its specialised agencies was kept as Article 220(1), moderately modified in its closing part listing the other

Review of International and European Law, vol. 20 (2010), no. 1, pp. 3-38; Gómez Isa, F., EU Human Rights and Democratization Policies in a Changing World, *Inter-American and European Human Rights Journal*, vol. 9 (2016), no. 2, pp. 500-516.

³⁶ Lambrinidis, S., *The Positive Narrative...*, *op. cit.*, note 1, p. 35.

³⁷ Consolidated Version of the Treaty on European Union, *op. cit.*, note 28.

³⁸ *Ibid.*

³⁹ *Ibid.*

international partner organisations.⁴⁰ Likewise, the segment of the Preamble referring to abiding by the principles of the UN Charter, in the context of solidarity between Europe and overseas countries, was kept in its entirety. The explicit cooperation with the UN is repeatedly affirmed throughout the TFEU, as well as correlating protocols and declarations as regards development cooperation,⁴¹ humanitarian aid,⁴² pacific settlements of disputes, and maintenance or restoration of international peace and security.⁴³ In other words, the EU legal system expressly supports all three key pillars of the UN – peace and security, human rights, and development.⁴⁴

4. EU-UN COOPERATION IN THE DOMAIN OF HUMAN RIGHTS

One of the principal areas in which the EU and the UN share their common agendas and fruitfully cooperate is the protection of human rights.⁴⁵ Protection of and respect for human rights and fundamental freedoms are deeply embedded in the EU's legislative framework and are at the heart of its relations with international organisations and third countries.⁴⁶ Article 67(1) TFEU describes the EU as "an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States".⁴⁷ It is worth noting that, in a general manner, the Preamble of the TEU confirms the EU's universal "attachment to the principles of liberty, democracy and respect for human rights and

⁴⁰ Consolidated Version of the Treaty on the Functioning of the European Union, Official Journal of the European Union, C 326, 26 October 2012.

⁴¹ See Article 208(2) TFEU, *ibid.*

⁴² See Article 214(7) TFEU, *ibid.*

⁴³ See Preamble and Article 1(b) of the Protocol (No 10) on Permanent Structured Cooperation Established by Article 42 of the Treaty on European Union (annexed to the TEU and the TFEU) and Declaration Concerning the Common Foreign and Security Policy, *op. cit.*, notes 28 and 40.

⁴⁴ See European Union External Action, United Nations: Address by the High Representative/Vice-President Josep Borrell to the UN Security Council on EU-UN Cooperation, New York, 23 February 2023, available at https://www.eeas.europa.eu/eeas/united-nations-address-high-representativevice-president-josep-borrell-un-security-council-eu_en (accessed 7 July 2023).

⁴⁵ Hosli, M. O., *Tackling Challenges...*, *op. cit.*, note 20, pp. 60-61.

⁴⁶ See, for example, Pérez de las Heras, B., *EU and US External Policies on Human Rights and Democracy Promotion: Assessing Political Conditionality in Transatlantic Partnership*, *Romanian Journal of European Affairs*, vol. 15 (2015), no. 2, pp. 80-96.

⁴⁷ Consolidated Version of the Treaty on the Functioning of the European Union, *op. cit.*, note 40.

fundamental freedoms and of the rule of law”.⁴⁸ This is further accentuated in Article 2 TEU, which ratifies that the EU “is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities”. Additionally, it underscores that those “values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”.⁴⁹

The EU’s commitment to the protection of human rights, both at the universal and regional level, is repeatedly confirmed, from primary and secondary sources of EU law to other official documents and political speeches of the highest representatives of the EU institutions. However, historically, the beginnings of what is now the EU did not specifically have human rights in their focus.⁵⁰ Nonetheless, Article 220 of the Treaty establishing the European Economic Community (EEC), in quite a narrow way limited to national rules on human rights protection only, stipulates that the Member States “shall, so far as is necessary, enter into negotiations with each other with a view to securing for the benefit of their nationals: – the protection of persons and the enjoyment and protection of rights under the same conditions as those accorded by each State to its own nationals; [...]”.⁵¹ Contrary to that, the other two founding treaties do not contain any direct reference to the protection of human rights.

The EU’s receptiveness to fully comply with the principles of the UN Charter is illustrated in the earlier analysis of the legal framework of the EU-UN partnership. As noted, both of the Treaties establishing the EU explicitly cite the UN Charter as a framework for its actions at the global and regional level, with the roots to

⁴⁸ Consolidated Version of the Treaty on European Union, *op. cit.*, note 28.

⁴⁹ *Ibid.*

⁵⁰ For more, see Ahmed, T.; De Jesús Butler, I., The European Union and Human Rights: An International Law Perspective, *European Journal of International Law*, vol. 17 (2006), no. 4, pp. 771-802; Greer, S.; Williams, A., Human Rights in the Council of Europe and the EU: Towards “Individual”, “Constitutional” and “Institutional” Justice?, *European Law Journal*, vol. 15 (2009), no. 4, p. 471; Defeis, E. F., The Treaty of Lisbon and Human Rights, *ILSA Journal of International and Comparative Law*, vol. 16 (2010), no. 2, pp. 414-415; Lawson, R., The EU and Human Rights: Towards a Third Convention, *Netherlands Quarterly of Human Rights*, vol. 20 (2002), no. 2, p. 159; Muravyov, V.; Svyatun, O., Protection of Human Rights in the European Union, *Law of Ukraine: Legal Journal*, nos. 9-10, 2011, p. 347; Candela Soriano, M.; Cheneviere, C., Le législateur et les droits de l’homme, in: Candela Soriano, M. (ed.), *Les droits de l’homme dans les politiques de l’Union européenne*, Larcier, Bruxelles, 2006, pp. 26-27.

