

THE EUROPEAN UNION UNITED?

COORDINATION OF EU MEMBER
STATES ON SEXUAL AND
REPRODUCTIVE HEALTH AND
RIGHTS TO THE UN
COMMISSIONS ON THE STATUS
OF WOMEN AND ON POPULATION
AND DEVELOPMENT

Utrecht University & Masaryk University

Sebastiaan Rood

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First supervisor:
Dr. Marjolein van den Brink
Utrecht University

Second supervisor
Mgr. Hubert Smekal, Ph.D.
Masaryk University

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Preface

This thesis stems from the internship that I have done at The Netherlands mission to the United Nations in New York, from February to July 2017. Just recovered from a skull fracture as result of a bike accident in December 2016, I had decided to take on the challenge of moving to the big apple. However, combining this amazing but intense program with writing my thesis was a bridge to far.

Ever since, it has been a struggle to finalize this thesis. Without the justified sternness, but also the mind-boggling patience of my first thesis supervisor, Marjolein van den Brink, this thesis would probably still be in its infancy. Saying that I was not an easy student to supervise is an understatement. She deserves my greatest gratitude for not giving up on me, even though I gave her enough reasons to.

I also would like to express my gratitude to Hubert Smekal, my second supervisor. During my first year in Brno, he fostered my interest for EU law and human rights, eventually leading to this internship and possibly my future career. It is with great pleasure that I will look back on lectures of him, but also those of Vít Hloušek, Petr Suchý, Petra Kuchynkova and many other great teachers at Masaryk University.

Ending where my academic career started, I would like to express my greatest gratitude to the devoted and inspiring teachers at Utrecht University, amongst others Gijs Jan Brandsma, Sebastiaan Princen, Femke van Esch and Wieger Bakker. During my time as a student of the Utrecht School of Governance, I have been through many highs, but also through many lows. It is thanks to the great support I have received, that I was able to follow through.

When I came to my first University lecture in 2010, I entered class overly prepared in full suit. Coming from a non-academic background, little did I know about the adventure that was awaiting me. Ending my master thesis for the double degree master program in European Governance marks the end of this era, this adventure.

Thank you for an amazing journey.



Sebastiaan Rood

Executive summary

Theory prescribes the promotion of consensus through enabling effective voice, sanctioning exit and promoting loyalty. Analysis of the main believes on SRHR concludes that there are two main discursive systems. Where like-minded countries in discussions over SRHR in the CSW and the CPD present language of education, empowerment and improvement of health, opposition highlights the importance of traditional, social and political roles of the church and the family. Both positions are conflicting, but nevertheless, all parties were able to find agreement, as the UN been able to agree on a position on SRHR. Studying the past five years of the CSW and the CPD, it can be concluded that where the CSW has always been able to adopt a resolution with compromise language, the CPD has had many years in which no compromise upon SRHR was possible, with no outcome document of the session as result.

Assessing the positions of EU MS and the EU, a large majority of EU MS are progressive states, with Malta, Poland and Hungary being the minority of conservative Union members. In line with the majority of EU MS being pro-choice, the agreed position of the Union, most recently formulated in the Council Conclusions on Gender in Development, contains strong progressive language on SRHR. On the one hand, a lowest common denominator needs to be acceptable for Hungary, Malta and Poland, hindering a too progressive position. On the other, it needs to be sufficiently strong, as progressive member states will require a unified EU position that is more than a weak compromise, because no consensus might benefit them otherwise, as they are able to push for stronger language in their national capacities. Any compromise-package should be within the bottom lines of these conflicting parties.

In conclusion, theory prescribed that consensus-building could be improved by increasing profit of cooperation, by sanctioning defection and by increasing loyalty. Given that the two discursive positions are conflicting to one another, increasing profit for the one would mean decreasing it for the other. On substance, a balanced compromise needs to be found. With regards to sanctions for defecting cooperation, informal sanctions seem to be present. No willingness from EU MS seems to be in place however to move away from the intergovernmental nature the current system of EU coordination is, coercive sanctions are not to be expected. EU MS themselves or jointly can always opt to increase informal sanctions. Most of the recommendations above address a further improvement of loyalty. Though the EU coordination in New York seems to work well, there are structural shortcomings. With a clear mandate, strategic guidance and increased human resources, the EU Delegation in New York could address the critique it receives for being insufficiently timely and pro-active. The role the EEAS chooses to lead negotiations also can increase trust and loyalty, if it starts to be perceived as a neutral actor. An improved cooperate culture and better information sharing also increase the quality of support the EEAS offers the EU MS.

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List of Abbreviations

Beijing PfA	Beijing Platform For action
CPD	Commission on Population and Development
CSW	Commission on the Status of Women
ECOSOC	United Nations Economic and Social Council
EC	European Commission
EEAS	European External Action Service
EU	European Union
EU MS	European Union Member States
FBO	Faith-Based Organisation
HoM	Head of Mission
HR/VP	High Representative / Vice President of the European Commission
ICPD	International Conference on Population and Development
ICPD PoA	International Conference on Population and Development Programme of Action
IO	International Organisation
NGOs	Non-Governmental Organisations
SRHR	Sexual and Reproductive Health & Rights
TEU	Treaty of the European Union
TFEU	Treaty of the Functioning of the Euroepan Union
UN	United Nations
UNGA	United Nations General Assembly

1. Introduction

1.1 The European Union and the United Nations

All European Union Member states (EU MS) are member of the United Nations (UN), and a comparison between both international organizations can easily be drawn. Article 2 of the Treaty of the European Union (TEU) outlines the values of the EU “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights”. TEU article 3.1 continues that its aim is to promote peace, its values and the well-being of its peoples. This is well in line with the UN Charter, that states in article 1 that the purposes of the UN are to maintain international peace, to develop friendly relations among nations, to achieve international cooperation in solving international problems and to promote respect for human rights and fundamental freedoms for all without discrimination, and to be a center for harmonizing the actions of nations to these ends.

Both organizations, founded on the ruins of WWII, promote peace by cooperation. The EU does so in Europe, the UN in the world. The UN has a role in the peaceful settlement of disputes between parties (UN Charter VII). The Union has a broader supranational mandate, as article 1 of the Treaty on the Functioning of the European Union (TFEU) prescribes that it can intervene in domestic matters within the areas of its competences. External policy of EU member states though is not a conferred competence, though all members have agreed to coordinate their action in international organizations and to uphold the Union’s position in such forums (art. 34.1).

Over time, the EU became more empowered to be active on the behalf of EU member states. This is reflected by the growing powers of the EU and its predecessors at the UN. UN General Assembly (UN GA) Resolution 3208 (XXIX) of 11 October 1974 granted observer status to the European Economic Community. Over the years, this observer status has been enhanced, up to UN GA Resolution 65/276 in May 2011. This resolution recognizes that the interdependent international environment requires strengthening of the multilateral system and thus it recognizes the importance of cooperation between the UN and regional organizations. Hence, it notes that the President of the European Council, the High Representative of the Union for Foreign Affairs and Security Policy, the European Commission, and EU delegations can have the role of acting on behalf of the EU in the exercise of the competences conferred by its member States.

The UNGA reaffirms (UN GA Resolution 65/276 §1) that the General Assembly is an intergovernmental body, effectively stating that the EU cannot become a full member; only states can become full members. This means amongst others that the EU cannot vote in the UNGA. The EU can enhance their observer status as a regional organization accordingly with what EU member states have agreed (§2). Thereto, the resolution states on the participation of the EU in the work of the UN that it has the following five competences, as described in the annex of the resolution:

1. The EU is allowed to be inscribed on the list of speakers among representatives of major groups, in order to make interventions

2. The EU is invited to participate in the general debate of the UNGA, in accordance with the order of precedence as established in the practice for participating observers and the level of participation.
3. The EU is permitted to have its communications related to sessions of work of the UNGA and the sessions and work of all international meetings and conferences convened under the auspices of the UNGA and the UN as a whole circulated directly.
4. The EU is permitted to present proposals and amendments orally as agreed by the states members of the EU.
5. The EU is allowed to exercise the right of reply regarding positions of the EU (the right to defend itself against criticism at their address).

These agreed competences play an important role in today's coordination of EU member states to the UN. Taking a closer look at the fourth competence, presenting proposals and amendments orally as agreed by the EU member states, specific attention is drawn to 'as agreed by the states members'. For the EU to act on behalf of the EU membership, the UN requires consensus to be reached by the EU membership.

On the first of December 2009, the Lisbon Treaty entered into force. One of the main aims of this new Treaty was to improve coherence of European external action to strengthen the position of the EU in global politics (Telò, 2013). First, the Lisbon Treaty merged the independent posts of High Representative for CFSP and the Commissioner for External Relations, the latter being also the Vice-President of the European Commission (HR/VP). This post presides over the meetings of the European Council and is the first representative of the European Union on a global level. Second, the European External Action Service (EEAS) was created to support the HR/VP. It merged the two branches of the EU external relations administration, namely these of the European Commission and the Council of the European Union. Third, the Treaty stated the conferral to the EU of one legal personality, resulting in the EU as a whole becoming an observer member of the UN (Porchia, 2016).

This aim for improved coherence was also laid down in article 21 TEU. It reads: "The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect". To achieve this, Article 34(1) TEU obliges EU MS to coordinate their action in international organizations and at international conferences, where they should uphold EU's positions. This coordination is organized by the HR/VP, supported by the EEAS.

In practice, the EEAS Delegation in New York coordinates the EU MS towards consensus on the many processes that go on in the UN GA and the United Nations' Economic and Social Council (ECOSOC). EU coordination to the UN has increased significantly over time, though now being stable around 1300 meetings are being held every year to achieve consensus upon EU action towards the UN

(EEAS Review). This successful coordination process generally enables the EU to act as a unified and effective force in the UNGA and ECOSOC (Wouters, Hoffmeister & Ruys, 2006).

1.2: The Union United? Coordination on SRHR to the UN CSW and CPD

A threat to European unity on development policy is the issue of sexual and reproductive health and rights (SRHR). In coordination processes towards both the Commission on the Status of Women (CSW) and the Commission on Population and Development (CPD), both functional commissions of ECOSOC, Malta and Poland defended conservative policy views that conflicted with the EU agreed position (Pavao, 2011). This either frustrated the process towards consensus or resulted in a failure to reach unity at all. The continued failing of a reaching common EU positions to these UN negotiations not only cost a lot of time, but threaten the willingness for compromise of EU member states as a whole, as frustration might spill over to other UN forums (ibid).

This thesis is examining consensus-building on the EU negotiation position to the CSW and the CPD. In both of these two Commissions SRHR are being discussed: a concept that both EU and UN members have not reached consensus on. In the absence of this consensus amongst EU members, the EU cannot make proposals on behalf of its membership to these commissions. In the absence of consensus in the CSW and the CPD there is no agreement upon a resolution, and thus there is no outcome document giving guidance to the UN system.

United, the influence of the EU and its member states is not to be taken lightly: the 28 EU member states are in possession of more than one eighth of the votes in the General Assembly and the EU and its members are collectively the largest financial contributors to the UN system (EU, 2017b). Depending on policy domain however, it can be in the interest of individual EU member states to break that consensus, if they either disagree with the role of the EU, or with the policy the EU tries to pursue. And in the area of SRHR, a weakened position of the EU is just what some members might strive for, as the general position of the EU is favorable of SRHR and many EU members are strong SRHR advocates. That is what makes SRHR an interesting topic to explore EU coordination on.

Two conflicting views are both represented within the EU. On the one hand, there are member states who are ‘pro-choice’: member states that are supportive of SRHR and believe that the mother should have the choice to decide upon if and how many children she gets. They see safe and legal abortions as a right that needs to be granted. Examples are The Netherlands or Sweden. Opposite to this, there are the ‘pro-life’ member states. These member states believe that abortion violates the right of the unborn child, which needs to be protected. These member states also tend to be more protective towards the more traditional model of family, and thus are critical towards comprehensive sexuality education, which could include education about homosexuality. Examples are Poland and Hungary.

Even though in the European Council, member states have agreed upon a common position on SRHR (Council of the European Union, 2015, p. 5) and the EU heads of states even decided to include

SRHR in the EU priorities towards the UN (Council of the European Union, 2016, p. 12), all EU member states are autonomous members of the UN and thus they can decide to position themselves as they please, even if in conflict with the EU position.

Given the consensus required for the EU to represent its membership when presenting proposals and amendments, this poses a great problem in areas of the UN system where SRHR is discussed. For practical reasons, this study limits itself to investigate the EU coordination to two commissions where SRHR is discussed: the Commission on the Status of Women and the Commission on Population and Development. The earlier commission is focused on promoting women's rights. The second follows up on the implementation of the Programme of Action of the International Conference on Population and Development, such as such as populations issues and trends, integrating population and development strategies, and on population and related development policies and programmes.

Every year in spring, these commissions meet to decide in unanimity upon recommendations for their respective fields. These documents are negotiated outcomes, and to prepare for these, the European External Action Service conveys meetings to coordinate towards a consensus position upon amendments and priorities. When the EU membership is capable of reaching consensus, the EU is permitted to present proposals and amendments. When not, all EU member states engage individually on national capacity, which harms the impact of the EU as a whole. Each member state can decide not to agree and either hinder or even blow up the possibility of establishing an EU position (as happened during the CPD50 in 2017) (Sensoa International, 2017).

1.3 Introduction to the thesis

This thesis examines the practices of EU MS to reach consensus on a negotiation position towards the UN CSW and CPD. The yearly meetings of the CSW and the CPD table only a single thematic resolution, that is adopted upon consensus amongst UN member states. These resolutions give guidance to the UN system with regards to their respective themes. As adoption of these resolutions requires consensus, it is remarkable that EU MS struggle to reach consensus upon their negotiating position towards the CSW and the CPD.

This does not mean that consensus will be reached by UN members of these respective functional commissions. SRHR is controversial within the greater UN membership. For ‘Pro-Choice’ states, in favor of SRHR, SRHR is a necessity to achieve sustainable development and gender equality. For ‘Pro-Life’ states, SRHR poses as a threat to the life of the unborn child and is seen as an attack to conservative values. UN member states must find consensus in these functional commissions if they want to give the UN system further direction on problems related to the status of women, and population and development.

To search for answers, this thesis grounds itself in the approach of European Governance. This field endeavors to answer pressing questions using an interdisciplinary approach. One of the broader questions within this discipline is how the EU can strengthen its position as an influential actor in the global sphere. Using insights from law, economics and public administration, this study aims to deepen the understanding of the functioning of the EU and its member states on global level, specifically at the UN.

The scope of this thesis focusses on what the EEAS can do to foster consensus amongst EU MS in their coordination to the CSW and the CPD. EU member states have been successful in agreeing upon a common position towards the CSW, and historically also to the CPD. This thesis examines possibilities to foster consensus amongst the EU membership on SRHR to the UN CSW and CPD, hoping that upon their agreement, they can guide the greater UN membership towards agreement.

1.4 Research Question

The European External Action Service is responsible for the coordinating membership towards this consensus every year. Aim of this thesis is to come up with recommendations for the European External Action Service and indirectly member states to foster consensus among its membership to reach this consensus.

Knowing that SRHR is still contested by EU member states within both the EU and the UN, EU coordination to the UN on this policy area makes for an interesting study subject. Intended domain of this study is the coordination of the EEAS to the UN CSW and the UN CPD, where this study might be able to provide greater insights on EU coordination to the UN in areas of strong conflicting believes among member states.

How can European Union coordination on Sexual and Reproductive Health and Rights to the United Nations Commission on the Status of Women and the Commission on Population and Development be improved?

1. What are the main beliefs on Sexual and Reproductive Health and Rights?
2. What is the current position of the United Nations on Sexual and Reproductive Health and Rights?
3. How do the United Nations Commission on the Status of Women and the Commission on Population and Development coordinate towards consensus?
4. What are the current positions of the European Union and EU Member States on Sexual and Reproductive Health and Rights?
5. How does the European Union coordinate towards consensus to the United Nations Commission on the Status of Women and the Commission on Population and Development?
6. How does the European External Action Service function in these coordination processes?

The first question explores the main conflicting discourses on SRHR at the UN, to understand the substance of the conflict. Secondly, this thesis examines the current position of the UN on SRHR and relates this to the conflicting groups. The third questions outlines how in general the UN CSW and CPD coordinate towards consensus and looks in to the past five sessions to see how this looked in practice. Answering these three questions provides a decent understanding of the issue of SRHR at the UN CSW and CPD. With this understanding, the second part of sub questions studies EU coordination internally. First, positions of EU MS are outlined to examine what room for maneuver there is on substance. With that knowledge, procedures are examined on how the EU aims to reach consensus, hoping to find room for improvement. Lastly, given the special role of the EEAS organizing and facilitating EU coordination, this thesis concludes by looking into the role of this body and its influence on the process.

These questions will be answered by analyzing four types of literature. Legal analysis will give us an understanding of legal bases, configuration of commissions and outcomes. Document analysis will be done upon the last five reports and closing statements of the CSW and the CPD to have a better understanding of the discussions that took place. Academic literature will enable a deeper understanding of these discussions. In the case of remaining gaps, an analysis will be made of open data of NGOs active to these commissions.

