1. Introduction

Much like the EU, the UN was conceived in the aftermath of World War II, with the clear objective never to allow a similar cataclysmic event to happen again. Though both are rather different international organizations, the ever-expanding range of issues that come within the purview of EU law engender an increasing amount of connection points at different levels. The Union is quite unambiguous as regards the importance it attaches to the UN. As the European Security Strategy puts it: “The fundamental framework for international relations is the United Nations Charter.” The EU, including its Member States, is also the single largest financial contributor to the UN system. The twenty-seven EU Member States fund 38% of the UN’s regular budget, more than 40% of UN peacekeeping operations, and about 50% of all UN members’ contributions to UN funds and programmes.

It is therefore not surprising that the UN features prominently in the constituent Treaties of the EU. Article 3(5) TEU, which is placed within the common provisions of the EU Treaty, provides that the EU is to

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contribute to the “strict observance and the development of international law, including respect for the principles of the United Nations Charter”. With respect to the EU’s external action, Article 21(1) TEU provides that the Union’s action on the international scene is to be “guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world”, which include “respect for the principles of the United Nations Charter and international law”, and obliges the Union to “promote multilateral solutions to common problems, in particular in the framework of the United Nations”. Article 21(2)(c) TEU further provides for the Union to define and pursue common policies and actions, and to work for a high degree of cooperation in all fields of international relations, in order to preserve peace, prevent conflicts and strengthen international security, in accordance with, inter alia, the purposes and principles of the UN Charter. Article 34 TEU outlines certain rules on Member State participation in the UN Security Council (UNSC), to which we will return below.

Article 42 TEU provides for the Common Security and Defence Policy (CSDP) to be conducted in accordance with the UN Charter. In particular, Article 42(1) TEU provides that the Union may use CSDP capacity “on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter”. Article 42(7) TEU then provides that if “a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter”. The eleventh recital in the preamble to the TEU explicitly connects the development of the CSDP, and the potential establishment of a common defense in accordance with Article 42 TEU, to the emergence of the Union’s international identity. The progressive development of the CSDP is intended to reinforce “the European identity and its independence in order to promote peace, security and progress in Europe and in the world”. That identity, as Article 42 TEU itself makes abundantly clear, inherently includes the respect for the principles of the United Nations Charter.

The TFEU contains a certain number of references to the UN Charter as well. The seventh recital in the preamble notes the intention of the Member States “to confirm the solidarity which binds Europe and the overseas countries and desiring to ensure the development of their prosperity, in accordance with the principles of the Charter of the United Nations”. Within the context of development cooperation, Article 208(2) TFEU