⁵¹ *Traité instituant la Communauté Economique Européenne*, *op. cit.*, note 15.

such an approach in the 1957 founding Treaty of Rome (EEC).⁵² Therefore, it is not surprising that both the EU and the UN define democracy, the rule of law, and respect for human rights and fundamental freedoms as a basis for the legitimacy of their actions. Heupel and Zürn argue that “the spread of human rights protection provisions in IOs will continue – or at least not be reversed – as long as conducive conditions prevail, such as the increased transfer of authority to IOs, the spread of self-confident courts that hold IOs or their member states accountable and the existence of model provisions in some IOs that can be emulated by others”.⁵³

The EU is deeply involved in the protection of human rights within the UN system, primarily through a manifold contribution to the UN Human Rights Council and the Third Committee of the UNGA (Social, Humanitarian, and Cultural Issues).⁵⁴ It speaks out against human rights violations, coordinates country-specific and thematic statements, negotiates resolutions, carries out fact-finding missions, and makes declarations related to the protection of human rights and fundamental freedoms.⁵⁵ Its contribution to establishing and developing the special procedures of the UN Human Rights Council, notably Special Rapporteurs on the promotion and protection of various human rights, has been instrumental. In promoting human rights and democracy as central aspects of its external policy, it uses recommendations issued during the Universal Periodic Review of the UN Human Rights Council, a distinctive mechanism of a peer review of human rights records in the UN Member States every 4.5 years.⁵⁶

⁵² Of particular importance are Article 3(5), Article 21(1), and Article 21(2) TEU. See in this paper Section 3 “Legal Basis of the EU-UN Partnership”, Subsection 3.2 “The Treaties”. In the context of the EU’s interaction with the UN with regard to human rights protection and the interconnectedness of their human rights provisions, Daidouji critically remarked that: “While it would be an overstatement to claim that EU and UN human rights policy as a whole has been shaped exclusively by the influence of other IOs, the modification and insertion of some specific articles and clauses can be at least partly explained by inter-organizational interactions”. Daidouji, R., *Inter-organizational Contestation and the EU...*, *op. cit.*, note 1, p. 1143.

⁵³ Heupel, M.; Zürn, M., *The Rise of Human Rights Protection in International Organisations – Results and Theoretical Implications*, in: Heupel, M.; Zürn, M. (eds.), *Protecting the Individual from International Authority: Human Rights in International Organisations*, Cambridge University Press, Cambridge, 2017, p. 298.

⁵⁴ *How the European Union and the United Nations Cooperate*, *op. cit.*, note 16, p. 9; 2022 Annual Report, *op. cit.*, note 3, p. 129. For more, see Tuominen, H., *Effective Human Rights Promotion and Protection? The EU and its Member States at the UN Human Rights Council*, *Journal of Common Market Studies*, vol. 61 (2023), no. 4, pp. 935-950.

⁵⁵ 2022 Annual Report, *op. cit.*, note 3, p. 128.

⁵⁶ See European Union External Action, *The European Union and the United Nations, Human Rights*, available at <https://www.eeas.europa.eu/un-geneva/european-union-and->

It also conducts dialogues with the Office of the UN High Commissioner for Human Rights.⁵⁷ Apart from providing unreserved political support to the UN in the domain of human rights, the EU is also an indispensable provider of financial means for programmes and initiatives advocating human rights at a global level, such as the Global Europe Human Rights and Democracy Programme.⁵⁸

When it comes to the regional legislative framework in the domain of human rights, two treaties form the backbone of the EU's governance – the Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights. According to Article 6(3) TEU, "fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, constitute part of the Union's law as general principles".⁵⁹ In respect of the Charter, Article 6(1) TEU underlines that the EU "recognises the rights, freedoms and principles set out in the Charter of

united-nations_en?s=62 (accessed 9 July 2023); United Nations Human Rights Council, Universal Periodic Review, available at <https://www.ohchr.org/en/hr-bodies/upr/upr-home> (accessed 9 July 2023).

⁵⁷ 2022 Annual Report, *op. cit.*, note 6.

⁵⁸ *Ibid.*, p. 11. Launched in December 2021, with a total allocation of EUR 1.5 billion for the 2021-2027 financial perspective, the objective of the Global Europe Human Rights and Democracy Programme is to promote universal values of human rights and democracy worldwide. It supports activities in third countries and at a global level, as an important complementary tool to other EU programmes at country, local, and regional levels. One part of its allocation, totalling EUR 144 million, is dedicated to the promotion of a global system for human rights and democracy, which includes enhancing strategic partnerships with the UN High Commissioner for Human Rights and the International Criminal Court (ICC). For more, see European Commission, Strengthening Human Rights and Democracy in the World: EU Launches a €1.5 Billion Plan to Promote Universal Values, available at https://ec.europa.eu/commission/presscorner/detail/en/IP_21_6695 (accessed 9 July 2023).

⁵⁹ Consolidated Version of the Treaty on European Union, *op. cit.*, note 28. Article 6(2) TEU foresees the EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms, pointing out that the respective act would not affect the EU's competencies as defined in the Treaties. A separate Declaration on Article 6(2) of the Treaty on European Union, complementary to the Consolidated version of the TFEU, specifies that the EU's accession should be arranged in such a way as to preserve the specific features of EU law, with a regular dialogue between the Court of Justice of the European Union and the European Court of Human Rights. See Consolidated Version of the Treaty on the Functioning of the European Union, *op. cit.*, note 40, Declaration concerning the Charter of Fundamental Rights of the European Union. See also Greer, S. *et al.*, *Human Rights in the Council of Europe and the European Union...*, *op. cit.*, note 8, pp. 245-248; Van den Berghe, F., *The EU and Issues of Human Rights Protection: Some Solutions to More Acute Problems?*, *European Law Journal*, vol. 16 (2010), no. 2, pp. 112-157.

Fundamental Rights”.⁶⁰ In the Declaration concerning the Charter of Fundamental Rights of the European Union, complementary to the TFEU, the Charter’s scope is closely intertwined with that of the Convention. Namely, in line with the Declaration, the Charter confirms the fundamental rights guaranteed by the Convention.⁶¹

The Charter is a legally binding act, which, in the wording of the Declaration concerning the Charter of Fundamental Rights of the European Union, “does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined by the Treaties”.⁶² It reflects a wide array of diverse civil, political, economic, social, cultural, and solidarity rights and freedoms to which the EU is committed.⁶³

⁶⁰ Consolidated Version of the Treaty on European Union, *ibid.* On the rights-principles divide concerning the EU Charter of Fundamental Rights, see Lock, T., Rights and Principles in the EU Charter of Fundamental Rights, *Common Market Law Review*, vol. 56 (2019), no. 5, pp. 1201-1226.