1.5 Relevance

This thesis will provide new insights on a field of the EU at the UN that little people have studied so far. Most research focusses on the role of the UN or the role of the EU specifically. Research by Hosli et al. (2010) does lay the link between these two institutions, but focusses on voting behavior at the UNGA. Study has also been done by Haynes (2013) on pro-life and pro-choice NGOs at these commissions, but not on the behavior of member states, thus this study hopes to provide valuable new insights.

The theoretical relevance of this thesis will be that it contributes to a better understanding of what happens at the EU negotiation coordination to UN commissions. Limited post-Lisbon research is done on how the work of the Union in the coordination towards a common position and negotiations to the UN is being done. Moreover, whereas this thesis focusses specifically on the coordination on SRHR policies, it could foster a deeper understanding of the behavior of EU member states and the EEAS in their coordination processes towards the UN in other controversial policy areas.

The practical relevance of this thesis is that it may help both the EU delegation, national delegations and non-governmental organizations to get better understanding for possible actions to take within the legal framework to foster better coordination, as well as to find the weak spots in the current framework. Knowledge on these weak spots enable decision-makers to alter mandates to improve the status quo towards greater unity, and other actors to pressure them into acting.

1.6 Readers guide

Chapter 1 provided a brief introduction to the topic, elaborated on the societal and scientific relevance of this study and outlined the main question of this thesis and the sub questions. The second chapter looks deeper into the topic of this thesis. It explains the topic, provides an overview of what is known on the matter and highlights aspects literature gaps. In Chapter 3, the theoretical focus of this thesis is outlined. Insights from literature on achieving consensus are explained and integrated into key concepts used for empirical investigations. Based on prior knowledge as treated in Chapter 2 and theories in which this study is grounded in Chapter 3, Chapter 4 describes the methodology applied to answer posed sub questions and ultimately the main question, defends choices in operationalization and reflects upon the reliability and validity of this study. Chapter 5 reports on the findings of the posed sub questions to provide the groundwork upon which conclusions can be drawn. Based on these results, Chapter 6 concludes this study by summarizing results, answering the main question of this thesis and addressing implications of the findings of this thesis for academia and for society.

2. EU Coordination to the UN

This chapter contains a concise literature review of previous research in relation to the main topic of this thesis, namely EU coordination to the UN. By means of a literature review, this chapter elaborates on what is already known from previous research, explores what gaps exist in the literature and is able to locate this study within the context of existing literature. This starts with outlining the methodology of a literature review, followed by the literature review. In the last part of this chapter, this study positions itself to previous research and outlines what contribution it hopes to bring in partly filling the gap in academic literature available.

Knopf (2006) prescribes that a literature review should concisely summarize findings or claims on a subject from prior research. Secondly, a literature review should make an assessment on how accurate that knowledge is. It assesses, what is right and wrong, what is inconclusive and what is missing in existing literature. This review should contain an assessment in the end on what can be concluded and how strongly can this be done. As suggested by Knopf, this study will go beyond academic journals such as relevant reports. Government agencies, international government organizations and non-governmental organizations. Outcome of this review can also be that there is a gap in existing literature, possibly leading towards future research. A successful literature review is able to summarize and evaluate the state of knowledge on a subject, based on four tasks (ibid): (1) determine what each individual study has examined and (2) what each of them has concluded from this. Then the collective results can be summarized in three categories: what do these sources have in common, what do they disagree on and what do they overlook (3). Hence (4), an assessment can be made about the quality of the literature overall: what are valid key findings and where is more work needed? This thesis aims to identify this useful synthesis based on available literature, though it shall critically analyze if the available resources allows this, or if the knowledge is either insufficient, inconclusive or insufficiently valid.

With regards to studies that provide insights in EU coordination to the UN in New York, limited academic research is available. Most relevant for this thesis is the work of Rasch (2008) on the European Union at the United Nations. Franklin (2009) argues that the publication of Rasch's volume on The European Union at the United Nations provides insights into legal and political aspects and issues of the EU's relations with international organizations that priorly did not exist in this field of EU law. Rasch (ibid, p.4) argues that EU Member States act in seeking to guard common interests in the often confrontational, fast-paced and politically sensitive environment of the United Nations. The EU representation to the UN on the one hand is eased by the joint purpose that the EU and the UN have and the UN common practice of group action by countries to defend their common interest, fits the EU rather well. On the other hand, it is complicated to operate due to the state-centric environment where Member States are the main actors.

He states that, though treaty provisions obligate EU MS to coordinate their actions in international organizations and impose the duty to cooperate in ensuring the compliance with and implementation of common positions and joint actions adopted by the Council, national interests remain the primary force of EU second pillar policies at the UN, partly due to the main instructions of Member States' diplomats directly coming from the capitals (p.4).

The EU coordination is also affected by the logic of the *modus operandi* of the UN body to which is being coordinated (p.51). For instance, the EU tends to act more uniformly on development due the consensus-oriented approach of the UN Second Committee, whereas the conflictuous culture of the First Committee, a more confrontational culture within the EU can be witnessed with greater disunity as result. Rasch concludes that a single European voice only exists when this is in the national interests. In these cases, EU Member States only support speaking uniformly due to the greater influence groups tend to have at the UN. In line with Rasch's points of view is the publication of Wouters, Hoffmeister and Ruys called *The United Nations and the European Union: An Ever Stronger Partnership* (2006). Nevertheless, where Rasch focusses more on the coordination process itself, Wouters, Hoffmeister and Ruys publication contributes in a rather holistic manner, overseeing the greater trends towards EU – UN cooperation. They argue that the EU's observer status was upgrading over time, that more coordination in the Common Foreign and Security Policy (CFSP) takes place and that cross-pillar action of the EU has proven to be difficult (*ibid*, p.34).

A third relevant publication is the article called 'Complex Engagement: the EU and the UN system' by Brantner and Gowan. This article addresses EU coordination on SRHR to the UN directly in with regards to the CSW in 2007. With the skeptical US administration with regards to SRHR at the UN, they state that "several EU member states, including Poland and Malta, began to defend positions similar to those of the Bush administration in intra-EU discussions – holding up agreement on EU positions on issues of reproductive rights or nondiscrimination." (2009, p.19).

Interestingly, all these three studies were publicized prior to the Lisbon Treaty becoming effective. Ever since, no greater body or update on EU coordination towards the UN in New York was found to support the foundation of this thesis. Academic interest seems to have shifted from the coordination of EU member states towards the greater functioning of the EEAS and the impact of the Lisbon treaty on the EU as a global actor. These issues, though not as directly as abovementioned publications, are also relevant for this study as the EEAS post-Lisbon is the main responsible for convening and coordination meetings.

Firstly, with the merger of the position of High Representative for Common Foreign and Security Policy with the position of Vice-President of the Commission responsible for External Relations (HR/VP). Secondly, with the President of the Council being a permanent representative with the right to represent the Union abroad. Thirdly, the abolition of the pillar structure with the EU becoming a legal personality enabled the Union to sign treaties in its own name.

Article 27 TEU also provided for the creation of the European External Action Service, leaving its organization and functioning to be established by a decision of the council. With the EEAS Decision in 2010 (officially the Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service), the service was to serve the HR/VP and to be established from personnel coming from the Commission, Council Secretariat and Member States' Diplomats. Bringing together the Commission's DG Relex and DG E of the Council Secretariat, the newly established EEAS and their EU delegations were made responsible for diplomatic representation and political reporting (Furness, 2010).

Relevant key features for the EEAS is that it is not defined as an 'institution' but a 'service', with the exception of Article I of the EU's financing regulation that does define the EEAS as an institution. EU delegation in New York are that EU's Head of Delegation and Special Representatives will report directly to the HR/VP. The EEAS is further financed by the European Commission, which has to approved the budget based on budget neutrality.

Furthermore, since the EEAS includes functionaries from the Council, the Commission and the Member States, respective diplomats will each bring their respective ideas on the functionaries of the Union, its representation and its international role (Porchia, 2016). Sharing ideas, opinions and working methods while acquiring the required competences to deliver upon tasks are all required for the successful construction of an esprit de corps, whereas the lack of such cohesion can results into individuals pursuing their member states' interests or the body they work or have worked for (Porchia, 2016, p.107).

What further complicates the forming of an esprit de corps is that conflicting believes of combatting parties over the establishment of the EEAS choose to leave many aspects undefined. These two approaches mainly between the European Council and the Council on the one hand, protecting their individual interests by an intergovernmentalist approach, and the Commission and the European Parliament pushing for a more supranationalist approach. The debate on European integration is elaborate on these to opposite visions (Nugent, 2010, p.136; Sandholtz & Stone Sweet, 1998, p. 59, Cini, 2013, p. 72; Cram, 1993; Pollack, 1996).

Intergovernmentalists see the Commission as an agent of the Member States whose role it is to facilitate cooperation between members. The Commission is not able to influence European integration with own preference (Bache & George & Bulmer, 2011, p.262) and have little to no autonomy (Moravcsik, 1993; Moravcsik 1999; Nugent, 2000). Supranationalists claim that the European Commission has reasonable autonomy and independence towards the Member States and henceforth can influence European integration. Supranationalist theory states that the Commission can act autonomously and show political leadership, with some claiming the Commission to be like the government of Europe (Bache & George & Bulmer, 2011, p. 263; Cini, 2013, p. 140). The Commission influences European policy from both autonomous preferences and technocratic expertise (Edwards & Spence, 2006, p. 210; Sandholtz & Stone Sweet, 1998; Radaelli, 1999).

This supranational system recognizes the sharing of power between EU institutions, whereas the intergovernmental regime foresees a system where decision-making takes place between Member States governments, thus excluding the Commission and the Parliament (Fabbrini, 2015). With the abolition of the pillar system, the supranational method of decision-making with the Parliament as the lower chamber and the Council as the higher chamber was named to be the ordinary legislative procedure and became the standard for most policy domains with regards to the internal market and home and justice affairs.

For sensitive policy fields, such as foreign policy, intergovernmental decision-making between member states in the European Council and the Council is still applied. Allerkamp (2009) outlines that these procedures are amongst others based on the predominance of the Council of Ministers in consolidating cooperation, a limited role for the commission, the involvement of key national policy-makers and the capacity on occasion to deliver substantial joint policy. The capacity to deliver substantial joint policy holds a contrast with the ambitious expectations projected upon the EEAS to ensure coherent action in foreign policy. Radtke (2012) argues that the aim of the EU is to enhance its international role to become a relevant player in the global arena, it is necessary to adopt feasible policy that enables pursuing this ambition. Through the intergovernmental method, one could question the feasibility of the ambition of coherence. Hill (1993) outlines this as the “capabilities-expectation gap”. The stated ambitions of the European Union are high, but means, policy and commitments are not provided to deliver upon these ambitions.

§3.4 EU horizontal and vertical coherence

This is also a weakness in Rasch’ publication in describing EU coordination at the UN (2008), as he assumes a common understanding on what coherence means and requires. Franklin (2009) argues that various language versions of the EU Treaty define coherence as synonym to consistency, where coherence could also impose a stronger requirement of eliminating contradictions. ‘Consistency’ as definition avoids contradictions, but it does not prescribe the required synergy for “coherent and mutually reinforcing external activities” (Monar, 1997). Given that coherence of the European Union’s external action has been a major topic (Porchia, 2016, p.33), the concept of coherence needs elaboration.

Porchia defines EU coherence as “the lack of contradictions, or more specifically the harmonious action of the different components which compose the EU” (2016, p.101). With regards to the Union’s external activities, Nuttall (2005) divides coherence in two parts: horizontal coherence and vertical coherence. Horizontal coherence tackles coherence between different EU institutions and bodies, whereas vertical coherence addresses the absence of inconsistencies between between the EU’ and the Member States’ policy and implementation. Article 21 (3) and Article 7 TFEU explicitly lay down the obligation of horizontal coherence between EU institutions. Article 21 (2) TEU and Article 4 (3) TFEU prescribe more implicitly vertical coherence.

The duty to ensure horizontal coherence is greatly accepted, but member states fear to lose spheres of national sovereignty with strict definitions on obligations with regards to vertical coherence (Porchia, 2016, p.103). Articles 18 (4) and 27 (3) state that the EEAS assist the HR/VP in coordinating the aspects of the external action, while cooperating with the member states. The EEAS decision further specifies this assistance to support the HR/VP in her mandate to conduct the Common Foreign and Security Policy of the Union and to ensure consistency of the Union's external actions as outlined in Articles 18 and 27 TEU and in coordinating other aspects of the Union's external action.

§3.6 Literature gap

This chapter elaborated on existing academic literature relevant to this study on the EU coordination to the UN. EU coordination to the UN was considered, the debate between intergovernmentalist and supranationalist was addressed, horizontal and vertical coherence was discussed. By studying relevant literature, this thesis argues that many aspects of the thesis subject have been addressed, but nobody has connected the dots. Not on the specific case of SRHR, but also not on similar cases of EU coordination to the UN. Hosli et al. (2010) study voting cohesion of EU member states to the UN, which comes close, but still addresses voting behavior in general. Rasch (2008) delivers a comprehensive study of the EU at the UN, but predates the EEAS. Porchia (2018) delivers a thorough study of the EEAS, but this does not apply greatly to the EU coordination to the UN. In summary, there sufficient literature available that touches part of the thesis subject, but there is a literature gap in its intersection. This study addresses a specific policy field in its coordination, namely SRHR, but in doing so, it hopes to inspire future researches to study other policy fields of EU coordination to the UN to further academic understanding on the intersection of these important and impactful international organizations.

3. Theoretical Framework

For achieving this consensus amongst EU member states, all member states must eventually agree to a joint EU position. If any of the 28 EU member states, either during or upon completion, decides to defect, there is no consensus, no joint position. To understand how individual actors behave in decision-making towards consensus, this chapter examines relevant theories for understanding consensus in general decision-making, and how this can be influenced in institutional settings.

Theories that provide insight in decision-making as such and the way institutions affect them have been selected. First, the theory of exit, voice and loyalty is examined. This theory provides an understanding on when members of a group decide to voice their criticism or when they decide to leave. As the EU member states have agreed to work on a voluntary basis towards an EU position, individual members with criticism to a jointly developed position can either decide to voice their critique in hope for improvement or can decide to exit this process, leading to the collapse of negotiations. With this choice to be made by each EU member state, this theory fosters understanding of the decision-making by dissatisfied members.

Building on this, the prisoner's dilemma is examined. This theory helps to understand individual profit maximizing strategies of players in collectives choosing either to cooperate or to defect. At any given point, single EU members might feel that defecting in the process to a joint position is the most profitable thing to do and they have the right to do so, even if it harms the operational strength of the Union collectively. The iterated Prisoner's dilemma provides understanding on individual EU member states profit-maximizing behavior and how this can be influenced to foster cooperation.

This is followed by looking into the influence of rules and institutions upon individual behavior. Both the theory of exit, voice and loyalty and the theory of iterated Prisoner's dilemma address how institutional settings can influence the outcome of decision-making. By examining institutional theory, section 2.3 explores why actors engage with institutions, how institutions might influence actors' behavior in decision-making and what role institutions might play to foster consensus.

Still lacking knowledge of how to integrate these conflicting perspectives, this chapter continues by looking into conflict style theory. As EU member states have conflicting beliefs and interests, they need to build a joint consensus. Theory on constructive conflict behavior gives insight on how conflict can be dealt with to reach a joint results, and under which circumstances what style would be most fruitful.

This chapter concludes by summarizing these theories. If this is possible, key concepts for empirical investigation are integrated and further developed. These key concepts provide us with a theoretical understanding on decision-making within institutions and provide the groundwork for the following methodology chapter, in which a framework for the empirical study of case will be outlined.

§2.1 Exit, Voice and Loyalty

In order for the EU to reach consensus, all EU member states must find agreement. If one member disagrees, there is no consensus. States can be unsatisfied by any developed position, but as long as they

In his influential book *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations, and States*, Hirschman (1970) elaborates on these Exit and Voice reactions to dissatisfaction. These reactions exist in interplay and must be analyzed together to gain a proper understanding of them.

He defines voice as “as any attempt at all to change, rather than to escape from, an objectionable state of affairs, whether through individual or collective petition to the management directly in charge, through appeal to a higher authority with the intention of forcing a change in management, or through various types of actions and protests including those that are meant to mobilize public opinion.” (p.30). Both voice and exit can be overdone. If too many members leave, an organization has too limited time to address a problem to overcome it. With voice likewise, if discontented members become harassing at their process, it would hinder rather than help recovery of quality.

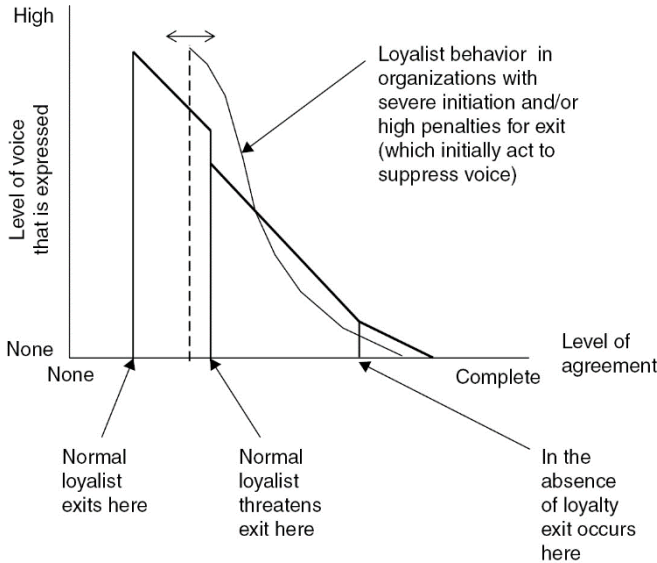
Hirschman argues that members will sacrifice their own interest if they believe that improvement is possible and want to ‘do something’ about an undesirable situation or direction. He hence argues that once an actor chooses to exit, they have lost the opportunity to use voice from within (p. 37). Exit can thus be a reaction of last resort after voice did not result in the desired result. Members can often also stay out of loyalty. If so, this decision is based on 1) the assessment of the chance to get the organization “back on track” by their own actions and/or those of others and 2) a judgement that it is worthwhile, for a variety of reasons, to wait and see what happens, rather than going for the certainty of exit. Loyalty activates voice and makes exit less likely, though not impossible. Loyalty or specific institutional barriers to exit are particularly effective when the use of voice requires a great deal of social inventiveness, while exit is an option (p.80). The effectiveness of loyalty is also influenced by the availability of substitutes.

Loyalty is a helpful concept for this thesis, because it implies the possibility of disloyalty, which would be an exit (p.82). That all members are able to exit is important in the setting of this thesis, as the chances for effective voice can be strengthened if backed up by the threat of exit. Any EU member can decide to end the consensus, if they feel that their voice was not sufficiently effective. Thus, institutional design is of considerable importance for the balance of exit and voice.

To have a proper understanding of how loyalty affects voice and exit, Hirschman developed the figure presented on the next page here (p.87). On the horizontal axis, one starts on the right side with complete agreement. Moving towards the left, disagreement widens. The vertical axis states the level of voice expressed by a member. In the absence of loyalty, members leave rather easily (XAL), whereas loyal member stay silent, though increasingly unhappy. Proceeding more to the left, normal loyalist will threaten to exit (TX). If the situation would continue to worsen for a given member, eventually this given member decides to leave the organization (XWL).

Figure 2.1 Level of voice – level of (dis)agreement

The strength of loyalty can be measured as the distance between XAL and XWL, whereas the distance TX-XWL represent the portion of the process of deterioration during which the member threatens with exit and uses this threat to change policies of an organization. In situations with severe initiation and/or high penalties for exit, one can assess a more passive approach at first, but rapidly catching up and surpassing the level of voice in the absence of these barriers, whereas TX is merged with XWL.



Applying this to the focus of this thesis, EU consensus at the UN, the EU member states in this context face little barriers to exit, thus enabling all of them to use the threat of exit. This is interesting for the European Union, as foreign policy one of the only area that has remained fully intergovernmental. In other areas of the processor of the European Union, the European Community, Weiler (1990) describes European integration as the ‘closure of selective Exit’. This closure points at the process that ended the ability of Member States to practice a selective application of binding obligations under the Treaties and laws of the Community institutions (ibid, p. 2412).

In his assessment with regards to European cooperation, exit is the mechanism of leaving an organization if it does not function satisfactory. Voice is the mechanism of intra-organizational correction. Strengthening voice can lead to more sophisticated processes of self-correction, whereas the closure of exit will lead to demands for enhanced voice to ensure control. Weiler (ibid) argues that with the closure of exit in community law, EU member states wanted to ensure their control over this policy.

Due to the realization of Member States that transferring powers means less national autonomy, Weiler argues that member states are skeptically assessing any new conferral of power on common foreign and defense policy. Despite repeated calls for Europe to speak with one voice, the Community has never successfully translated its economic internal power to outside influence. Hence, it is upon the EU Member States to work together amongst themselves in an intergovernmental setting.

Downing et al (2000) reviewed Hirschman’s theory based on empirical literature and found several shortcomings. Relevant for this thesis is their point that quality can mean different things for different people: what is satisfactory for one might be undesirable for the other. This has implications for our study. As earlier outlined, the pro-life and pro-choice EU member states have conflicting believes. What would be improvement for one, would be regarded as worsening for the other. This points out a critical issue for this thesis: if these two conflicting sides argue over the content of negotiations, it is not too problematic if members reach TX, but it must be prevented that any of these sides reaches XWL.

For applying the Exit, Voice & Loyalty theory to this situation, the singularity of issues in this theory must be addressed. Members may agree to decisions of organizations on policy X, if they are content about policy Y. Within one organization or cooperation, there are multiple policies that different members value differently. It is important to address this here, as the European Union is based upon a culture of grand bargains (Van der Vleuten, 2010). European integration is for a great part fostered by deal-making between countries. If a discontent EU member at XWL could win on a different relevant issue, this could lead to the respective member state to agree to the negotiated consensus.

In summary, through promoting loyalty, enabling effective voice and/or sanctioning exit, EU Member States may prevent other member states breaking the consensus. However, creativity is required, as a compromise needs to be found between conflicting believes. This can be done on a single issue being discussed, or by trade-offs with other areas.

§2.2 Evolution of cooperation

Another interesting perspective on cooperation is given by Axelrod & Hamilton (1981). They analyzed the prisoners’ dilemma and develop it in a way useful for understanding actors’ possible behavior. In the classic prisoners dilemma, stakeholders have the option to cooperate or defect. The selfish choice of defection could yield a higher payoff than cooperation, but if both defect, both do worse than if both had cooperated. By assumption, the temptation to defect ‘T’ is bigger than the reward for mutual cooperation ‘R’. If player A defects, player B will either yield the

Figure 2.2 – The classic prisoners’ dilemma

		<u>Player B</u>	
		C Cooperation	D Defection
<u>Player A</u>	C Cooperation	R = 3: reward for mutual cooperation	S = 0 Sucker’s payoff
	D Defection	T = 5 Temptation to defect	P = 1 Punishment for mutual defection

sucker's payoff 'S' of zero if it choose to cooperate, or the punishment for mutual defection 'P' if it choose to defect with a lower payoff (ALL D) than if both had opted to cooperate (ALL C). In this situation it also pays to defect, with $P > S$. If interactions between pairs are random and not repeated, defection is the stable choice. With a known or limited number of interactions between pairs, to defect is as well the only predictable outcome following this model, as it would be optimal for each player to defect in the last turn, and the next-to-last, on to the first interaction. In all these settings, the game is defined by $T > R > P > S$, as illustrated in the payoff matrix in figure 2.2.

In many settings however, players meeting more than once, the number of future interactions is unknown and players are able to recognize other players. On the assumption that interactions between pairs of individuals occur on a probabilistic basis, Axelrod and Hamilton (ibid) developed the iterated prisoners' dilemma, where the number of interactions are not fixed. There is a probability, 'w', that the same two individuals meet again. For any value of w, mutual defection (ALL D) is evolutionary stable, but if w is sufficiently great, other strategies might be stable as well. This is even more valid when players are able to distinguish between individuals they are playing with, as they can base their reaction on past experiences.

In an experiment with recognizable players and an unknown number of interactions, Axelrod and Hamilton found that the most rewarding strategy was playing TIT FOR TAT: players cooperated on their first move, and hence continued by doing whatever the other player decided to do before. They conclude that for the evolution of cooperation, two things are required: on the one hand, individuals should not be able to get away with defecting without the other individual being able to retaliate effectively, as would be the case if defecting individuals are lost in anonymity. On the other hand, retaliation is only effective with a sufficiently high chance w of meeting again.

Both criteria apply to EU coordination to the UN, with all actors knowing each other and a certainty that players indefinitely will meet again ($w=100\%$), as EU member states have locked themselves institutionally into negotiation upon a joint position before entering every UN CSW and UN CPD. Nevertheless, EU members can still and do occasionally defect from the consensus. This makes sense when an EU member find them self in a minority position within the EU, but find greater support for their position amongst the greater UN membership. In the absence of sanctions on defective behaviour, D will be a logical preference as both $T > R$ and $P > R$ (figure 2.3).

Thus, with the application of this model, it needs to be carefully assessed for all players that $R > T$, as not all EU member states necessarily profit from cooperation. Meanwhile, this model still is valuable to

Figure 2.3 – EU minority position scenario

		<u>EU Majority</u>	
		C Cooperation	D Defection
<u>EU Minority</u>	C Cooperation	R = 3: reward for mutual cooperation	S = 0 Sucker's payoff
	D Defection	T = 5 Temptation to defect	P = 4 Punishment for mutual defection

predict when members cooperate. Cooperation can be fostered by enabling retaliation for defecting members (lower T) and/or by making cooperation is sufficiently profitable (higher R). For EU coordination to the UN, this means that consensus can be fostered by sanctioning defective behavior of EU members breaking a to be formed consensus and by increasing the reward for all EU member states to cooperate. If in the individual interpretation of all EU member states $R > T$, they will cooperate in consensus. To foster a deeper understanding on instructional approaches to achieve this, the following section §2.3 will elaborate on how individual behavior is guided by enforced formal rules and informal norms and beliefs of institutions.

§2.3 Comparing Institutionalisms: Rational-Choice versus normative institutionalism

As addressed in abovementioned theories, institutions shape decisions. To foster a deeper understanding of how these institutions affect individual decision-making, this thesis continues to explore institutional theory. This debate between Hobbes and Hume focusses on actors within societies. More recent study on institutions shifts the focus on the role of these institutions themselves.

The central concept of social institutions according to Miller (2010) is joint action. Joint action consists of individual actions of actors towards the realization of a collective end. DiMaggio and Powell make a distinction between old institutionalism and new institutionalism (1991). Classic institutionalism focused on group conflict of interest, by examining influence patterns and coalitions, threatening institutions as static, with the collective end as accepted. New institutionalism focusses on the organizations themselves, examining conformity and the persuasiveness of cultural values attributed to them. Both approaches move beyond the perspective of organizational behavior as the mere sum of individual rational actions.

In this new institutionalism, two seemingly conflicting approaches both are able to provide useful insights: rational-choice and normative institutionalism. Rational-choice focusses on ‘bounded rationality’, whereas for normative institutionalism ‘appropriateness’ is the central concept. Starting with the latter: “the logic of appropriateness means that actions are matched to situations by means of rules organized into identities” (March, 1994). Applying this perspective to the EU coordination, normative institutionalism would prescribe a consensus. As EU member states have agreed to coordinate their action at the UN, they are set up to negotiate about a joint negotiation position and all EU member states agreed formally to the aim of speaking with one voice, it would be appropriate to work towards consensus as they have agreed to do so amongst others in the TEU art. 24.3: *“The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations”*.

Norms and formal rules shape the behavior of those within them, with actors tempted to act as appropriate. On the other hand, rational-choice institutionalism explains institutions as minimizing transaction, production or influence costs. They also stress the principle role of strategic interaction in

the determination of political outcomes (Hall & Taylor, 1996). Every actor is constrained by institutions, but it is the best way to achieve their interest. If given Member States might no longer feel that complying with the institutional setting would be in their perceived self-interest, the most logical thing to do is to threaten with exit and if exit is in the self-interest of a minority, than break the consensus. In this case, institutional setting needs to be reshaped in a way that it is in the self-interest of all stakeholders to agree, either due better negotiation results, or to external pressures, may it be positive or negative.

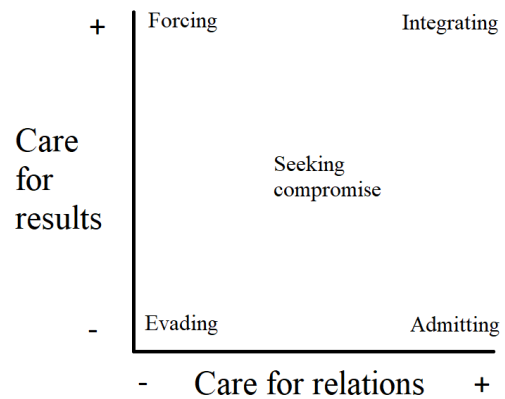
Both institutionalisms provide a lens to examine the EU coordination and look for possibilities to foster consensus. To ensure nothing is overlooked, sociological institutionalism could contribute as a third lens. This institutionalism regards institutions more broadly than political scientists and thus include symbols and morals that provide meaning guiding human action (Hall & Taylor, 1996). While as a concept this perspective may at times be too broad, it forces this study to pay attention to these symbols and morals, as they could possibly be very influential to the outcome of EU coordination. EU members with a negative attitude towards the European Union for instance might be less likely to agree in general. If these are the same countries holding the minority position, they could pressure them into an underdog position and start with a negative intention to begin with. With the perspectives from Rational Choice Institutionalism, Normative Institutionalism and Sociological Institutionalism, the institutional setting in which decision-making takes place can be examined for possibilities to improve coordination.

2.4 Styles of Conflict

Abovementioned theories give insights in actors decision-making and their behavior in institutional settings, but does not yet sufficiently tackle the process of overcoming these conflicts. Henceforth, this theoretical framework concludes by outlining Huguenin's (2004) study on conflict styles and conflict resolution. He claims that the behavior portrayed is just the output of an actor. There are multiple layers that determine how stakeholders react to conflicting beliefs or interest. These layers are connected to one another, that Huguenin outlines in five logical levels. There is the identity level, that relates to the deepest being of an actor: who is one and what is their mission? Secondly, the beliefs layer, relates to values, motivation and assumptions: what do actors believe and why do they believe this? Thirdly the level of competences: what is the actor able to do and in what way? The fourth layer is the behavioral level itself: what are they doing? And lastly the environmental level: what is setting the arena?

By analyzing what conflicting parties are saying and how they behave, it could be possible to recognize the outlined logical level and say something about the way stakeholders engage in conflict. Each actor that has something to win or lose in conflicts faces a dilemma between seeking result and fostering relations. The extent in which actors are oriented at conflict and cooperation helps to determine basic conflict style. On the one hand there is care for the relations with others, where the importance of maintaining good relations with others varies among actors. On the other hand, there is the care for results: the wish to secure own interest and goals. The (unintentional) choices actors make in the need to secure proper relations and defend interests determine an actor's conflict style.

Figure 2.4 – Care for results - relations



This thesis is applying these styles to the EU coordination to analyze which styles of conflict could lead to results. Where 28 member states need to seek consensus, there is limited space for member states to admit. Limited as in, there is a certain limit in which pro-choice and pro-life are able to admit to each other, often pre-determined with the national ministries, so called 'red lines'. Evading conflict would mean no EU consensus at all on SRHR, which is also undesirable for many member states.

As no EU member state is able to force their interest upon others, EU member states have no interest to admit and they have no choice to evade the subject of SRHR in these fora, there are only two out of five conflict styles that could lead to success. Integrating and seeking compromise. The integrating conflict style contains two elements: confronting and exploring. Essential for the confrontation is direct and honest communication, to prevent assumptions and foster both trust and understanding for the other. Hence, stakeholders continue to explore solutions that are desirable or acceptable for both parties. On identity layer, actors with this style are secure, open and searching for solutions, without forgetting their own interests. On the believes layer, actors are convinced that the problem to be solved is a joint challenge in which all parties have something to win, and should be able to. The competence layer requires the capacity to voice feelings correctly, to listen actively, to note contradicting interests and to be creative for new solutions. This results with the behavioral layer with listening, summarizing positions and seeking for alternatives.

While the integrating style endeavors to find new joint positions, the compromise conflict style goes for the middle way. On the identity layer, a compromise seeker does just enough to meet the other halfway. At the believes layer, compromise seekers, in contrast to the integrators, go for pragmatic, sufficient solutions, rather than the best. A balance of interest representation in a position is deemed more important. In competence, a compromise seeker is able to seek fast solutions. On the behavioral level, parties are both able to protect their interest in and admit to the other, as long as the outcome is balanced.

The success of these conflict resolution styles is dependent on several aspects. If there is sufficient time (and money) to make decisions, if there is commitment from all stakeholders to work towards a joint position, if the issue is too complex for a simple compromise and if all stakeholders want to invest in the relation integration is a suitable style. Rather, in situations where time (or money) is scarce, stakeholders are equal in power and demonstrating it and where other styles have failed, seeking compromise is best suited to come maximizing the reward of cooperation and reaching consensus.

2.5 Summary & Integration of theories

This chapter elaborates on relevant concepts of consensus in decision-making, and how it can be influenced by institutional settings. Exit, Voice and Loyalty prescribes the promotion of consensus through enabling effective voice, sanctioning exit and/or promoting loyalty. Improving the effects of voice links neatly with raising the value of the reward for cooperation (R) to the extent that is at least higher than ALL D. Sanctioning exit is in line with lowering the temptation to defect (T) to the extent that $R > T$. Both of these theories are in line with the Rational Choice Institutionalism, that follows the reasoning of perceived self-interest. It can be argued that loyalty on the contrary shares more with Normative Institutionalism and Sociological Institutionalism.