⁶¹ The Declaration concerning the Charter of Fundamental Rights of the European Union is annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, signed on 13 December 2007. Consolidated Version of the Treaty on the Functioning of the European Union, *op. cit.*, note 40.

⁶² *Ibid.* For more, see Greer, S. *et al.*, *Human Rights in the Council of Europe and the European Union...*, *op. cit.*, note 8, pp. 248-254; O’Neill, A., The EU and Fundamental Rights – Part 2, *Judicial Review*, vol. 16 (2011), no. 4, pp. 374-398.

⁶³ The Charter grants and protects human dignity; right to life; right to the integrity of the person; prohibition of torture and inhuman or degrading treatment or punishment; prohibition of slavery and forced labour; right to liberty and security; respect for private and family life; protection of personal data; right to marry and right to found a family; freedom of thought, conscience and religion; freedom of expression and information; freedom of assembly and of association; freedom of the arts and sciences; right to education; freedom to choose an occupation and right to engage in work; freedom to conduct a business; right to property, right to asylum; protection in the event of removal, expulsion, or extradition; equality before the law; non-discrimination; cultural, religious and linguistic diversity; equality between men and women; rights of the child; rights of the elderly; integration of persons with disabilities; workers’ right to information and consultation within the undertaking; right of collective bargaining and action; right of access to placement services; protection in the event of unjustified dismissal; fair and just working conditions; prohibition of child labour and protection of young people at work; family and professional life; social security and social assistance; healthcare; access to services of general economic interest; environmental protection; consumer protection; right to vote and to stand as a candidate at elections to the European Parliament; right to vote and to stand as a candidate at municipal elections; right to good administration; right of access to documents; the European Ombudsman; right to petition; freedom of movement and of residence; diplomatic and consular protection; right to an effective remedy and to a fair trial; presumption

The unique facet of the EU-UN multilateral partnership in promoting, developing, advancing, and protecting human rights is the regular determination of the EU's priority goals and directions of action within the international human rights framework. Every year, the Council of the EU adopts the EU priorities at the UN and the UNGA, which systematically address the pressing human rights issues in the international community. The last ones were adopted in July 2022 and concerned the EU's priorities at the UN during the 77th session of the UNGA (encompassing the period of September 2022 to September 2023).⁶⁴ Adopted by the Council's conclusions at some of the historically most challenging moments for global peace and security, such as Russia's war of aggression against Ukraine, and massive geopolitical fractures and crises caused by the COVID-19 pandemic and climate change, the respective priorities repeatedly call attention to the necessity of upholding the rules-based international order founded on the UN Charter. Point 2 of the Council's conclusions underlines the binding character of the UN Charter in its entirety and stresses the universality of the UN's founding principles, with peace and security, human rights, gender equality, human dignity, and equal rights of large and small nations at its core. From the perspective of multilateral action in the area of human rights and fundamental freedoms, particularly relevant is the EU's reaffirmation of its "conviction that the major challenges of our time, by their nature and global scope, cannot be addressed by countries acting alone but must be tackled together".⁶⁵ In Point 3 of the Council's conclusions, the EU accentuates that "multilateralism and the rules-based international order matter", and affirms that the EU and its Member States will, together with partners, remain strongly committed to "defending democracy, human rights, the rule of law and ensuring peace and prosperity".⁶⁶ The EU's assertion that "multilateralism works in times of crisis" is included in Point 5 of the Council's conclusions, alongside a direct call to multilateral actors – the UN, international financial institutions, the G7, and the G20 – "to come together and put forward robust multilateral solutions to address the

of innocence and right of defence; principles of legality and proportionality of criminal offences and penalties; and the right not to be tried or punished twice in criminal proceedings for the same criminal offence. See Charter of Fundamental Rights of the European Union, Official Journal of the European Union, C326, 26 October 2012.

⁶⁴ EU Priorities at the United Nations during the 77th United Nations General Assembly (September 2022 – September 2023), Council conclusions, 11029/22, Brussels, 18 July 2022.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

negative impacts and root causes of the interlinked crisis”.⁶⁷ In general terms, the Council’s conclusions single out two overarching goals in the EU’s year-long focus until September 2023 – ensuring peace and prosperity and preparing better for the future, each with a number of specific priorities. One of them is the EU’s vigorous promotion and defence of the universality and indivisibility of human rights, gender equality, democracy, good governance, the rule of law, and anti-corruption, embedded into the first goal of ensuring peace and prosperity as Points 17-21 of the Council’s conclusions. In Point 17, the EU reiterated “its commitment to equality and non-discrimination and to the entitlement of all persons to enjoy the full range of human rights and fundamental freedoms”.⁶⁸ To that end, it committed itself to support “Our Common Agenda”, the UN Secretary-General’s new vision of enhanced international cooperation, designed to accelerate the implementation of the Sustainable Development Goals and other existing agreements,⁶⁹ which “mainstreams human rights across all UN pillars”.⁷⁰ Additionally, in Point 20, it made a commitment to “make all efforts to put human rights at the centre of the UN agenda” and “promote a strengthened global system for human rights by building deeper alliances with partners”.⁷¹ It also explicitly confirmed that it would “continue to advocate effective delivery by the UN Human Rights system and its independence as well as sustainable and adequate funding”.⁷² EU support for the UN human rights framework is also provided by backing the International Criminal Court as a way of strengthening “transitional justice and accountability for serious violations and abuses of human rights law and violations of international humanitarian law”, including through “the call for the universal ratification of the Rome Statute and full cooperation with the ICC”.⁷³

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ United Nations, *Our Common Agenda*, Report of the Secretary-General, New York, 2021, p. 3.

⁷⁰ Point 20, *EU Priorities at the United Nations during the 77th United Nations General Assembly*, *op. cit.*, note 64.

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ Point 21, *ibid.* See also 2022 Annual Report, *op. cit.*, note 3, p. 7.