The definition as given by Hirschman follows a rational perspective of self-interest. As Huguenin outlines, actors care not only for the result but also for their relations. Hence, this thesis interprets loyalty as not only the hope for improvement in quality and the willingness to invest in this to happen, but also the care for relations with members of this group, both in positive and negative sense. In line with normative and sociological institutionalism, norms and believes from their respective rationales of acting appropriate in a group and following believes and values can positively and negatively impact consensus-building.

Hence, the willingness to invest from loyalty also influences the appropriate negotiation strategy and thus should shape the coordination by the EEAS. If there is a great care for both results and relations, they need to allocate more time and resources into facilitating deep discussion to foster general understanding and integration. If this care is not too strong, theory prescribes coordination that seeks simple compromise that is acceptable for all members.

Lastly, as pro-choice and pro-life countries are seemingly in contradicting positions, the following chapter will examine if and if so, where an integration of their believe systems is possible. If the reward can be raised sufficiently for all countries to make cooperation beneficial, and a conflict style of integration is even possible on SRHR. That is why the next chapter explores possibilities for consensus on SRHR, after which the methodology of this thesis will be outlined to answer the main question of this thesis: How can the EEAS better promote consensus on SRHR among EU member states to the Commission on the Status of Women and the Commission on Population and Development?

4. Methodology

With the establishment of a theoretical framework and a literature review on what is known with regards to the policy field of SRHR, a foundation is made to base the methodology of this thesis on. A methodology refers to the selection of specific cases, the methods of data collection and the analytical framework of the execution of research (Silverman, 2011; p.53).

This chapter starts with an explanation of the selection and collection of data. Section §4.1 starts by elaborating on choices made with regards to the selection of data, then continues to discuss where this data is found and concludes by specifying a strategy per sub question on how to find their answers. Section §4.2 describes analytical method and framework that is used to analyse the data selected. The theoretical framework provides the basis to build a more specific analytical framework with which selected data can be analyzed and elaborates on methods of this framework is applied. Lastly, section §4.3 critically assesses the validity and credibility of this research and how this thesis has aimed to secure the trustworthiness and generalizability of conclusions made. By transparently and precisely outlining how this study is executed, decisions in the process of this studies are being defended.

§4.1 Data selection and collection

§4.1.1: data selection

Before selecting the data, first the subject of this thesis has been selected, consensus on EU coordination to the UN on SRHR. Then, this subject was operationalized into a research. The main question of this thesis is ‘How can the European External Action Service better promote consensus on SRHR among EU member states to the Commission on the Status of Women and the Commission on Population and Development?’. After the main question was defined, it was broken down into sub questions that need to be answered to collectively enable a conclusion upon the main question. Sections §4.1.3 - §4.1.8 subsequently elaborate on what data is needed to provide a valid answer to the questions posed.

Whereas sections §4.1.3 - §4.1.8 focus on different samples, all of them base their selection of sources on to methods of selection: purposive sampling and theoretical sampling (Silverman, 2011). Choosing samples by the method of purposive sampling prescribes choosing cases because they illustrate features or processes in which this study is interested. It demands critical thinking on the selection of available data by their ability to answer the question posed. As it is impossible to study everything, this method helps in making practical decisions for case selection based on the purpose of this research (ibid).

Selection is further specified by theoretical sampling. By making use of theoretical sampling, a sample is constructed that is meaningful theoretically, because it builds on certain characteristics or criteria that both help to develop and test theories and explanations (Mason, 1996: 93-4). Earlier formulated theory helps to identify critical cases, and upon their availability, also negative cases as they provide a crucial test for any theory (Silverman, 2011).

In line with theoretical grounds, this study has been flexible on the size of samples studied. Starting with intensive analysis of a small part of the sample studied, extensive analysis has been done to test generalizations before answering the sub questions. If unexpected generalizations turned up in the analysis, more samples are studied to seek out deviant cases (ibid). With too few sources available, Knopf's recommendation was followed to think in two tiers of literature (2006: p130). The first tier is concerned with studies that directly address the research question. In the second tier publications can be found that are relevant to the research question or overlap partly with the question asked.

§4.1.2: data collection

That type of data that will be collected to base the answers of this thesis on are several types of written data. As this study aims to review existing knowledge and the topic concerns existing policy processes, a wider range of sources is legitimized (ibid). Unless differently stated, the preferred starting point for answering each question will be academic literature, as these peer-reviewed sources carry a greater academic credibility. From there, policy documents and reports of sources such as non-governmental organizations will be considered, as they can be in a position of authority or have inside knowledge that allows for better answering the questions posed. In the meantime, when non-academic literature is reviewed, it will be carefully assessed to whether the items are credible. In cases of uncertainty, this will be written explicit in the text.

§4.2 Analytical method

Generalisability is a standard aim in academic research. It enables the representativeness of a sample that hence allows you to draw stronger conclusions. Qualitative research cannot assemble random samples of cases. Instead, it seeks to generalize through three kinds of 'theoretical inference' (Silverman, 2011: p.386). The first method is deductive inference, that prescribes choosing a critical or deviant case which can be used to prove problems of an accredited or standard theory. Secondly, by comparative inference, cases are identified within extreme situations or a great variety to maximize variation of cases. Third and lastly, the emblematic case: elaborate on typical case(s) that embody one or more key aspects of social action and/or process in particular situations (ibid). Where the number of sources are widely available, this method of theoretical inference is applied.

Silverman defines methods as specific techniques to make an analysis upon the samples studied (2011). Before working on the generalizability of data, this data need to be analyzed and processed first. The method used to analyze our data is that of literature review. As described in Chapter 2, Knopf (2006) prescribes that a literature review should concisely summarize findings or claims on a subject from prior research. Secondly, a literature review should make an assessment on how accurate that knowledge is. It assesses, what is right and wrong, what is inconclusive and what is missing in existing literature.

A method to assess conflicting studies is to examine their different assumptions, and by looking deeper in these assumptions conclusions can either be proven plausible or problematic. Disagreement

on the facts or used evidence can also give ground to disagreements. Scrutinizing studies on accurate, holistic and representative evidence could create new insights. Lastly, disagreement could be traced to the use of methodologies. With a clear methodology correctly applied to reach answers for claims, the validity and reliability of claims can be deemed higher than if claims are made purely by assertion (ibid).

Clear methodology correctly applied is also what this thesis endeavors to do. By working with texts, this thesis itself is also open for critical examination, with any researcher begin able to either draw the same or other conclusions. Silverman (2011: 230) outlines a few other advantages of working with textual data: Firstly, texts show their richness: by doing a close analysis of written texts, one could discover subtleties. Secondly, texts are naturally occurring: written documents demonstrate what people are actually doing or saying in the world, without interference of the researcher. Lastly, texts are usually accessible and are free from ethical constraints one may have with other methods.

§4.3 Analytical framework

Section §4.1 has elaborated on the scope of data selection and collection. Section §4.2 hence focused on the method of analysis. With these elaborated, this theses outlines a clear path of execution on what will be studied, and section §4.2 made a start with answering the question how this will be studied, namely the assessment of available literature by making an assessment what’s right, wrong, unconcise or missing. This section will elaborate on what in these documents needs specific attention.

The theoretical framework gives us a broad understanding. To foster consensus in EU coordination, the reward of participants for

Table 4.1: Analytical Framework by Scott (2014: p.60 & p.96)

	<i>Pillars</i>		
	<i>Regulative</i>	<i>Normative</i>	<i>Cultural-Cognitive</i>
<i>Basis of compliance</i>	Expedience	Social obligation	Taken-for-grantedness Shared understanding
<i>Basis of order</i>	Regulative rules	Binding expectations	Constitutive schema
<i>Mechanisms</i>	Coercive	Normative	Mimetic
<i>Logic</i>	Instrumentality	Appropriateness	Orthodoxy
<i>Indicators</i>	Rules Laws Sanctions	Certification Accreditation	Common beliefs Shared logics on action Isomorphism
<i>Affect</i>	Fear Guilt / Innocence	Shame / Honor	Certainty / Confusion
<i>Basis of legitimacy</i>	Legally sanctioned	Morally governed	Comprehensible Recognizable Culturally supported
<i>Symbolic systems</i>	Rules Laws	Values Expectations Standards	Categories Typifications Schemas Frames
<i>Relational systems</i>	Governance systems Power systems	Regimes Authority systems	Structural isomorphism Identities
<i>Activities</i>	Monitoring Sanctioning Disrupting	Roles, jobs Routines Habits Repertoires of collective action	Predispositions Scripts
<i>Artifacts</i>	Objects complying with mandated specifications	Objects meeting conventions, standards	Objects possessing symbolic value

cooperation can be increased by integration ideas or by negotiation within the policy arena or with bargains in other policy fields. The loyalty could be strengthened to have member states stay committed longer in the case of dissatisfaction. And the possibility of sanctions for defecting behavior was addressed.

Whereas the theoretical framework is clear, it needs further operationalization to be applied to the documents that will be studied. To do so, the analytical framework of Scott for institutions (2014) will be used. The concepts on institutionalism according to Scott are strikingly diverse, resting on varied assumptions and privileging different causal processes. He defines institutions broadly as “multifaceted durable social structures, made up of symbolic elements, social activities and material resources” (ibid: p57). These symbolic systems are defined as regulative, normative and cultural-cognitive with their respective rules, norms and beliefs. These three ‘pillars’ form a continuum moving from the conscious to the unconscious and from the enforced rules to what is taken for granted. Scott states that their rules, norms and meanings arise in interaction, and they can and will be preserved and modified by human behavior (ibid). By activities, institutions are produced, reproduced and changed to sustain them.

Rule-setting, monitoring, and sanctioning activities fall under the regulative pillar. In this system, regulatory processes can establish rules, inspect others’ conformity to them, and if necessary, enforce sanctions in an attempt to influence future behavior (ibid: P59). Political scientists point out that legalization – the formalization of rule systems – is a continuum whose values vary along three dimensions: The extent to which actors are bound to obey because their behavior is subject of scrutiny by external parties (Obligation). The extent to which the rules unambiguously specify the required conduct (Precision). And the extent to which third parties have been granted authority to apply the rules and resolve disputes (Abbott, Keohane, Moravcsik, Slaughter and Snidal. 2000).

The institutional logic underlying the regulative pillar is an instrumental one: individuals craft laws and rules that they believe will advance their interests, and individuals conform to laws and rules, because they seek the attendant rewards or wish to avoid sanctions. Because of this logic, the regulative pillar is one around which rational choice scholars gather. (Scott, 2014: P62).

Normative systems include values and norms on how things should be done. Some values and norms are applicable to all members of a group, others apply only to specific actors or roles. Norms in an institution will be both held accountable by focal actors, as well they internalize internalized an actor (Scott, 2014: p.65). Feelings associated with the violation of norms include shame or honor. Scholars associated with the normative pillar stress the importance of appropriateness.

A third group of institutionalist scholars stress the cultural-cognitive elements of institutions: the shared conceptions that create the frames through which meaning is made (ibid: p.67). Meanings arise in interaction and are maintained and changed to make sense of the ongoing stream of events. To understand any action, researchers should take subjective interpretation into account. The cognitive-cultural pillar emphasizes that internal interpretative processes are shaped by external cultural frameworks. The logic employed to justify conformity is that of orthodoxy, the perceived correctness and soundness of the ideas underlying action.

Table 4.1 provides an overview of elements of these pillars. In most institutions, combinations of elements can be observed. In stable social systems, we observe that pillars persist and are reinforced because they are taken for granted, normatively endorsed, and backed by powers (ibid, P70).

Nevertheless Strang and Sine (2002: 499) point out that “where cognitive, normative, and regulative supports are not well aligned, they provide resources that different actors can employ for different ends”.

These three pillars and three levels combined provides an analytical framework that create a lense through which all documents can be analysed for our sub questions and main question. By looking at regulative, normative and cultural-cognitive pillar and examining them, if applicable, at different level, the asked questions can be answered with a clear focus.

§4.3 Application of Analytical Framework

To answer sub questions 1, 2, 4 and 5, the earlier elaborated methodology of a literature review has been used. For answering the questions ‘How do the United Nations Commission on the Status of Women and the Commission on Population and Development coordinate towards consensus?’ and ‘How does the European External Action Service function in these coordination processes?’ The analytical framework as abovementioned was used. As the regulative, normative and cultural-cognitive pillar in practice from a continue, relevant institutional information was addressed under the pillar that in authors opinion matched the best with one given pillar. As rules are easier to distinguish from norms and believes, for the question on the CSW and the CPD, norms and believes were taken together in a joint analysis of the normative and cultural cognitive pillar. For the last sub question, differences between norms and believes seemed sufficiently clear to label given relevant information under a respective pillar. However, as mentioned, these are continuums, so motivation is given its label, but other labels could have been given. Most important is that the framework enables a thorough intuitional analysis where rules, norms and believes are all taken into account.

§4.4 Reliability and validity

This study aims to deliver a credible thesis. The two central concepts to credibility of scientific research are validity and reliability (Silverman, 2011). “Reliability refers to the stability of findings, whereas validity represents the truthfulness of findings” (Altheide and Johnson, 1994). Discussing both separately in greater detail, reliability according to Hammersly “refers to the degree of consistency with which instances are assigned to the same category by different observers or by the same observer on different occations.” (Hammersley, 1990: 57). Another definition is offered by Kirk and Miller (1986): “reliability refers to the degree to which the findings of a study are independent of accidental circumstances of their production“.

These definitions is the focus on replicability. If future researchers would repeat a study, would they come up with the same result? A good study endeavors to organize a research project in such a way that question can be answered with yes. Moisander and Valtonen (2006) suggest two ways to improve reliability in qualitative studies: by making the research process transparent through describing the research strategy and data analysis methods in a sufficiently detailed manner and by paying attention to theoretical transparency by making explicit the theoretical stance showing how this produces particular

interpretation. By transparently and clearly defining choices and definitions in data selection and collection, as well as in the method of analysis and the analytic frameworks of concepts that will be focused on, this thesis aims to secure a high level of reliability.

Hammersley defines validity as “the extent to which an account accurately represents the social phenomena to which it refers’ (Hammersley, 1990). Kirk and Millar (1986: 29-30) outline that these involve the possibility of two types of errors: a Type 1 error occurs when a statement is believed to be true when it is not, whereas a Type 2 error rejects a statement as false when in fact it is true. Silverman (2011; p. 374) elaborates on several methods that ensure the validity of results; these include analytic induction, the constant comparative method, deviant-case analysis and a comprehensive data treatment.

Starting with analytic induction, its purpose is “to uncover causal relations through identification of the essential characteristics of the phenomenon studied. To this end, the method starts not with a hypothesis but with a limited set of cases from which an initial explanatory hypothesis is then derived. If the initial hypothesis fails to be confirmed by one case, it is revised. Additional cases of the same class of phenomena are then selected” (Gobo, 2009: 198). The process continues until the researchers finds no more results that demand a modification of the hypothesis.

AI depends on two techniques: the use of constant comparative method and the search for deviant cases. (Silverman, p. 376). The comparative method prescribes that a researcher needs to attempt to find another case through which to test out a provisional hypothesis. The analysis begins on a relatively small part of the data. After having generated a set of categories, emerging hypotheses can be tested by a steadily expanding the body of data.

The comparative method implies actively seeking out and addressing deviant cases. These cases are identified on the basis of concepts deriving from a particular model. Pieces of data are never ‘deviant’ themselves, only in relation to the approach used. Deviant-case analysis in the context of the constant comparative method implies that all parts of your data are to be inspected and analyzed (ibid; 379). This so-called comprehensive data treatment ensures that all cases of data are incorporated in the analysis (Mehan, 1979: 21). The outcome is a generalization which can be every bit as valid as a statistical correlation (Silverman, p379).

For this study, this approach will be applied when possible, as it starts with a small intensive analysis of data available, subsequently followed by an extensive analysis in which by a comparative data treatment deviant cases will be analyzed and included, by making use of the constant comparative method. Nevertheless, as earlier outlined in the method section, where available literature is lacking and sources are scarce, it is harder to find comparable cases. In these situations, this will be specifically addressed, so that academic readers are aware of the possible limited validity of any claim made on a small number of sources.

5. Results

§5.1 What are the main beliefs on Sexual and Reproductive Health and Rights?

Both the ICPD and the Beijing Declaration brought a discursive shift in population policy by putting the individual as the key actor, in contrast to the family or the community (McIntosh & Finkle, 1995). Whereas this shift was ground-breaking, both international agreements have no binding enforce mechanisms. Hence, the international norms that they have established depend upon compliance, where the responsibility for the execution of this compliance is self-owned by governments. Governments might have consented to these international agreements, but when it comes to their implementation and debates on them in the UN CSW and CPD, there is still a heated debate going on, where countries push for their set of preferences, values and influences (Easterly, 2002). The two conflicting discursive positions being promoted are the like-minded countries, also referred to as pro-choice or progressive on the one side and the opposition, also referred to as pro-life or conservative on the other (Pavao, 2011, p.47).