The Council's narrative on its stance towards multilateral protection of human rights with the UN at its centre can also be excerpted from political messages conveyed through the annual speeches of the President of the European Council at the UNGA, who has been addressing the UN on behalf of the EU since 2011. In his latest address of September 2022, he focused greatly on human rights violations committed during the Russian aggression against Ukraine. His intervention confirmed the EU's readiness to extend a hand to all those willing to cooperate for the common good of putting an end to horrors and choosing hope, which is the promise and the foundation stone of both the EU and the UN. Moreover, he warned that "a robust multilateral system requires mutual trust", and that "the current system is not inclusive and is not sufficiently representative", resolutely calling for the reform of the UNSC. In his view, the suspension of a permanent member of the UNSC should be automatic if the respective country starts an unjustified war explicitly condemned by the UNGA.⁷⁴ In the same vein, he supported the UN Secretary-General's proposals on the Common Agenda, which also accentuates the necessity to reform the UNSC.⁷⁵

The 2022 Annual Report on Human Rights and Democracy in the World, prepared by the EU High Representative for Foreign Affairs and Security Policy, provides another critical overview of the EU's multilateral policy in the domain of human rights protection. Of particular relevance is Chapter 3 of the Report on promoting a global system for human rights and democracy, which points out the specificities of the EU's multilateral cooperation with the UN, principally with the UNGA and the UN Human Rights Council. Throughout 2022, the EU had a significant say in the UNGA. For example, it supported and, to a certain extent, facilitated the UNGA's resolutions on the situation in Ukraine, actively participated in the Third Committee meetings of the 77th session of the UNGA, successfully presented resolutions, initiated the cross-regional Joint Statement on the right to education, digital and human rights, etc.⁷⁶ With respect to the Human Rights Council, the EU's role was instrumental in the successful adoption of the EU-led resolutions and statements, which advanced thematic priorities and

⁷⁴ European Council, Speech by President Charles Michel at the 77th Session of the UN General Assembly, *op. cit.*, note 21. The analogous request for the reform of the UNSC is also included in Point 44 of the European Parliament's resolution on human rights and democracy in the world and the European Union's policy on the matter. European Parliament Resolution of 18 January 2023 on Human Rights and Democracy in the World and the European Union's Policy on the Matter – Annual Report 2022, 2022/2049(INI).

⁷⁵ Our Common Agenda, *op. cit.*, note 69, p 77.

⁷⁶ 2022 Annual Report, *op. cit.*, note 3, pp. 130-132.

addressed country situations of concern (e.g. resolutions concerning Myanmar, North Korea, rights of the child, and freedom of religion or belief, adopted by consensus). It also greatly contributed to upholding existing and creating new reporting mandates on country situations. Along the way, the EU's work was continuously based on the multilateral premise that cross-regional collaboration and mutual interorganisational support are pivotal for the effective protection of human rights.⁷⁷ In order to portray the progress in the implementation of priorities elaborated in the 2022 Annual Report, the Report's text is fully aligned with the Action Plan on Human Rights and Democracy (2020-2024). The respective Action Plan was adopted and implemented under the guidance of the EU Special Representative for Human Rights,⁷⁸ considered, in Lambrinidis' words, as "an embodiment of the EU's abiding commitment to fundamental values, enshrined in the Treaties since 2009".⁷⁹

The Action Plan on Human Rights and Democracy (2020-2024) is a comprehensive document perceived as the EU's roadmap for setting a renewed EU five-year operational agenda built on the long-standing experience of the EU's strong commitment to human rights and democracy, effective participation in multilateral fora and building new cross-regional alliances.⁸⁰ It implements the 2012 Strategic Framework on Human Rights and Democracy, defining the central objectives, principles, and priorities of EU external policies.⁸¹ The Action

⁷⁷ *Ibid.*, pp. 132-133.

⁷⁸ The EU Special Representative for Human Rights is mandated to promote and enhance the effectiveness of EU external policy on human rights as well as to advance a positive narrative on human rights. The Special Representative works in close collaboration with the European External Action Service, which provides full assistance in the Representative's work. One of the primary tasks is to engage with the UN and to deepen political cooperation in promoting the protection of human rights, responding to urgent human rights violations, advocating compliance with international humanitarian law, and supporting international criminal justice. In addition, the Special Representative regularly speaks at international human rights meetings organised by the UN, such as those of the UN Human Rights Council. See 2022 Annual Report, *op. cit.*, note 3, pp. 13, 14-20; European Union External Action, EU Special Representatives, available at https://www.eeas.europa.eu/eeas/eu-special-representatives_en (accessed 10 July 2023).

⁷⁹ Lambrinidis, S., *The Positive Narrative...*, *op. cit.*, note 1, p. 33.

⁸⁰ 2022 Annual Report, *op. cit.*, note 3, pp. 6, 129.

⁸¹ Council of the European Union, EU Strategic Framework on Human Rights and Democracy, 11855/12, Luxembourg, 25 June 2012. The 2020-2024 Action Plan was preceded by two action plans on human rights and democracy: 2012-2014 and 2015-2019. See European Commission and High Representative of the Union for Foreign Affairs and Security Policy, Joint Communication to the European Parliament and the Council, EU Action Plan on Human Rights and Democracy 2020-2024, JOIN(2020) 5 final, Brussels, 25 March 2020, p. 1.

Plan establishes five lines of action, one of them being the promotion of a global system for human rights and democracy through, inter alia, enhancing strategic cooperation with the UN Office of the High Commissioner for Human Rights, supporting the effectiveness of the UN Human Rights Council, and ensuring better synergies with the UNGA Third Committee, and other multilateral human rights fora.⁸² The respective lines of action are further translated into more elaborated pragmatic tools in thirteen separate EU Guidelines on Human Rights, adopted for the EU Member States at the ministerial level in 2021. The aim of the Guidelines is to provide an effective framework for the coherent action of EU Member States with respect to thirteen human rights subjects: torture and ill treatment, the death penalty, freedom of religion or belief, rights of the child, children in armed conflict, non-discrimination, protecting human rights of LGBTI persons, violence against women and girls, freedom of expression online and offline, compliance with International Humanitarian Law, human rights defenders, safe drinking water and sanitation, and human rights dialogues.⁸³

Another indispensable document setting the direction of the EU's multilateral approach to promoting respect for human rights and fundamental freedoms worldwide is the annual European Parliament's Report on human rights and democracy in the world and the European Union's policy on the matter. In the latest Report, adopted in January 2023, the European Parliament insisted that "the protection of human rights, fundamental freedoms and the dignity of every human being must be the cornerstone of the Union's external policy" and strongly encouraged the EU "to strive for a continued ambitious commitment to make the protection of human rights a central part of all EU policies [...]".⁸⁴ The Parliament's stance towards the EU-UN partnership in the domain of human rights is elaborated in a separate title dedicated to multilateralism and the EU's work at a multilateral level (Points 39-44). Some of the most critical views include the Parliament's reaffirmation that "the effective protection of human rights around the world requires strong international cooperation at a multilateral level", with the indispensable involvement of the UN and its bodies "as

⁸² European Commission and High Representative of the Union for Foreign Affairs and Security Policy, Annex to the Joint Communication to the European Parliament and the Council, EU Action Plan on Human Rights and Democracy 2020-2024, *ibid.*, p. 10.

⁸³ Thirteen EU Guidelines are published as separate documents, which are available at European Union External Action, EU Human Rights Guidelines, https://www.eeas.europa.eu/eeas/eu-human-rights-guidelines_en (accessed 10 July 2023).

⁸⁴ European Parliament Resolution of 18 January 2023 on Human Rights and Democracy in the World and the European Union's Policy on the Matter – Annual Report 2022, *op. cit.*, note 74.

the main forum which must be able to effectively advance the efforts for peace and security, sustainable development and respect for human rights and international law”.⁸⁵ Particularly important is the Parliament’s call for the EU and its Member States “to continue supporting the work of the UN, both politically and financially, including all UN human rights bodies, notably the treaty bodies and special procedures” and “to strive to speak with one voice both at the UN and in other multilateral forums, and to promote the highest standards on human rights in this way”.⁸⁶ The Parliament rightly expressed its concern about “growing attacks against the rules-based global order by authoritarian regimes, including through challenging the universality of human rights, relativising them, claiming them to be an instrument of cultural hegemony deployed by Western countries, eroding international human rights law by reinterpreting it, and undermining the functioning of UN bodies and mechanisms to hold states accountable for human rights violations”.⁸⁷ To that end, it invited the EU “to lead a pact and work in alliance with other democracies and like-minded partners to strengthen multilateral organisations, and to defend the rules-based global order”.⁸⁸

The modes of integrating the universal human rights postulates in all EU policies can be well illustrated in the example of the overarching Cohesion policy, which aims at “reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions”.⁸⁹ In other words, it promotes the EU’s overall harmonious development by setting the framework for manifold actions contributing to strengthening the EU’s economic, social, and territorial cohesion. This includes funding projects supporting a wide array of investment needs, such as economic growth, business competitiveness, job creation, improvements to citizens’ quality of life, and sustainable development. Such a broad and far-reaching mandate requires substantial financial resources, so the Cohesion policy is nowadays the EU’s main

⁸⁵ Point 39, *ibid.*

⁸⁶ *Ibid.*

⁸⁷ Point 43, *ibid.*

⁸⁸ *Ibid.*

⁸⁹ “The least favoured regions” are particularly “rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions”. Article 174, Consolidated Version of the Treaty on the Functioning of the European Union, *op. cit.*, note 40. See also Glossary in Cini, M.; Pérez-Solórzano Borragán, N. (eds.), *European Union Politics*, 7th Edition, Oxford University Press, Oxford, 2022, p. 452.

investment policy.⁹⁰ The rules governing the implementation of Cohesion policy funds explicitly oblige the EU Member States to respect the horizontal principles and obligations laid down in principal human rights treaties, both regional and international. For example, Recital 6 of the 2021-2027 Common Provisions Regulation stipulates that, in the implementation of EU funds, the EU Member States should respect the obligations set out in the EU Charter of Fundamental Rights, the UN Convention on the Rights of the Child, and the UN Convention on the Rights of Persons with Disabilities.⁹¹

5. EU-UN COOPERATION IN THE DOMAIN OF HUMANITARIAN ASSISTANCE

The primary EU provision regulating EU-UN cooperation in the area of humanitarian assistance is Article 214(7) TFEU, which specifies that the EU “shall ensure that its humanitarian aid operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations system”. Pursuant to paragraph 2 of the same Article, those “humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination”.⁹² The respective provisions are part of Chapter 3 of the TFEU (under Title III “Cooperation with Third Countries and Humanitarian Aid”), in its entirety codifying the EU’s actions in the field of humanitarian aid “intended to provide *ad hoc* assistance and relief and protection for people in third countries who are victims of natural or man-made disasters, in order to meet the humanitarian needs resulting from these different situations”.⁹³ The term “EU’s actions” encompasses both the EU’s and its Member States’ measures,

⁹⁰ The 2021-2027 Cohesion policy’s allocation is EUR 392 billion, which is almost a third of the total 2021-2027 EU budget. See European Commission, *Cohesion Policy*, available at https://ec.europa.eu/regional_policy/policy/what/investment-policy_en (accessed 11 July 2023).

⁹¹ See Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 Laying Down Common Provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and Financial Rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy, Official Journal of the European Union, L 231, 30 June 2021.

⁹² Consolidated Version of the Treaty on the Functioning of the European Union, *op. cit.*, note 40.