For the like-minded, the principle of reproductive rights is a foundational norm, as laid down in Chapter 7 of the ICPD PoA. Reproductive rights are rights that belong to the individual and no compromise is possible on them. In all their statements, family planning and affordability, access and education to enable this for both young people and adults take a central place (ibid, p.48). Pro-choice statements reference strongly top legal precedence that strengthens their position. These are seen as legal standards that must be upheld. And by referencing to existing and recent international political commitments, they ground their positions (ibid, p.49).

Opposition countries also focus on rights in their statements, but their choice of treaties and clauses reflects a different focus. They stress the protection of religious and cultural values for the appropriate and rightful approach to population problems. They are basing themselves on the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the ICPD PoA, with regards to the legal protection of the family and the recognition of their special position. Pro-Life arguments show a strong focus on the importance of religious and family values. The opposition hence pushes for the rights of parents, rather than the rights of individuals in population policy (ibid, 49).

Where like-minded countries in discussions over SRHR in the CSW and the CPD present language of education, empowerment and improvement of health, opposition highlights the importance of traditional, social and political roles of the church and the family. In their conflict, like-minded addresses the problems of problematic population levels and health problems in developing nations. Opposition on the contrary fights the radical individualism of Northern donor countries, that attack the position of traditional social actors, being local, cultural and religious communities and families (ibid, 51).

In promoting these positions, both groups attribute a strong role for international agreements and institutions. They all heavily reference to international legal agreements in their statements, in particular the ICPD PoA, yet they are focus in their choice of references, where each chooses parts of the agreements that support their concerns and challenge the position of the other discursive group (ibid, 51).

In international negotiations, these discursive positions are not just apposing points of view: they are specific collective of ideas, employed to promote a particular solution to the problems being faced. Both pro-choice and pro-life fight over the successful inclusion of their language. If a discursive position is winning the acceptance of other policy actors for their definition of the problem and solutions for it, they could be able to institutionalize that position (Philips et al, 2004). In the CSW and the CPD, this would be the case if preferred language passes into the outcome resolution of a session (Pavao, 2011, p.51).

The ICPD was a victory of progressive UN member states, as they successfully shifted the paradigm from demographic policy to the norms of women's empowerment and the rights of the individual (McIntosh & Finkle, 1995). Progressive UN members push for strong language at the CSW and the CPD to maintain political support for the achievement of the ICPD PoA and the Beijing PfA, while conservative states frame their contributions as stopping the expansion of these by avoiding references to reproductive health and sexuality, or when they are mentioned, to question them and stop the promotion of supportive language (Pavao, 2011, p.51). Up to today, the ICPD and the Beijing Declaration and their institutionalized language continue to frame global and even national debates on populations policies (Barrent & Frank, 1999; Van Lancker, 2010). These debates seem to be far away from reaching a conclusion. However, agreements over time have produced institutional positions that will be outlined in the following section.

§5.2 What is the current position of the United Nations on Sexual and Reproductive Health and Rights?

Berro Pizzarossa (2018) argues that SRHR are increasingly being recognized in the international arena, but the evolution of SRHR and the scope and content of their definition have been developed under constant controversy. She distinguishes four phases of development: firstly the population control paradigm from 1954 to 1994, secondly the human rights paradigm at the ICPD and the Beijing Platform for Action, the post-ICPD fragmentation era marked by the United Nations' development agenda and the adoption of General Comment 22 on the Right to sexual and reproductive health to the CESCR.

The first period is that from the 1954 Population Conference to the 1994 International Conference on Population and Development, with a gradual shift in perspective from demographic policy to a rights based approach to population perspective. Due concerns of population growth, the UN brought population growth into the international agenda by convening the World Population Conference in 1954

in Rome and again in 1965 in Belgrade. The prevailing idea at the time of the second conference was that an accelerated growth could lead to the most threatening consequence of mass starvation due limited resources (Kellogg 1970). In response to this fear, several governments considered population growth as a threat for security and started to support family-planning to reduce birth rate and henceforth slow population growth (Berro Pizzarossa, 2018). In 1968, the International Conference on Human Rights adopted a resolution that linked population control explicitly to advancement of human rights for the first time.

The UN World Population Conference of 1974 introduced three major changes, firstly a clear statement that population policies should be consistent with human rights and demands that States “respect and ensure, regardless of their over-all demographic goals, the rights of persons to determine, in a free, informed and responsible manner, the number and spacing of their children” (United Nations Population Division 1974). Secondly, it introduced the statement: “all couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children”. Lastly, Thirdly, the WPPA stressed the importance of the role of women and the connection of this role to population policy.

Ten years later, Mexico City hosted the second International Conference on Population, in which the UN member states adopted the Recommendations for the Further Implementation of the WPPA. States confirmed the importance of human rights in population control policies, while being faced with big controversy of the ‘one child policy’ of China, while also facing the stark opposition of the United States and the Holy See stated their ‘pro-life’ position regarding abortion. The US decided to limit funds for family planning offered only to foreign nongovernmental organizations that agreed not to perform or promote abortion as a method of family planning (Solinger, 2013). This resulted in the conference accepting the phrase “to take appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning” (UN Second Conference on Population 1984). Major turning point with regards to the perspective on SRHR was the 4th International Conference on Population and Development (ICPD), held in Cairo in 1994. The ICPD Programme of Action defines reproductive health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant”. Sexual health is in the same article defined as “the enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases”. The ICPD Program of Action (Preamble 1.15)

claims that it does not create new international human rights, but affirms the application of universally recognized human rights standards to all aspects of population programs, implying that every human has the right to sexual and reproductive health. Only the Holy See expressed a reservation to the entire chapter on reproductive rights and reproductive rights, but in the end, for the first time, supported the overall agreement.

With this approach, the ICPD Programme of Action moved away from the focus on reaching demographic targets towards the needs, aspirations and rights of individual women and men. The preamble writes that “among the most significant are the major shifts in attitude among the world’s people and their leaders in regards to reproductive health, family planning and population growth, resulting, *inter alia*, in the new comprehensive concept of reproductive health, including family planning and sexual health”.

With 179 governments adopting the ICPD Programme of Action, it was the first time that internationally the reproductive and sexual needs and rights of individuals were recognized. UNGA resolution 65/234 recognizes that the ICPD agenda remains unfinished and has extended the Program of Action indefinitely. A year later, in September 1995, the Beijing Declaration and its Platform for Action, builds by stating that “the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence” (Beijing PfA art 96), again with the Holy See expressing a general reservation on the entire section on Women and Health, but besides that joining the consensus.

This conferences transformed the conversation by both delegitimizing top-down governmental efforts that violated women’s human rights and by recognizing that policies on development require ensuring human rights (Berro Pizarossa, 2018). The ICPD’s approach is horizontal, holistic and human rights-based, contrary to the previous paradigm on population control (*ibid*). Nevertheless, the ICPD represented besides consensus, also an important compromise on a major topic: abortion. This Cairo Compromise took abortion as something that must be prevented, rather than as a means of fertility regulation or as a reproductive health service, on the request of the Reagan administration “In no case should abortion be promoted as a method of family planning” (UN International Conference on Population and Development 1994). At the same time, the ICPD asked state members to confront the public health consequences of unsafe abortions and to ensure that in circumstances where abortion is not against the law, such abortion should be safe.

The successes of the ICPD PoA and the Beijing PfA were followed by an era of fragmentation (Berro Pizarossa, 2018). For instance, during the discussions of the Millennium Development Goals (MDGs), political opponents managed to keep the realization of SRHR for the achievement of the goals out of the declaration. The MDGs were originally completely silent on the role and importance of SRHR in improving health and promoting economic and gender empowerment. It is thus literature argues that the MDGs achieved little (Galati, 2015; Yamin & Boulanger, 2013). Due lessons learned, the 2030

Agenda for Sustainable Development (2015) does include goals and targets to be achieved in the area of SRHR and contains explicit references to human rights instruments such as the ICPD or the Beijing Platform (Yamin & Boulanger, 2013).

The fourth and last phase Berro Pizzarossa (2018) describes is marked by the UN Committee on Economic, Social and Cultural Rights with General Comment No. 22: Right to sexual and reproductive health (Art. 12 of the Covenant; (E/C.12/GC/22). GC 22 contains four components: it firstly adopts a life-cycle approach to SRHR, it secondly recognizes that SRHR are both indivisible from and interdependent with other human rights, it thirdly rejects all forms of coercive practices in SRHR, and it lastly states that the realization of women's right to sexual and reproductive health is essential to the realization of the full enjoyment of all their human rights due to women's reproductive capacities. GC 22 mandates state "to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures to ensure the full realization of the right to sexual and reproductive health". Accordingly, states must ensure universal access to sexual and reproductive healthcare, including emergency contraception and access to safe abortion services, and need to provide comprehensive education about sexual and reproductive health for all. Lastly, they should take measures to eradicate social barriers that prevent individuals from exercising their right to sexual and reproductive health (Berro Pizzarossa, 2018). She argues that the General Comment falls short on sexual health or sexual rights. However, it constitutes a step forward in the clarification of international obligations of the states. She argues that UN human rights treaty bodies have a key role in further establishing the normative content of SRHR and in giving meaning to these rights and state obligations, as they have partially done so in GC 22.

SRHR are thus increasingly being recognized in the international arena, but the evolution of SRHR and the scope and content of their definition have been developed under constant controversy. The literature points to a backlash at the global level (Yamin, 2013). Realignments in the G-77, pressure from the Holy See, conservative Islamic States and evangelical Christians in the United States will make it hard to find consensus on SRHR. Firstly, in the umbrella notion of SRHR, sexual rights and abortion still face strong opposition. Secondly, Haynes argues that there is a "religious resurgence" that has created a greater platform for conservative views in global policy (Haynes 2013). Thirdly, the global gag rule has subjected substantial funding for SRHR to the volatility of the bipartisan politics of the US. Trump's version of the global gag rule has expanded upon the restrictions to obtain US funds and has decided to defund the United Nations Population Fund. The subsequent losses in funding are estimated to be around US\$9 billion, resulting in potentially dramatic consequences (Yamin and Bergallo, 2017). These factors will definitely have an impact on the functioning of the UN with regards to coordination on SRHR). From examining the current institutional position of the UN on SRHR, the next section examines how the debates on the implementation of the ICPD PoA and the Beijing PfA develop and what conclusions are being reached in the CSW and CPD on them.

§5.3 How do the United Nations Commission on the Status of Women and the Commission on Population and Development coordinate towards consensus?

Like many processes, the negotiation on the outcome documents of the CSW and the CPD start with informal consultations, so-called informals. These meetings are open only for interested states and permanent observers (Wouters, Hoffmeister & Ruys, 2006). The Vice Chair of these ECOSOC functional committees convene these consultations on the so-called zero draft in the UN building, whereas officially speaking, but institutional and in terms of procedure, these meetings are not UN meetings (ibid, p.37). The aim of these are to eventually present a resolution that can count on consensus of the membership of the CSW and the CPD. Without this consensus, no resolution is passed and hence no strategic direction is given by the membership to the UN system on the implementation of the Beijing PfA and the ICPD PoA. Following the analytical framework as elaborated in methodology, the CSW and CPD are analyzed at regulative, normative and cultural-cognitive level, whereas for practical reasons, the latter two are jointly discussed.

§5.1.1 Regulative analysis of the CSW

The CSW is dedicated to the promotion of gender equality and the empowerment of women. This functional commission of ECOSOC was established by Council resolution 11(II) in 1946. Resolution 1996/6 expanded the CSW's mandate and decided that it should take the lead in monitoring and reviewing progress and problems with regards to the implementation of the Beijing Declaration and Platform for Action. The CSW is furthermore having the mandate to mainstream a gender perspective in all UN activities. It meets on a yearly basis for 10 working days.

The CSW considers one priority theme at each session, with themes based on the Beijing Platform for Action and the outcomes of the twenty-third special session of the General Assembly. On these annual themes, there will be an outcome in the form of agreed conclusions, negotiated by all States, which identifies gaps and challenges in the implementation of previous commitments and make action-oriented recommendations for all States, relevant intergovernmental bodies, mechanisms and entities of the United Nations system and other relevant stakeholders, in order to accelerate their implementation (ECOSOC Resolution 2006/9).

Forty-five Member States of the United Nations are members of the CSW. The CSW consists of one representative from each of the 45 Member States elected by the ECOSOC on the basis of equitable geographical distribution: 13 members from Africa, 11 from Asia, 9 from Latin America and Caribbean, 8 from Western Europe and other States and 4 from Eastern Europe. Members are elected for a period of four years (UN Women, 2019). Directly after the closure of the regular session, the CSW will hold the first meeting of its subsequent regular session to elect the new Chairperson and other members of the Bureau, in accordance with rule 15 of the rules of procedure of the functional Commissions of the Council (ECOSOC, 2019). The Bureau of the CSW facilitates the preparation for the CSW sessions and

works to ensure a successful outcome of the annual sessions of the Commission. There are five Bureau members, one from every regional group, and they each serve for two years.

§5.1.2 Regulative analysis of the CPD

The predecessor of the Commission on Population and Development, the Population Commission, was established as a functional commission of the Economic and Social Council in 1946. The current primary mandate of the CPD is derived from UNGA resolution 49/128, in which the UNGA decided that the Commission will monitor, review and assess the implementation of the ICPD Programme of Action and will advise the Economic and Social Council thereon. The CPD has a central role in coordinating the review of the key actions for the further implementation of this Programme of Action, including addressing gaps and challenges to its implementation (E/RES/2016/25 – Art 2-3). It also is mandated to arrange studies and advising the Council on Population related matters (E/CN.9/2005/7).

Since the adoption of the Commission decision 1995/1, meet once a year since 1996, for a period of five working days. In these days, CPD members will be work to reach a negotiated outcome on substantive and action-oriented recommendations for furthering the implementation of the Programme of Action and the key actions for its further implementation beyond 2014, under the leadership of the Bureau. The CPD shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council (ECOSOC, 2019).

In its decision 1995/320, the membership of the Commission on Population and Development was be increased to 47, consisting of: (a) 12 members from African States; (b) 11 members from Asian States; (c) 5 members from Eastern European States; (d) 9 members from Latin American and Caribbean States; and (e) 10 members from Western European and other States. Term of office of members of the Commission is be three years (E/CN.9/2005/7). As of 1967, the Bureau increased to 5 persons, the CPD Members elect amongst themselves each from a different regional group. The Bureau is since 2004 elected at the end of each session to allow them to oversee the preparatory work for the next session (E/CN.9/2004/9). The role of the Bureau in is to organize the work of the Commission, making proposals for its work program, suggesting improvements to its methods of work, and guiding collaboration and coordination with other commissions and with the ECOSOC (E/CN.9/2005/7).

§5.1.3 Concluding the regulative analysis

Analyzing the legal-institutional configurations of the CSW and the CPD, one can assess that the regulative pillar by itself is not strongly leading its membership towards action. The CSW does monitor the implementation of the Beijing PfA, and the CPD respectively does this for the ICPD PoA, but both have no coercive mechanisms to sanction lack of compliance. Moreover, the membership of both Commissions need to reach an outcome on negotiated agreed conclusions on a priority theme. The rules prescribe meetings of the CSW and CPD every year to assess progress, but no sanctions are mentioned for lack of compliance and decision-making on outcome documents is upon consensus, thus any result

depends fully on the willingness of the CSW and CPD membership to reach it. The Bureaus, being led by a member from each regional group could enforce loyalty, as these members will aim to successfully lead the CSW and the CPD to an outcome and could potentially gain the support of fellow regional countries, but again, no hard guarantees. Lastly, if the reward is sufficiently high for all participants, theory prescribes consensus. This could both be due the fear of loss due no outcome or hope for a reward with an outcome. What is interesting is that the CSW takes two weeks, whereas the CPD takes only one. Literature prescribes greater possibilities for integrating mutual interest given time and resources are sufficient. The CSW henceforth might show better results on the same discussion as the CPD, due to the fact that CSW Members more time to reach for (creative) solutions. Lastly, information with regards to rules and methods of the CSW are clearer formulated and presented than those of the CPD.

§5.1.4 Normative & Cultural-cognitive Analysis of the CSW

To execute this analysis, outcome document of the sessions of the CSW and the CPD of the last five years were studied. In case members of these function commissions were not able to agree, closing statements have been analysed to see relevant information that provided a deeper understanding of what influenced the proceedings. First, the CSW is addressed, followed by the sessions of the CPD.

The 59th CSW in 2015 marks the twentieth anniversary of the Beijing Declaration and its Platform for Action. The report on this session (E/CN.6/2015/10) outlines that the CSW decided that the outcome of the annual discussions on the priority theme shall be in the form of short agreed conclusions, negotiated by all Member States, focusing on action-oriented recommendations for steps and measures to close remaining gaps, meet challenges and accelerate of abovementioned declaration implementation. This declaration does not explicitly mention SRHR.