⁹³ Article 214(1), *ibid.*

“which complement and reinforce each other”.⁹⁴ The measures implementing the EU’s humanitarian aid are established by the European Parliament and the Council in the ordinary legislative procedure.⁹⁵ It is important to note that Article 214(4) TFEU represents a critical extension of Article 21 TEU as it opens up the possibility for the EU to conclude agreements with third countries and competent international organisations aiming to achieve the objectives of Article 21.⁹⁶ The involvement of the EU in humanitarian assistance is also stipulated by Article 43(1) TEU on the use of civilian and military means in the context of the common security and defence policy. In accordance with the respective provision, the EU’s missions used outside the EU for peacekeeping, conflict prevention, and strengthening international security in accordance with the principles of the UN Charter include humanitarian and rescue tasks as well.⁹⁷

The latest EU position on humanitarian assistance as a key pillar of the EU’s external action is precisely summarised in the 2021 Communication from the Commission to the European Parliament and the Council on the EU’s Humanitarian Action: New Challenges, Same Principles. The Communication presents how the EU, together with other international partners, can tackle an unprecedented set of humanitarian challenges in times of severe discrepancy between humanitarian needs and available resources. The most commonly identified factors, which initiate and fuel those challenges, include armed conflicts, the COVID-19 pandemic, climate change, global population growth, and failed governance.⁹⁸ The EU’s contribution to providing humanitarian assistance is decisive in the international community. Indeed, the EU is the world’s leading

⁹⁴ Article 214(1), *ibid.* The shared competence is regulated by Article 4(4) TFEU as well, which lays down the EU’s competence to carry out activities and conduct a common policy in the areas of development cooperation and humanitarian aid, stressing that “the exercise of that competence shall not result in Member States being prevented from exercising theirs”. In addition, the use of capabilities provided by the Member States in the performance of humanitarian aid outside the EU is foreseen by Article 42(1) TEU on the common EU foreign and security policy. Consolidated Version of the Treaty on European Union, *op. cit.*, note 28.

⁹⁵ Article 214(3), Consolidated Version of the Treaty on the Functioning of the European Union, *op. cit.*, note 40.

⁹⁶ According to Article 214(4) TFEU, “[t]he Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in paragraph 1 and in Article 21 of the Treaty on European Union.” *Ibid.*

⁹⁷ Consolidated Version of the Treaty on European Union, *op. cit.*, note 28.

⁹⁸ Communication from the Commission to the European Parliament and the Council on the EU’s Humanitarian Action: New Challenges, Same Principles, COM(2021) 110 final, Brussels, 10 March 2021, p. 1.

humanitarian donor,⁹⁹ providing around 36% of global humanitarian assistance. For the 2021-2027 financial period, the EU allocated almost EUR 11.5 billion for humanitarian funding purposes. As noted in the Communication, such an active approach to humanitarian assistance enables the EU “to project its values globally”.¹⁰⁰ In accordance with the partnership principle, the EU’s humanitarian assistance on the ground is secured through more than 200 partners, including the UN agencies. By way of example, the UN Refugee Agency is one of the EU’s principal humanitarian partners.¹⁰¹ The EU regularly and effectively responds to UN humanitarian appeals. In the past ten years, alongside a few other donors, it intensified its efforts in humanitarian assistance, adding to the increase of global humanitarian funding for UN humanitarian appeals from EUR 4.1 billion in 2012 to EUR 15 billion in 2020. However, disregarding global efforts, there was an immense funding gap of EUR 17.5 billion in 2020, to a great extent instigated by the COVID-19 crisis.¹⁰² The extent of the EU’s humanitarian aid contribution is best illustrated by the data of the Financial Tracking Service managed by the UN Office for the Coordination of Humanitarian Affairs (OCHA). According to the latest statistics, the top ten donors in 2023 included the European Commission as well as the Governments of France, Germany, the Netherlands, and Sweden. Their share in humanitarian assistance accounted for almost one-third of global funding, and of all the ten donors collectively, 83%. Nonetheless, the respective contribution covered only 26.5% of the 2023 UN humanitarian appeals. The funded countries predominantly comprised Ukraine, Syria, Yemen, and Ethiopia, and resources were mostly channelled into food security, health, emergency shelters, camp coordination/management, support services, and multi-sectoral emergencies. The surprising detail is that there are no spending specifications per sector for 10.5% of the overall reported funding published by the OCHA’s

⁹⁹ See Hix, S.; Høyland, B., *The Political System of the European Union*, 4th Edition, Bloomsbury Academic, London – New York, 2022, p. 344.

¹⁰⁰ Communication from the Commission to the European Parliament and the Council on the EU’s Humanitarian Action: New Challenges, Same Principles, *op. cit.*, note 98; European Union External Action, Humanitarian & Emergency Response, available at https://www.eeas.europa.eu/eeas/humanitarian-emergency-response_en (accessed 11 July 2023). For a more comprehensive perception of the scope and relevance of the EU’s contribution to humanitarian assistance, it is noteworthy to call attention to the data that the EU represents only 8% of the world’s population and 20% of the world’s economy. See Lambrinidis, S., *The Positive Narrative...*, *op. cit.*, note 1, p. 37.

¹⁰¹ European Parliament, Humanitarian Aid, available at <https://www.europarl.europa.eu/factsheets/en/sheet/164/humanitarian-aid> (accessed 12 July 2023).

¹⁰² Communication from the Commission to the European Parliament and the Council on the EU’s Humanitarian Action: New Challenges, Same Principles, *op. cit.*, note 98, p. 2.

Financial Tracking Service.¹⁰³ The distinctive feature of the EU's humanitarian aid is that it was adapted to the needs of various groups, such as LGBTI populations in Türkiye and Bangladesh, in accordance with human rights and humanitarian principles.¹⁰⁴ As for the EU's further objectives regarding its fruitful partnership with the UN in the domain of humanitarian assistance, according to the Communication on the EU's humanitarian action, "effective multilateralism and UN-led coordination will remain central to the EU's humanitarian action, as key enablers of a principled and coherent humanitarian response" in which cooperation with diverse partners "is essential to make a difference and deliver quality results on the ground".¹⁰⁵ In that regard, the EU made a commitment to further strengthen its engagement in international dialogues on humanitarian issues with the UNGA, the UN Economic and Social Council, and the governing bodies of UN agencies, funds, and programmes.¹⁰⁶

Speaking of the European Commission's significant contribution to providing humanitarian assistance, of vital importance for the Commission's engagement in that global endeavour is its Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO). With its roots in the 1992 European Community Humanitarian Office, inaugurated in times of manifold and complex crises – the Kurdish refugee crisis, the Bangladeshi deadly tropical cyclone, African famine, and armed conflicts in the former Yugoslavia – the DG ECHO plays a vital role in providing relief supplies and services through intermediary organisations in regions affected by crises, delivering humanitarian aid, and coordinating the civil protection assistance scheme. With respect to humanitarian aid, the DG ECHO has shared competence with EU Member States. Already in 1997, it established a close link with the UN by appointing the first EU Emergency Relief Coordinator to the UN. Nowadays, for the purpose of providing humanitarian assistance, it closely collaborates with around twenty UN bodies and entities, such as the UN Food Agriculture Organization, the Office of the UN High Commissioner for Human Rights, the UN's Development

¹⁰³ The largest donor in 2023 was the Government of the United States of America (43.7%). The other top ten donors included the governments of Japan, Canada, Saudi Arabia, and Norway. See UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Aid Contributions*, available at <https://fts.unocha.org/> and <https://fts.unocha.org/global-funding/overview/2023> (accessed 12 July 2023).

¹⁰⁴ See 2022 Annual Report, *op. cit.*, note 3, p. 53.

¹⁰⁵ Communication from the Commission to the European Parliament and the Council on the EU's Humanitarian Action: New Challenges, Same Principles, *op. cit.*, note 98, p. 5.

¹⁰⁶ *Ibid.*, p. 18.

Programme, the UN Office for Disaster Risk Reduction, the UN Educational Scientific and Cultural Organization, the UN Children's Fund, the Office of the UN High Commissioner for Refugees, the UN Entity for Gender Equality and Empowerment of Women, etc.¹⁰⁷

The EU's humanitarian aid operations encompass practically the whole world;¹⁰⁸ however, the EU's annual humanitarian budget for 2023 of EUR 1.7 billion was largely directed to Africa, the Middle East, and Türkiye.¹⁰⁹ In fact, Africa is also the continent where the EU and the UN cooperate the most.¹¹⁰

The example of Ukraine clearly demonstrates the relevance of the EU's contribution to the global scheme of humanitarian assistance and the necessity of multilateral partnerships for the advancement of its humanitarian efforts. Right from the onset of the illegal Russian invasion of Ukraine in 2014, the EU committed itself to providing substantial humanitarian funding to Ukraine. *In concreto*, in the period of 2014–2021, the European Commission directed EUR 194 million to humanitarian aid programmes in Ukraine, while in 2022 the allocation increased to EUR 485 million. In the first half of 2023, it accounted for EUR 200 million, which means that Ukraine received the largest share of the EU's humanitarian

¹⁰⁷ European Commission, European Civil Protection and Humanitarian Aid Operations, EU Humanitarian Aid 30th Anniversary, available at https://civil-protection-humanitarian-aid.ec.europa.eu/who/30-years-eu-humanitarian-aid_en (accessed 14 July 2023); European Commission, About European Civil Protection and Humanitarian Aid Operations, available at https://civil-protection-humanitarian-aid.ec.europa.eu/who/about-echo_en (accessed 14 July 2023).

¹⁰⁸ The DG ECHO's humanitarian assistance is present in Africa (Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Democratic Republic of the Congo, Ethiopia, Kenya, Madagascar, Mali, Mauritania, Mozambique, Niger, Nigeria, the Sahel region, Somalia, South Sudan, Southern Africa and the Indian Ocean region, Sudan, Uganda, and Zimbabwe), Asia and the Pacific (Afghanistan, Bangladesh, Central Asian republics – Kyrgyzstan, Kazakhstan, Tajikistan, Turkmenistan and Uzbekistan, Iran, Myanmar/Burma, Nepal, North Korea, Pacific Island countries, Pakistan, Philippines, and the Mekong region – Cambodia, Laos, and Vietnam), Europe (Armenia, Azerbaijan, Bosnia and Herzegovina, Moldova, Türkiye, and Ukraine), Latin America and the Caribbean (Caribbean, Central America and Mexico, Colombia, Haiti, South American countries, and Venezuela), and the Middle East and Northern Africa (Algeria, Egypt, Iraq, Jordan, Lebanon, Libya, Palestine, Syria, and Yemen). See European Commission, European Civil Protection and Humanitarian Aid Operations, *Where We Work*, available at https://civil-protection-humanitarian-aid.ec.europa.eu/index_en (accessed 15 July 2023).

¹⁰⁹ European Commission, European Civil Protection and Humanitarian Aid Operations, EU Humanitarian Aid 30th Anniversary, *op. cit.*, note 107.

¹¹⁰ See Vale de Almeida, J., EU-UN Cooperation, *Fletcher Forum of World Affairs*, vol. 40 (2016), no. 2, p. 160.

aid funding among affected countries in the world in 2023.¹¹¹ Those funds were spent primarily on providing shelter, cash assistance, healthcare, food and basic needs, education in emergencies, water, sanitation and hygiene, mine action, etc.¹¹² On a number of occasions, the EU and the UN joined efforts to secure the optimal level of support for Ukraine. For example, the European Investment Bank (EIB) provided funds for the first Early Recovery Programme (ERP) multi-sector framework loan to Ukraine, which had a twofold purpose – to support “early recovery investments on critical infrastructure in conflict-affected areas” as well as “basic needs to ensure decent living conditions for displaced people and host communities”.¹¹³ The complexity of the planning and implementation of multi-sector investment schemes prompted the EIB to request the technical assistance of the United Nations Development Programme (UNDP) for capacity development and project cycle support to improve the management of the programme at a regional level and the preparation and implementation of the sub-projects at local government levels. The technical support encompassed around 100 infrastructure projects, which included hospitals, social infrastructure, and municipal residential facilities.¹¹⁴ Another example of the fruitful EU-UN partnership was the EU’s investment of EUR 35 million into the UNDP’s Resilience Building and Recovery (RBR) Programme for Ukraine in late 2022, the purpose of which is to support the early recovery, rebuilding, and development of Ukraine in line with the UN Sustainable Development Goals. The EU’s funds were directed towards operations designed to enhance access to quality public services (e.g. healthcare facilities), and strengthen community security, public safety, and the social fabric at the local level.¹¹⁵ Given the horrific scale of war damage and ongoing attacks on Ukrainian territory, the population, and sovereignty in general, in the 2022 Communication on Ukraine Relief and

¹¹¹ European Commission, European Civil Protection and Humanitarian Aid Operations, in Ukraine since 2014, available at https://civil-protection-humanitarian-aid.ec.europa.eu/where/europe/ukraine/1-year-eu-solidarity-ukraine_en (accessed 15 July 2023).