The 60th CSW in 2016 has as special theme ‘Women’s empowerment and the link to sustainable development’. The rapport (E/CN.6/2016/22) reads that the agreed conclusion contain the following hard to read paragraph (o): “Ensure the promotion and protection of the human rights of all women and their sexual and reproductive health, and reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks and the strengthening of health systems that make universally accessible and available quality comprehensive sexual and reproductive health-care services, commodities, information and education, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programs for adolescent pregnancy, maternal health care such as skilled birth attendance and emergency obstetric care which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV, and reproductive cancers, recognizing that human rights include the right to have control over and decide freely and responsibly on matters related to their sexuality, including

sexual and reproductive health, free from coercion, discrimination and violence”. In line with Berro Pizzarossa’s remark on GC 22 (2018), it falls short on sexual rights and abortion, but besides that, it is quite a comprehensive approach on Sexual and Reproductive Health and Reproductive rights.

13-24 March 2017, the 61st CSW was organized. Thematic priority was “Women’s economic empowerment in the changing world of work“. This Commission also managed to reach a negotiated outcome document, with a similar paragraph (x).

Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls was the theme of the 62nd session of the CSW. In paragraph (oo), CSW Members that were concerned for the concept of comprehensive sexuality education, were able to qualify it to the extent that it is hardly readable. “Develop policies and programmes with the support, where appropriate, of international organizations, civil society and non-governmental organizations, giving priority to formal, informal and non-formal education programmes, including scientifically accurate and age-appropriate comprehensive education that is relevant to cultural contexts, that provides adolescent girls and boys and young women and men in and out of school, consistent with their evolving capacities, and with appropriate direction and guidance from parents and legal guardians, with the best interests of the child as their basic concern, information on sexual and reproductive health and HIV prevention, gender equality and women’s empowerment, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and foster informed decision-making, communication and risk-reduction skills and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to, inter alia, enable them to protect themselves from HIV infection and other risks”. It seems that behind closed doors, that progressive and conservative forces were afraid for the qualifiers of the other, and a compromise was found in the solution that everyone could put any qualifier they could imagine in this definition. A similar SRHR paragraph (x) in the agreed conclusions of the 61st session and paragraph (oo) of the 60nd session can again be found in (uu). Moreover, paragraph (ww) stresses the need to strengthen efforts to achieve universal access to HIV and AIDS prevention, treatment, care and support, as well as the prevention of other STIs.

Lastly, the 63rd CSW addressed the ‘Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls’. The agreed conclusions address (i) Eliminate harmful practices, such as female genital mutilation and child, early and forced marriage, which may have long-term effects on girls’ and women’s lives, health and bodies, including increased vulnerability to violence and sexually transmitted diseases, (w) Strengthen efforts to achieve universal access to HIV and AIDS prevention, treatment, care and support and provide HIV-sensitive social protection measures. (oo) contains a similar SRHR paragraph as found in preceding resolutions, and (zz) is a parallel paragraph to CSW62 (zz). Whereas the website on the CSW is far greater accessible and more transparent than that of the CPD, reports of closing statements were nowhere to be found. Luckily, the EU delegation has put their own closing statement of the most recent CSW on their website

(EEAS, 2019). In it, we can read that the EU prioritizes amongst a few other issues SRHR. The EU addresses that the agreed conclusions seen in the light of a global pushback against women's rights are an even greater achievement, that should send the message that a pushback will not be tolerated and that CSW Members will continue to work together to work for women's rights.

§5.1.5 Normative & Cultural Cognitive Analysis of the CPD

In 2015, delegations at the 48th session of the CPD undertook extensive negotiations on a wider range of issues related to the special theme, being 'integrating population issues into sustainable development' (E/CN.9/2015/7). Basis of the negotiations were a draft resolution that was released by the Chair on the 17th of March 2015. Negotiations on the document started the 7th, and concluded on Friday 17th of April, the last day of the session. As delegations were earlier informed, the Chair of the CPD presented a compromise text intended to bridge remaining difficulties. Given that one regional group stated the Chair's text was unacceptable, no negotiated agreed conclusions were decided. The Chair's summary notes that there was broad agreement that the implementation of the ICPD PoA was essential for completing the MDGs and of fundamental importance to the post-2015 development agenda, and on most matters related to population and sustainable development, delegations were able to reach full agreement. On the contrary, the issue of sexual and reproductive health and rights was the most contentious. Reproductive health, as well as reproductive rights could count on broad recognition. For Pro-Choice countries, SRHR were key to achieve the aims of the PoA, as they were essential for the full realization of all human rights. Pro-life countries did not consider SRHR as an internationally agreed concept and could not accept a resolution conflicting their national laws, while reiterating the importance of the inclusion for sovereignty clauses in the outcome document. Pro-life countries also stressed that sexuality education and related matters should be considered in the context of national cultural values and religious beliefs, whereas pro-choice stressed that the promotion of comprehensive sexuality education was pivotal. Another issue related to the concept of family and the role of families. Lastly, addressing ending child and forced marriages could count on broad support. However some delegations voiced the concern that there lacks an agreed definition on early marriage, while other pointed to already agreed resolutions that clearly referred to child, early and forced marriage.

The following year, during the CPD49 in 2016, the CPD Membership was able to agree upon a negotiated outcome with regards to the special theme 'Strengthening the demographic evidence base for the 2030 Agenda for Sustainable Development' (Report on CPD49 (E/CN.9/2016/9).. Amongst others, the text urged governments to "ensure universal access to sexual and reproductive health-care services, including for family planning, information and education". Highly relevant for this study, the Netherlands addressed the CPD with closing remarks on behalf of the European Union and its Member States. The statements thanks delegations for their constructive engagement. It states that all EU Member states and all Members of the CPD reaffirm the need for reliable, accessible, disaggregated data to inform the implementation of the 2030 Agenda. The Netherlands further elaborates "We remain

committed to the promotion, protection and fulfilment of all human rights and to the full and effective implementation of the Beijing Platform For Action and the Programme of Action of the ICPD and the outcomes of their review conferences and remain committed to SRHR in this context”. As this statement needs to be approved by the full EU membership, this tells that SRHR in the context of the ICPD PoA and the Beijing PfA and the outcomes of their review conferences is acceptable for both progressive and conservative EU Member States. The statement concludes with thanking the Chair for striking an acceptable balance for all, while recognizing the compromises made by all delegations.

At the CPD50, the CPD Membership failed to reach an agreement. The topic addressed was ‘Changing population age structures and sustainable development’ (Report on CPD50 (E/CN.9/2017/6)). The Chair drafted a resolution and released it on the 8th of March, with negotiations beginning three weeks later on March, 29th to be concluded on the 7th of April. Areas of general agreement included the references to the demographic transition as the driver of changing population age structures and the relevance of such changes for aspects of sustainable development. Delegations also raised the importance of supporting investments in educational and health, including sexual and reproductive health, and of promoting gender equality and women’s empowerment in order to economically seize the “demographic dividend” of a growing percentage of citizens in working age, and to promote sustainable development in general. Issues surrounding sexual and reproductive health and reproductive rights were amongst the most controversial, with delegation disagreeing upon the meaning of these concepts and whether they should be qualified by “in accordance with the ICPD PoA and the Beijing PfA”. With regards to sexuality education, the Chair proposed a compromise by specifying age-appropriate comprehensive sexuality education, but some delegations were calling to delete comprehensive and others asked for the deletion of the entire concept. The EU closing statement only contains that the EU regrets the lack of agreement, and that it was able to accept the compromise text as proposed by the Chair. A statement delivered by France and supported by 17 EU Members amongst other countries was more vocal. Amongst others, the closing statement includes the firm believe that SRHR is required for achieving sustainable development, the right of all people to have control over and decide responsibly on matters related to their sexuality and that young people should have access to comprehensive sexuality education. The Russian Federation is at the other side of the conflict, stating that “naming sexual and reproductive health and reproductive rights as human rights is nothing else than an attempt to renegotiate the international conventions on human rights”. Russia argues that this for them is unacceptable and that it will undermine the constructive cooperation of the CPD.

The 51st CPD (E/CN.9/2018/7) had as special theme ‘sustainable cities, human mobility and international migration’. Again, the CPD Membership was not able to reach a consensus, as the United States and Uganda, on behalf of the African group, announced that they could not join the consensus due the language on sexual and reproductive health and sovereignty. No Chair’s summary was provided, possibly as discussions were still the same. Tunisia voiced in the closing statement their support for SRHR, supported by 18 EU Member States. No EU statement was delivered.

Most recently, the 52nd CPD (E/CN.9/2019/6), with as special theme “Review and appraisal of the Programme of Action of the International Conference on Population and Development and its contribution to the follow-up and review of the 2030 Agenda for Sustainable Development.” From February 2019, the Chair convened informal consultations on the draft political declaration on the occasion of the twenty-fifth anniversary of the International Conference on Population and Development. On 1 April 2019, the Commission adopted by consensus this brief, commemorative declaration as negotiated outcome. Amongst others CPD Member States reaffirmed the Programme of Action of the International Conference on Population and Development, they welcomed progress made while acknowledging remaining challenges and obstacles. As nothing controversial was addressed in the declaration, after two years without consensus, CPD Member States were able to find each other again on a general declaration. Romania, speaking on behalf of the European Union, addresses this by stating they did not brought it forward to keep the text concise, but that especially relevant human rights references are missing. Subsequently, the Netherlands on behalf of 20 EU Member states amongst many others stresses the important of SRHR, with the surprising support of Ireland.

§5.1.6 Concluding a normative analysis on the CSW and the CPD

The normative pillar follows a logic of appropriateness. One could assess that it is more appropriate to break the consensus in the CPD than in the CSW. Given that the Beijing Declaration has a more comprehensive notion of SRHR, it was a surprise to see that the membership of the CSW has been able to reach consensus for the past five years, contrary to the CPD Membership. This standard of working it out together can have a positive impact on the CSW, whereas the negative expectations on the CPD might become a self-fulfilling prophecy.

In both the CSW and the CPD, the role of the Chair is highly valued in the closing statements. Even though this concerned a short declaration on non-controversial matters, a powerful chair starting well in time might increase the chances of the CPD membership finding consensus in the future. Following the logic of intergovernmentalism, many CPD members addressed the importance of finding compromises and a constructive relation to work things out.

It might be interesting to explore possibilities for a new ‘Cairo Compromise’. Following both our understanding from literature and practice, abortion, sexual rights and comprehensive sexuality education are the most controversial themes within the concept of SRHR. Given that abortion, even if safe and legal, makes quite an impact on the life of a woman, EU member states could explore grounds to decrease the necessity of abortions, by e.g. comprehensive sexual education and contraceptives. While progressive EU Member States need to be careful for a reverse GC 22 effect, where a compromise is a slippery slope to a backlash gained ground, but following the logic of appropriateness, the CPD require a compromise. Than explore where any compromise can be most effective.

§5.1.7 Cultural-cognitive analysis of the CSW & CPD

With regards to the cultural-cognitive analysis of the CSW & CPD, conservative and progressive countries respectively have their very strong shared understanding, that for them and their allies feels like the most logical thing in the world. One can agree to disagree, but it could help to at least show interest in where the other delegate is coming from, and why they believe what they do. If a shared understanding on the content itself is not possible, a shared understanding of a joint interest to understand the other and to work it out might be the next best, or find other areas where a shared interest does exist, to build trust for future development.

§ 5.4 What are the current positions of the European Union and EU Member States on Sexual and Reproductive Health and Rights?

With an understanding of how discursive groups proceed in the CSW and the CPD, this thesis continues by analyzing the position of the EU and EU MS. First, an analysis of the positions of EU MS is made. Hence, positions of the EU are outlined. This section concludes by an analysis of what could be the lowest common denominator solution and the space to manoeuvre EU MS have for finding consensus on substance.

§5.4.1 Positions of European Union Member States

Analyzing several sources, an overview of positions of EU member states can be distinguished. First, in the table below, the majority of EU member states are 'Pro-Choice'. Firstly (1), by examining information on the SheDecides initiative, one can assess Belgium, Denmark, Finland, The Netherlands and Sweden as strongly Pro-Choice. When the US administration decided to reinstate the global gag rule and divest from SRHR services, these EU countries made an attempt to recover the loss by donations from their own resources. France did not donate, but endorsed the campaign (Countdown2030, 2018). Secondly, after UN member states failed to reach consensus during the CPD50 in 2017, France voiced a joint statement at the closing ceremony, stating that “the full realization of all human rights for all including sexual and reproductive health and right, achieving gender equality and the empowerment of women and girls are essential for addressing changing population age structures, eradicating poverty and achieving sustainable development for all (UN CPD50, 2017). In 2018, after yet again an unsuccessful CPD, Tunisia issued another joint statement, calling for “the full realization of all human rights for all including sexual and reproductive health and right, achieving gender equality and the empowerment of women and girls are essential for addressing sustainable cities, human mobility and international migration, and in general for eradicating poverty and achieving sustainable development for all” (UN CPD51, 2018). Countries supporting these Pro-Choice joint statements are marked with (2 (CPD50)) and (3 (CPD51)). To assess the positions of remaining EU members, Verloo (2015) provide valuable insight. By analyzing differences in gender equality policies in European Catholic countries, she found that Austria, Belgium, France, Croatia, Czechia, Hungary, Italy, Lithuania, Luxembourg,

Portugal, Slovakia, Slovenia and Spain have a medium low amount to no Catholic frames in their policy. Poland and Ireland had a medium high amount of Catholic frames, and Malta ranked high for Catholic frames in their analysis.

The placing of three countries needs closer assessment. First Ireland. Though the country ranks medium high in Verloo’s study in 2015, same sex marriage was legalized late that same year (RTE, 2015). With regards to abortion, in 2018 Ireland overturned its abortion ban after a referendum in which 66.4% of the population voted in for of lifting the ban. Given these recent development, they have been placed in the Pro-Choice section. Second country to assess independently is Romania. This country has been placed in the neutral section. The country has been Vice-Chair of the CPD in 2017, and Chair of the CPD in 2018. Arguably due their responsibility, and also in the absence of this country in the other sources consulted, they have been placed in the neutral section. Lastly, Hungary. Whereas Hungary scores low on Catholic frames, it does score high on conservative cultural values with regards to SRHR (Verloo, 2015). Hence, they have been placed in the Pro-Life section.

Pro-Choice / Individual Rights / Progressive	Neutral	Pro-Life / Parental Rights / Conservative
Austria ²³⁴	Croatia ⁴	Malta ⁴
Belgium ¹²³⁴	Italy ⁴	Poland ⁴
Bulgaria ³	Romania	Hungary ⁴
Czechia ²⁴	Slovakia ⁴	
Cyprus ²³		
Denmark ¹²³		
Estonia ²³		
Finland ¹²³		
France ¹²³⁴		
Germany ²³		
Greece ²³		
Ireland ³⁴		
Latvia ³		
Lithuania ²⁴		
Luxembourg ²³⁴		
Netherlands ¹²³		
Portugal ³⁴		
Slovenia ²⁴		
Spain ²³⁴		
Sweden ¹²³		
United Kingdom ²³		

§ 5.4.2 Position of European Union

Assessing the position of the European Union, provides with the understanding that the EU agreed position in Brussels tends to be progressive. The first documents that provides this insight is the European Consensus on Development (European Union, 2006). In article 3, it outlines that for the first time a common vision that guides the action of the EU in development cooperation. Article 34 reads: “The EU remains committed to the promotion, protection and fulfilment of all human rights and to the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development (ICPD) and the outcomes of their review

conferences and remains committed to sexual and reproductive health and rights (SRHR), in this context. Having that in mind, the EU reaffirms its commitment to the promotion, protection and fulfilment of the right of every individual to have full control over, and decide freely and responsibly on matters related to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence. The EU further stresses the need for universal access to quality and affordable comprehensive sexual and reproductive health information, education, including comprehensive sexuality education, and health-care services.”

This EU position was reinforced by the Council Conclusions on Gender in Development (Council of the European Union, 2015). In paragraph 10, the Council voices their explicit support: “The Council remains committed to the promotion, protection and fulfilment of all human rights and to the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the ICPD and the outcomes of their review conferences and remains committed to sexual and reproductive health and rights (SRHR), in this context. Having that in mind, the Council reaffirms the EU’s commitment to the promotion, protection and fulfilment of the right of every individual to have full control over, and decide freely and responsibly on matters related to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence. The Council further stresses the need for universal access to quality and affordable comprehensive sexual and reproductive health information, education, including comprehensive sexuality education, and health-care services. The Council invites all EU institutions to continue their work on these issues in line with the Policy Coherence for Development principles. The Council stresses the importance of advancing understanding of the components and elements related to SRHR in EU’s development policy and invites the Commission to report back to the Council within a year on that matter.”

§ 5.4.3 Room for consensus on substance

Rasch (2008, p.48) outlines that most of the time, the EU consensus is a compromise position that is a mixture of the EU MS national positions, where the views of the Commission and the Council secretariat is taken into account. In areas where national interest are strong and controversial, there limited flexibility (ibid, 64). Discussions are being led very frankly, where the EU MS share where they stand and what their bottom lines are. With strong diverse positions, these discussions can be very heated. In these situations, it helps sometimes to receive guidance from Brussels-based bodies and is wanted by diplomats in New York (ibid, 122). The preparation of EU bodies and corresponding guidance from their capitals help reaching a common position in New York, as time to reach agreement is limited there. It could well be that the Council Conclusions were developed as an answer to the continued conflict over SRHR between EU MS.

Even though, given the strong views of Malta, Poland and Hungary on one side and the majority of EU MS on the other, a consensus needs to be found that satisfies both, irrespective of prior agreements in Brussels. As a general rule, the farther national positions of the EU MS are, the weaker and less

influential the EU is in influencing the outcome of UN debates (ibid, 48). On the one hand, a lowest common denominator needs to be acceptable for Hungary, Malta and Poland, hindering a too progressive position. On the other, it needs to be sufficiently strong, as progressive member states will require a unified EU position that is more than a weak compromise (p. 43), because no consensus might benefit them otherwise, as they are able to push for stronger language in their national capacities. This thesis draws the conclusion that compromise on language is difficult, but not impossible, given both the EU position itself from the Council conclusions, but also the ability to develop compromise packages that could have worked (Pavao, 2011).

§5.5 How does the European Union coordinates towards consensus to the United Nations Commission on the Status of Women and the Commission on Population and Development?

As concluded in the previous section, an EU would-be position was developed. According to Pavao, there seemed to be a possibility to reach a common position (2011). In these negotiations, NGOs attempted to exert pressure on Malta and Poland through their contacts in capitals. “we need to ensure that our MS make Malta and Poland feel very alone and are in fact obstructing process if they stop EU to act as the rest want” (Pavao, 2011, p. 41). Pavao concludes that the decision to agree to disagree, and the joint disappointment by European governments that worked for consensus is not than difference of opinion, but a departure by Malta and Poland from EU principles and norms (2011, p.44).

What can be concluded from these remarks is not only substance but also process influences the eventual outcome of these negotiations, namely reaching or not reaching EU consensus. That is why this chapter describes the process of EU coordination to the CSW and CPD, followed by 5.6 analyzing procedural factors that may influence a successful outcome of this coordination by making use of the analytical framework as developed in methodology.

Main (and for great parts only available) source for this chapter is Rasch (2008). His work pre-dates the entry into force of the Lisbon Treaty. In this Treaty, the Council Secretariat and the Representation of the European Commission have been fused into the EEAS, and they have taken over the functions of the rotating EU presidency from the EU MS. To accurately describe current practices, as no other sources that sufficiently cover the procedure are available, this study either describes the current situation by sourcing the old but updating it in the text, or explicitly addresses the situation as it previously functioned.

§5.5.1 Participants in the process – Ministries, Missions and the EEAS

The European Union has largely passed through the phase of economic and internal political integration. With its CFSP the EU embarks the third regionalism stage, namely the integration of external policies (Rasch, 2008, p1). The close cooperation of the EU MS and the EEAS to the UN in New York is mainly operational though. There is space for the European idea as long as it does not harm national interest (Rasch, 2008, p. 46). Most of the time, the EU consensus is a compromise position of EU MS views,

with contributions from the EEAS (ibid, 49). From Brussels, little direct guidance is given to EU MS delegations. Rather, in Brussels basic positions are agreed that then guide positions in the following years (ibid, 121).

Negotiators on behalf of EU MS receive their instructions from their respective ministries. These national ministries tend to take a more rigid perspective, limiting the efforts of their representation in New York to reach a common position (ibid, p.5). This can be problematic, as capitals of the EU MS, through their missions in New York, are the most important and influential actors within the process of coordination (Rasch, 2008, p. 32). They feed the positions of which a compromise needs to be found. Based on these instructions, EU MS' interest are defended by their Permanent Missions to the UN, of which every EU MS has one in New York (Rasch, 2008, p54). These missions have great weight in the decision-making process, as their diplomats attend the EU coordination meetings and follow discussions. They receive their instructions on content and occasionally on tactics with regards to the EU coordination process and report back on the positions of EU partners and the development of negotiations, both internal within the EU group and externally (ibid, p.61). Pre-Lisbon, these missions through a system of rotating presidencies would also manage the coordination. This meant an extreme amount of work. "weeks of 80 hours are no exceptions" (Rasch, 2008, p.36). The country presiding was not only leading all internal EU coordination processes, but also representing the EU to the UN externally. The EU Presidency was held by the same EU MS in every area of activitie of the Union and at all levels (ibid, 35), the European Commission only represented the Union in areas where the European Commission has exclusive competences.

Since the entry into force of the Lisbon Treaty, this has become the responsibility of the EEAS. The EEAS manages the EU coordination by organizing, preparing and presiding coordination meetings. They have to guarantee that all EU partners can present their views in the coordination process, that all positions can be discussed and that a common EU view is achieved in an appropriate time period. Given this enormous task and limited resources, the EEAS can mandate a EU MS to share its burden. This so-called burden-sharer represents the EU group in discussions on specific resolutions or on an entire issue. It relieves the EEAS of work and the system makes more use of the expertise and abilities of delegates that might otherwise have just been passive followers of a given area (Rasch, 2008, p. 47).

§5.5.2 Procedure

The regime of EU coordination in New York is shaped by traditions, tacit regimes and non-codified customs, rather than clear-cut rules of procedure (ibid, p.24). In addition to this, policy-making unfolds to the largest extend behind closed doors, thus limiting the possibility to gain interesting insights. The EEAS conveys a meeting on their premises and most EU MS take part in them. Most, as the difference in the personnel resources of these missions are great. Germany or the UK might have six diplomats to cover the same area of work for which Malta and Poland have one.

This influences coordination, as bigger member states have time to deal with the details, whereas smaller EU MS must focus on the main lines and might decide to not take part in all coordination processes. One needs to be present to influence negotiations.

EU MS representatives weight on a case-by-case basis whether the costs of a joint EU position by coordination within the CFSP are in relation to the benefits, or if national interest are more successfully pursued outside of the EU framework (ibid, p.3). Since going solo is an option for EU MS – despite a quite high inhibition level – EU MS are enabled to go solo for their real interest if does not align with the EU position. This influences negotiations as well, as everyone is aware that there is no institutional mechanism to prevent a single EU MS to proceed unilaterally. That puts more pressure on EU MS involved to show flexibility (ibid, p.4-5). To reach a EU consensus, discussions take place in coordination meetings that may well take hours until conflicts are resolved (or not). These meetings are led frankly, where EU MS outline their position and speak of their bottom lines, under which they cannot agree. If positions differ greatly, these discussions can become very heated.

In situations where views of EU MS conflict, the Presidency will search for the lowest common denominator solution (ibid, 49). This is at least perceived as to be better than the EU needing to be silent because no consensus at all was able to be found, where the EU internal conflict is obvious for everyone outside of the EU group (ibid). Before the actual isolation takes place, diplomats of respective EU MS will try to avoid this through intense internal negotiations.

Every EU Presidency needs to exert influence on the way negotiations get to a conclusions and on the substance achieved. They can do so by leading the meetings, asking questions to delegations, by setting choices and by handling items of business and by setting deadlines. The Presidency can channel discussions to a point where common ground is reached. Where an impasse is met, the EU Presidency was expected to propose compromise suggestions to reconcile different views. The EU must give the feeling to all EU MS that their views are taken into account (ibid, p.39).

Achieving a common EU position on issues before ECOSOC has become as important and time-consuming as the projection of this common position to the UN (ibid, 47). The EU presidency needs to create a position that is acceptable internally by all parties, but also by third parties at the UN. Margins are given by EU treaties and UN regulations. Upon reaching consensus, the EU presidency is able to present the outcome in UN premises and negotiate in line with the agreed strategy. (ibid, p. 30).

Internal coordination often takes a lot of time and energy, at the cost of negotiation and lobbying with third countries. Due to the EU group's formation, there is no real alternative to the current time-consuming process. EU MS need to continue discussing as long as a common position is possible, or if it becomes clear that consensus is simply not possible (ibid, p.52). No amount of advance preparation and subsequent Brussels-based coordination can substitute for these lengthy negotiations – and hence multiple EU coordination meetings on the ground (Wouters, Hoffmeister & Ruys, 2006, p.40).

§5.6 What procedural factors influence the success of EU coordination?

§5.6.1. Regulative analysis

5.6.1.1 A voluntary legal obligation for coherence

Wouters, Coppens, De Meester (2008) argue that one of the main aspirations of the Treaty of Lisbon was strengthening tools and instrument of the EU to take a greater responsibility in shaping globalization. The Treaty states coherence as a legal obligation for the Union's external relations, with the aim of harmonizing any contradiction within its external policies. Coherence can be seen as a mean to foster that policy objectives achieve the effect of their respective instruments (De Baere, 2008; Portela & Raube, 2012; Hillion, 2008). Both securing synergy and avoiding contradiction are tools to increase EU external action's effectiveness and continuity (Van Vooren, 2011). This paradigm implies strong cooperation between the Union and EU MS (vertical coherence) and between EU institutions (horizontal coherence).

Despite of certain successes, the Directorate-General for External Policies of the Union concludes in its EEAS Review that the EEAS has not fostered greater coherence in EU external action. The Directorate blames the EU MS for blocking progress by attempts to renationalization foreign policy and resistance to sufficiently use the framework set up with Lisbon (2013, p.30). Certain EU MS lack political will to truly implement the Lisbon objective of coherence. Importantly, this lack was confirmed not only by respondents of EU institutions, but also by EU MS themselves. EU MS prevents hence prevent the emergence of a united EU voice in foreign policy, as the success of the EEAS depends on the political will of EU MS to work with them.

Telò (2013, p.60) seconds that currently some EU MS still indeed oppose unified external representation. However, he argues that if Europeans want to increase their credibility at the UN, they should diminish the contradiction between their multilateral internal practices and their asserted identity. A possible improvement that this thesis seconds is to allow more differentiation within the integration process (ibid, p.61). He argues that TEU Title IV, art. 20 and TFEU articles 326 and 334 enable closer cooperation among EU MS. This could indeed be a possibility to foster greater integration, strengthening the fear of missing out if just a few members choose not to participate and hence also not influence proceedings.

Moreover, if a Treaty revision would be the case, this thesis argues that the European Union should be enabled to represent its position to the UN. If EU representation would require a sufficiently strong qualified majority (minimum of 75% of the EU MS representing a minimum of 75% of EU citizens) to in practice grant the big EU MS a veto, it might be able to gain support and end the situation that a single EU MS can disable the Union to effectively operate. If the EU group is able to proceed as the EU (minus Malta, Poland and Hungary), they would win less by obstructing an EU consensus while losing their influence.

§5.6.1.2 Lack of a clear mandate & strategic guidance

Further complicating the functioning of the EEAS is that a clear political mandate is lacking to make it an effective machine (Directorate-General for External Policies of the Union, 2013). Article 1 of the EEAS decision defines the service as a functionally autonomous body of the European Union, separate from the General Secretariat of the Council and the European Commission, with the legal capacity necessary to perform its tasks and attain its objectives (Art1(2) EEAS decisions). Disagreement between EU MS wishing to see the EEAS as a more intergovernmental structure and the European Parliament and Commission, who preferred it to be part of the Commission and therefore have a more supranational structure, led to the situation in which the EEAS received a sort of indeterminate status (Directorate-General for External Policies of the Union, 2013, p. 23).

As a consequence, the EEAS does not fall within any of the categories of EU instructional (Van Vooren, 2011). What followed is a lack of a common accepted understanding of the EEAS' nature, mandate powers and role in EU external relations. The top of the EEAS assessed that the EEAS position is somewhere in a space between the Commission and the Council (Directorate-General for External Policies of the Union, 2013, p.20). The paradoxical position of the EEAS leads the Commission to perceive it has lost powers, while the Member States feel the priorities set out by the EEAS often compete with their own national priorities (ibid). Secondly, it lacks the capacities for legal enforcement of the EU common interest in external relation. The status of the EEAS is compared by the Directorate-General for External Policies of the Union to that of a bird with legally and politically clipped wings (ibid).

There is general agreement that a renewed consensus on the EEAS' mandate is required to improve its functioning. It needs to be clear what the vision for the EEAS is and how this translate into the mission of the EEAS with regards to EU policy. With this, greater emphasis is required to external dimension of the Union's internal policies (Directorate-General for External Policies of the Union, 2013, p.25). Right now, the EEAS operates in fields where they directly compete and duplicate the work of EU MS (ibid).

Problematic however is that there is no shared understanding of what the EEAS should do amongst stakeholders. Generally, within the Council and EU MS, the EEAS's potential is seen as a supportive service limited to the spheres of the CSFP, whereas the EEAS and the Commission believe the EEAS should be a pro-active policy maker, an entrepreneur in the Union's external action. In the absence of consensus on the function of the EEAS, the Service is forced continuously to working to define its role in its undertakings (ibid).

§5.6.1.2 Problematic budget-neutrality & human resources

Issues with human resources for Union Delegations, both quantitatively and qualitatively, are recurrent and not adequately solved (Directorate-General for External Policies of the Union, 2013, p. 65). With the establishment of the EEAS, it was agreed that the costs for EU external relations should remain

budget neutral. The Directorate-General for External Policies of the Union now highlights that abandoning budget neutrality in favor of budgetary efficiency is one of the main steps towards a better functioning (2013, p.1)

The establishment of the EEAS resulted in a great additional workload for Union Delegations, without a sufficient increase in human resources (Skytte Christoffersen, 2012). Pre-Lisbon in New York, the EU Presidency was responsible for a significant responsibility and an extreme amount of work. “weeks of 80 hours are no exceptions” (Rasch, 2008, p.36). The country presiding was both leading all internal EU coordination processes and representing the EU to the UN externally. The EU Presidency was held by the same EU MS in every area of activities of the Union and at all levels (ibid, 35), the European Commission only represented the Union in areas where the European Commission has exclusive competences.

Since the EU Presidency is main actor in EU coordination and representation and the burden of all this work is enormous, delegates have to be very well familiar with the issues that are under discussion. Diplomats were usually posted some years before the EU presidency of a respective country, to ensure they were capable of run these processes. At the EU Presidency term itself, all EU MS missions at the UN significantly enlarged their personal resources to cope with the intense work load. A professional and competent team of the EU Presidency is the single most important factor of a successful EU Presidency at the United Nations in New York (ibid).

The New York EU Delegation is larger and has more resources than most of the Permanent Representations of EU MS. Still, the EEAS would want to increase the number of officials in with expertise in political reporting and diplomacy. More than 1300 coordination meetings among the Union Delegation officials and EU MS diplomats at all levels take place every year (Directorate-General for External Policies of the Union, 2013, p. 78). Through good preparation and timely planning of meetings, the amount of meetings can be brought down and the quality can be increased (Rasch, 2008, p.67). Experts need to find time coordinate with their respective capitals to get complete instructions. Successful guidance of the EU coordination process asks the EEAS to be well prepared for the issues that will surface, so they can locate questions that cause difficulties when negotiating with third parties and the EU internally in advance.

The EU Delegation in New York seems to fall short when it comes to timing (Porchia, 2016, p.138). It was said to be improving, but the habit to distribute important documents just little time before meetings is not received well by EU MS missions (Directorate-General for External Policies of the Union, 2013, p. 44). The EEAS was also criticized for not drawing up decisions made in meetings and lack of substantive analysis, for not behaving satisfactorily strategically and for not undertaking initiatives (Porchia, 2016, p.139). The over-emphasis on budget neutrality prevents the EEAS from fully executing its mandate, as delegations feel understaffed because of the extra duties required of them. Besides a shift from budget neutrality to budget efficiency, the EEAS also needs improved management of its human resources. There is general agreement that there is much improvement to be achieved in

the structure of the EEAS (Directorate-General for External Policies of the Union, 2013, p.21). The organization is top-heavy, as several layers of management seem to duplicate each other, the chain of command is not clear and the relationship between different Management Directors is not structured. This set-up leads to confusion and hinders progress on policy initiatives. A structured line of reporting needs to be developed and a division of tasks among senior members needs to be clear for all members of the organization.

§ 5.6.2 Normative analysis

§ 5.6.2.1 Strong norm of consensus

The EU group is an influential group at policy debates at the UN, because it is seen as a coherent political operator given that in most cases the EU presidency is able to present a common position. Since this group is often seen by third parties as balanced and with sufficient expertise, likeminded countries listen to what the EU has to say in making up their own position (Rasch, 2008, p.32).

EU MS will continue discussing as long as a joint EU position is possible, or if it becomes clear that consensus is simply not possible (ibid, p.52). In situations where views of EU MS conflict, the Presidency will search for the lowest common denominator solution. This is at least perceived as to be better than the EU needing to be silent because no consensus at all was able to be found, where the EU internal conflict is obvious for everyone outside of the EU group (ibid, 49).

Rasch (ibid, p. 50) states that there is significant pressure within the EU group to reach consensus. Countries breaking the EU consensus might face consequences as their spill-over effect and put any member at the risk of isolation. Only if a country regards an issue absolutely vital to defend, it will block a joint EU position to go alone. As single country at the UN has hardly any influence, they need to have allies outside of the EU that will support their position. Open incoherence to the UN of EU MS becomes brutally apparent within the premises of the UN and result in a loss of image towards third parties. Hence, all EU MS have an interest to avoid such a scenario whenever possible (ibid, p.5).