¹¹² See European Commission, European Civil Protection and Humanitarian Aid Operations, Ukraine, available at https://civil-protection-humanitarian-aid.ec.europa.eu/where/europe/ukraine_en (accessed 15 July 2023).

¹¹³ United Nations Development Programme, Ukraine Early Recovery Programme, available at <https://www.undp.org/ukraine/projects/ukraine-early-recovery-programme> (accessed 15 July 2023).

¹¹⁴ *Ibid.*

¹¹⁵ See United Nations Development Programme, European Union Expands Programme of Support to Ukraine, available at <https://www.undp.org/european-union/press-releases/european-union-expands-programme-support-ukraine> (accessed 15 July 2023).

Reconstruction, the European Commission acknowledged that reconstruction and resilience support, which includes humanitarian aid, may potentially span more than a decade. Nevertheless, it expressed its strong commitment to work closely with international partners, which inevitably includes the UN, in meeting Ukraine's reconstruction and humanitarian aid needs.¹¹⁶

6. CONCLUSION

In an increasingly globalised and interdependent world, effective multilateral cooperation forms the backbone of the international community. There are two major concluding remarks that build upon the respective premise and that can be derived from the paper's research.

First, the EU and the UN are commonly regarded as a nucleus of the advancement of human rights and humanitarian assistance worldwide. Of different characters, they play different roles in international relations, but in mutual synergies, their objectives related to human rights and humanitarian assistance regularly converge and intertwine. The UN is a universal normative power backed by regional frameworks and actions. The EU's input in that global endeavour is indispensable – it initiates and actively contributes to the codification of international law, embeds the UN's principles and values into its own legislation, safeguards and implements the human rights and humanitarian assistance objectives on the ground, and supports the universal system by providing large-scale financial aid. The current challenging landscape provides ample ground for the hypothesis that there is no alternative to the EU-UN partnership. However, their future multilateral efforts should better align with the "fit-for-purpose" principle and advocate a higher degree of inclusiveness with other regional organisations.

Second, the recent example of Russia's military aggression on Ukraine outlines the variety and manifold character of the EU's and the UN's measures, which complement each other in efforts to adequately protect human rights and provide humanitarian assistance to the affected population and territories. The magnitude of challenges is enormous and endorses the significance of multilateral power. In fact, the experience of a myriad of armed conflicts worldwide, either international or non-international, confirms the importance

¹¹⁶ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions – Ukraine Relief and Reconstruction, COM(2022) 233 final, Brussels, 18 May 2022, pp. 3, 5.

and indispensability of the EU-UN partnership in the realm of human rights and humanitarian assistance. The essence of these conflicts is best summarised in Degan's analysis of the basis for the settlement of disputes in the former Yugoslavia, in which this bard of the Croatian academic community in the field of international law argued that:

"It should be concluded that many difficult and long-lasting disputes arise when one of the parties insists on some of its 'national interests' that are not legally based and do not represent interests protected by international law (legal rights and interests). Such disputes may or may not degenerate into bloody conflicts, with enormous human and material sacrifices on both sides".¹¹⁷

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¹¹⁷ The original wording of the Degan's conclusion reads as follows: "Valja zaključiti da mnogi teški i dugotrajni sporovi izbijaju kada jedna od strana inzistira na nekim svojim 'nacionalnim interesima' koji nisu pravno utemeljeni i ne predstavljaju interese zaštićene međunarodnim pravom (legal rights and interests). Takvi se sporovi mogu, ali ne moraju, izroditi u kroave sukobe, uz goleme ljudske i materijalne žrtve s obiju strana". Degan, V. Đ., *Međunarodno pravo kao osnova rješavanja preostalih sporova na području bivšeg SFRJ*, *Adrias: zbornik radova Zavoda za znanstveni i umjetnički rad Hrvatske akademije znanosti i umjetnosti u Splitu*, no. 12, 2005, p. 49.

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Sažetak:

PODRŽAVANJE GLOBALNOG LEGITIMITETA UJEDINJENIH NARODA U ZAŠTITI LJUDSKIH PRAVA I HUMANITARNOJ POMOĆI UNUTAR EUROPSKE UNIJE – PRAVNI PRESJEK PRIRODNOG PARTNERSTVA EU-A I UN-A

Promicanje poštovanja ljudskih prava i pružanje humanitarne pomoći primjeri su temeljnih zajedničkih vrijednosti i ciljeva agende EU-a i UN-a, duboko ukorijenjeni u pretpostavci da se zajedničke vrednote mira, jednakih prava, slobode i ljudskog dostojanstva mogu učinkovito braniti samo učinkovitim multilateralizmom. Ovaj članak pruža dubinsku analizu pravnog okvira koji podržava partnerstvo EU-a i UN-a te ističe ključne aspekte sustava EU-a i UN-a koji jamče zaštitu ljudskih prava i nesmetani pristup humanitarnoj pomoći. Istraživanje se nadovezuje na čl. 21. Ugovora o EU-u, koji postavlja temelje djelovanja EU-a na međunarodnoj sceni u skladu s načelima Povelje UN-a i međunarodnog prava, uključujući promicanje multilateralnih rješenja za zajedničke izazove u području ljudskih prava i humanitarne pomoći. Poseban je naglasak stavljen na prioritete EU-a za UN, koji se svake godine usvajaju zaključcima Vijeća radi usmjeravanja godišnjeg rada EU-a, prilagođenog UN-ovoj agendi i općim poslovima. Uz istraživanje trenutačnog pozitivnog prava i podudarne znanstvene literature, članak pruža uvid u najbolje prakse prirodnog partnerstva EU-a i UN-a na terenu, poput ranog oporavka ratom pogođenih zajednica u Ukrajini kroz Program UN-a za razvoj (UNDP). Posljedično, članak kombinira doktrinarna pravna istraživanja sa socio-pravnim pristupom kako bi se istaknule specifičnosti višeslojne suradnje EU-a i UN-a u vezi sa zaštitom ljudskih prava i humanitarnom pomoći.

Ključne riječi: *Europska unija; Ujedinjeni narodi; ljudska prava; humanitarna pomoć.*