Prior to the CPD44, the European Union was expected to develop their own consensus positions (Pavao, 2011). Failing EU coordination at the UN is quite unique, as its coordination generally is perceived to work well. EU MS judge that realistically they can achieve more when acting together than any of them could manage to achieve alone (ibid, p48). That is why the EU fits well in to the UN's functioning. Malta's and Poland's defection from a joint EU position is not just seen as disagreement on substance, but as a departure from EU principles and norms.

The norm of reaching consensus appeals to EU MS's loyalty and fellow members might sanction a defecting member. However, at the CPD this norm is under treat, as the continued failure of a common EU position at CPD negotiations puts a premium upon compromise. Progressive EU MS can start doubting the usefulness of a unified EU position if the only possible EU position is a weak compromise to satisfy a strong but small minority of EU MS (Brantner & Gowan, 2009: 50).

§5.6.2.2 Multiple hats and role of the EEAS

Trust by the EU MS into the EU Presidency is a key for a successful semester. For trust, the Presidency needs to be impartial. Most of the time hence, the country holding the EU Presidency influenced the final EU position less than other EU MS. The EU must give the feeling to all EU MS that their views are taken into account (Rasch, 2008, p.39). Besides that, prior to the Lisbon Treaty, the close cooperation of the EU MS and the Commission was mainly operational, which is assumed it still is under the EEAS. Most of the time, the EU consensus is a compromise position of EU MS, with contributions from the European Commission and sometimes the Council Secretariat (ibid, 49). There is space for the European idea as long as it does not harm national interest (ibid, p. 46).

This puts the EEAS in a complicated position, as under its current configuration, it is both compromises the tasks of the EU Presidency as a neutral facilitator, and the tasks of the European Commission and the Council Secretariat to represent the Union externally. Juncus & Pomorska (2011) argue that EU MS might lack trust in the neutrality of the EEAS as a facilitator, have good memories of the EU Presidencies pre-Lisbon and have an aversion towards the Commission's role. On the one hand, the EEAS is already not seen as 'one of us' by the EU MS and needs to prove its neutrality in presiding the EU coordination, on the other hand it is also responsible for upholding EU positions, which puts the EEAS in a complicated position. How should it behave?

Smeitink argues that in controversial policy issues, the European Commission can act according to three types of typical roles (2015). The Commission can take the role of a political policy entrepreneur, based on a supranational approach. Assumed is that the EC is an autonomous actor that is able to influence the outcomes of decisions in an autonomous manner. Hence, the EC endeavors to influence these based on their own political preferences and interests (Sandholtz & Stone Sweet, 1998, p. 219; Cram, 1993). Following procedures are less important than securing a preferred outcome.

The Commission can take the role of a mediator, stemming from the intergovernmental approach. Contrasting the entrepreneurial role, the Commission is assumed not to be an autonomous actor and not to have own preferences (Bache, George & Bulmer, 2011; Hix, 1999, Dimitrakopoulos, 2004). The European Commission endeavors to follow procedures and time paths (Fischer, 2008). The Commission hence is a neutral mediator trying to find middle ground in conflicting parties.

The last role is that of a technocratic policy entrepreneur. This role, stemming from supranationalism, implies that the European Commission is an autonomous actor (Meynaud, 1969; Fischer, 1990). It is following technocratic preferences such as strictly protecting procedures, and on substance following expertise and scientific research (Radaelli, 1999).

The role of the EEAS is hence to forge an agreement between the Member States and to ensure consistency with EU policy. This means that in EU coordination, the EEAS is not a neutral chair. As a result, the EEAS chairs loses their neutral role and can be seen as steering in its political direction. (Directorate-General for External Policies of the Union, 2013, p.43)

This theory prescribes a mediating role for the EEAS if it wants to foster consensus. In this role, the EEAS is proposing compromises that include elements from several frames. It strives to complete process within the set time limits. Where necessary, the European Commission takes initiative to propose compromises or synergies of controversial points of view and endeavors consensus by mediating between conflicting parties. In the debate, the importance of reaching consensus and the importance of compromise from both conflicting parties is emphasized.

§5.6.2.3 Development of an esprit de corps

A professional and competent team of the EU Presidency is the single most important factor of a successful EU Presidency at the United Nations in New York (Rasch, 2008, p.35). This thesis argues that the same is holds truth for the EEAS, and this does not seem to influence consensus positively. Union Delegations suffer to create a joint working language and corporate culture (Spence, 2012). A shared understanding among stakeholders outside and within the EEAS is missing on the role, mandate and position of the organization within the architecture of the EU's external action (Directorate-General for External Policies of the Union, 2013). On top of that, the quality of EEAS skills and training is still questioned, its internal structure is yet to be consolidated and the focus of the general EEAS shifts between geographic and thematic organization criteria (Telò, 2013, p.38).

Increasingly sharing ideas, opinions and working methods with colleagues while acquiring the necessary competences required to carry out the duties, are all phases of the construction process of esprit de corps (Porchia, 2016). The distinct backgrounds, working cultures, and financing of delegates led to misunderstandings and divided loyalties, thereby frustrating the creation of a common EEAS culture (Directorate-General for External Policies of the Union, 2013, p.65).

Juncus & Pomorska (2014) argue that the internal structure should be enhanced with precise and up-to-date reporting lines, internal communication hence should be improved and a common training system needs to be prioritized in a situation of scarce resources. The lack of these have impaired the staff moral and has harmed the capacity of the EEAS to form an esprit de corps.

§5.6.3 Cultural-cognitive analysis

§5.6.3.1 Mixed attitudes towards the EEAS

Whereas general opinion towards the Union and (lack of) trust EU MS have in the Union does influence attitudes towards the EEAS (Porchia, 2016, p.140), analysis of the cultural-cognitive pillar of EU coordination shows that the coordination done by the Union Delegations with Permanent Representations is perceived positively overall (Directorate-General for External Policies of the Union, 2013, p. 78). EU MS increasingly appreciate the leading role of the Union Delegation in international coordination. Nevertheless, the continuity that the EEAS offers in its coordination is positively valued by EU MS.

The more than 1300 coordination meetings taking place in New York help to make EU MS delegates accustomed to the new configuration. However, coordination has been proven difficult where sensitive policy issues are on the table. Mainly due to the willingness of the individuals involved that make the system work, the Union Delegations is assessed as one of the success stories of the new setup for EU external relations (ibid). That also shows a weakness, as a lot depends on individual diplomats and the personal performance of the HoD (ibid).

§5.6.3.2 The need for an honest broker

Rasch outlines that trust by EU MS in the EU Presidency is key for a successful semester. It can be argued that this maintains to be true now the EEAS has taken over this role. The EU must give the feeling to all EU MS that their views are taken into account (2008, p.39). When EU MS feel heard, thought-through compromise proposals and bilateral discussions with EU members that have strong views before entering in coordination, EU Presidencies can better and faster achieve consensus (ibid, p.52).

EU MS attach importance to different specific issues, and will defend their interests more strongly on these to ensure their positions are taken into account. Population and development are very important for Sweden and The Netherlands (ibid, p.53) on the progressive side and Malta, Poland and Hungary on the conservative side. Balfour & Raik (2013) argue that access to the EEAS is sensed to be more difficult for smaller EU MS, as they feel forced to organize themselves in coalitions of like-minded countries to bring their case to the EEAS. This is in contrast with the old system, where they felt equality in the prior system. This leads to a situation where smaller states feel under-represented (Telò, 2013, p. 38).

This feeling is strengthened by the delegation of presiding coordination to the EEAS (Directorate-General for External Policies of the Union, 2013, p.42). EU MS can feel that they have lost ownership, while they do not see the EEAS delegates as ‘honest brokers’ or ‘one of us’. In total, this might have a negative effect on the willingness for compromise of EU MS in EU coordination done by the EEAS.

§5.6.3.3 Need for better information sharing

Porchia (2016, p. 138) argues that many EU MS feel a lack of transparency and information-sharing as a problem that creates suspicions to the EEAS and to the three the three largest EU MS with regards to agenda-settings. On top of that, there are complains of EU MS that important reports from the Delegations are not being shared, and if, not timely (Directorate-General for External Policies of the Union, 2013, p.76). Improved information sharing by EU Delegations addresses this negative influence and even allows EU MS could tackle this and might help them to progressively develop a common view. An enhanced information sharing system could address this, and foster a common understanding of EU MS of external developments by having access to the same pool of information.

6. Summary & Conclusion

§6.1 Summary of results

As elaborated in Chapter 3, theory prescribes the promotion of consensus through enabling effective voice, sanctioning exit and promoting loyalty. Improving the effects of voice links neatly with raising the value of the reward for cooperation (R) to the extent that is at least higher than ALL D. Sanctioning exit is in line with lowering the temptation to defect (T) to the extent that $R > T$. Both of these theories are in line with the Rational Choice Institutionalism, that follows the reasoning of perceived self-interest. This thesis interprets loyalty as not only the hope for improvement in quality and the willingness to invest in this to happen, but also the care for relations with members of this group, both in positive and negative sense. In line with normative and sociological institutionalism, norms and beliefs from their respective rationales of acting appropriate in a group and following beliefs and values can impact consensus-building.

Analysis of the main beliefs on SRHR concludes that there are two main discursive systems. Where like-minded countries in discussions over SRHR in the CSW and the CPD present language of education, empowerment and improvement of health, opposition highlights the importance of traditional, social and political roles of the church and the family. Both positions are conflicting, but nevertheless, all parties have been able to find agreement, as the UN been able to agree on a position on SRHR. Studying the past five years of the CSW and the CPD, it can be concluded that where the CSW has always been able to adopt a joint resolution with compromise language, the CPD has had many years in which no compromise upon SRHR has been possible, with no outcome of the session as result.

Assessing the positions of EU MS and the EU, a large majority of EU MS are progressive states, with Malta, Poland and Hungary being the minority of conservative Union members. In line with the majority of EU MS being pro-choice, the agreed position of the Union, most recently formulated in the Council Conclusions on Gender in Development, contains strong progressive language on SRHR. On the one hand, a lowest common denominator needs to be acceptable for Hungary, Malta and Poland, hindering a too progressive position. On the other, it needs to be sufficiently strong, as progressive member states will require a unified EU position that is more than a weak compromise, because no consensus might benefit them otherwise, as they are able to push for stronger language in their national capacities. Any compromise-package should be within the bottom lines of one of these conflicting parties.

If EU MS reach agreement depends not only on substance, but also on process. EU MS respective ministries send instructions to EU MS missions in New York, who use them to engage in the EU coordination that are being led by the EEAS. Negotiations have an intergovernmental nature, and any EU MS leaving means that the EEAS needs to remain silent and cannot enter negotiation on behalf of their member states. EU MS negotiate until they either reach agreement or assess that no consensus is possible.

This process is being influenced by several factors. Following the analytical framework outlined in the Methodology Chapter, three main factors for the regulative pillar, the normative pillar, and the cultural-cognitive pillar have been outlined. With regards to the regulative pillar, the voluntary nature of EU MS to be coherent frustrates EU coherence, as there is no formal coercion possible prevent single states from breaking the consensus. Secondly, the EEAS presiding the EU coordination lacks a clear mandate and subsequent strategic guidance to operate strongly and proactively. Lastly, the EEAS suffers from its binding budget neutrally, as the EEAS struggles to deliver upon their mission. This is both due the lack of sufficient human resources, and the absence of a clear human resource strategy. The EEAS is top-heavy and some diplomats are duplicating work being done by EU MS foreign services.

The normative pillar points to a strong norm of consensus, fostering agreement between EU MS. Reaching consensus is appropriate and countries defecting may isolate themselves. Nevertheless, this norm could be under treat for EU coordination to the CPD, as earlier failed attempts to reach consensus after long elaborate negotiations might make it more normal to agree to disagree. Secondly, the type of role the EEAS chooses to fulfill impacts the success of negotiations. EU MS feel the need for an honest broker as presiding meetings, and for now, by choosing the role as mediator fosters the biggest chance of EU MS reaching consensus. Lastly, as a professional team of the EEAS is the most important factor of successful coordination, EEAS diplomats need to have clear responsibilities, need to establish a joint working culture and a training program to train the skills required to deliver.

Lastly, by analyzing the cultural cognitive pillar, shows that EU MS positively appreciate the work of the EEAS. This positive appreciation is mainly due the willingness of individuals making the system work, not due to the EEAS itself functioning well. The EEAS depends to strongly on individual diplomats for its functioning. Whereas EU MS appreciate the EEAS for their work, the EEAS also needs to secure trust of EU MS. Smaller member states feel to have less access to the EEAS, in contrast to the old system that made them feel like equals. If the EEAS does not make smaller EU MS feel heard, they might choose to defect from EU negotiations, whereas pro-active reach out might have kept them on board. Further feeding into the feeling of distrust is that many EU MS feel a lack of transparency and information-sharing by the EEAS negatively influencing the willingness to reach consensus.

§6.2 Conclusion: How can European Union coordination on Sexual and Reproductive Health and Rights to the United Nations Commission on the Status of Women and the Commission on Population and Development be improved?

Following the findings of the last sub question, certain recommendations can be formulated to improve EU coordination towards the CSW and CPD on SRHR. Starting with influencing factors addressed with the regulative pillar. The voluntary nature of EU MS to be coherent frustrates EU coherence, as there is no formal coercion possible prevent single states from breaking the consensus. As Telò (2013) suggest in the likeliness of no rapid Treaty revision, that TEU Title IV, art. 20 and TFEU articles 326 and 334 should be further explored by a core group of EU MS, as these articles enable closer cooperation among EU MS. In the case of Treaty revision, this thesis argues that the European Union should be enabled to represents its position to the UN. If EU representation would require a sufficiently strong qualified majority (minimum of 75% of the EU MS representing a minimum of 75% of EU citizens) to in practice grant the big EU MS a veto, it might be able to gain support and end the situation that a single EU MS can disable the Union to effectively operate. If the EU group is able to proceed as the EU minus Malta, Poland and Hungary, they would win less by obstructing an EU consensus while losing their influence. Secondly, the lack of a clear mandate for and subsequent lack of strategic guidance of the EEAS harms its functioning. There is consensus that this should be improved, but no consensus on whether this should be done by creating a more intergovernmental service supported by the Council and most EU MS or a more supranational as perceived necessary to reach the voluntary obligation of vertical coherence. In the absence of any consensus, this thesis recommends the EEAS to experiment and find purpose by doing. The creation of the EEAS was a massive undertaking. The service should utilize its experiences in the field to formulate their own mandate, that can be included over time when the de facto situation will be accepted by both the EC and EU MS. Thirdly, as the EEAS lacks sufficient human resources at the right place, the principle of binding budget neutrality should be dropped in favor of budget efficiency, joint with a human resource strategy that tackles the top heavy organization. By developing a clear human resources strategy, the EEAS is able to act more efficiency and such a strategy might enable to convince EU MS, as they would be offered an understanding for what this shift towards budget efficiency is needed.

Moving forward to the normative pillar, a strong norm of consensus amongst EU MS can be observed, which is positively fostering consensus amongst the EU membership. The role that the EEAS chooses in presiding over the EU coordination also impacts the chance for success. For the trust of the Union's membership, the EEAS needs to be impartial. At the meantime, the EEAS is also responsible for the coherence of EU's external action. Research of Smeitink (2015) shows that given the preferences of EU MS, the Union on this controversial issue is best to take the role of moderator, an intergovernmental approach as this would maximize trust and hence willingness of EU MS to find agreement. Subsequently, an esprit de corps needs to be established, with a respective joint working language and a corporate culture. As a shared understanding is missing on the role, mandate and position

of the organization. Enhanced reporting lines, improved internal communications and a common training system could foster this esprit de corps that is required for effectively establishing functional norms within the EEAS.

The last pillar discussed is the cultural-cognitive pillar. The general negative attitude of some EU MS towards the EU influences their perception of the EEAS. The willingness of individuals of the EEAS makes the system work and positively influences the attitude of EU MS delegates. However, the EEAS should be careful not to rely too much on personal, as this positivity might switch to negativity in the case of a different personal performance. Secondly, the need for an honest broker is an important one. On the one hand, Rasch argues that every EU MS wants to feel being heard and their interest taken into account (2008, p.52).

Balfour & Raik (2013) argue that access to the EEAS is sensed to be more difficult for smaller EU MS. Add onto that the lack of trust in the neutrality of the EEAS as perceived by EU MS to have strong negative impact of the loyalty of small states. Malta, Hungary and Poland are both in the minority conservative position, as well as small EU MS of which theory suggests that they feel underrepresented (Telò, 2013, p. 38). In this situation, it could be very welcome for the EEAS to invite an EU MS diplomat that knows the process to step in to share the burden, or for the diplomat themselves to offer this. Given the lack of sufficient human resources, the EEAS might lack time to engage in prior outreach to members with strong positions. A neutral broker from an EU MS mission that is perceived as 'one of us' could foster cooperation by beginning to work out thought-through proposals and bilateral discussions before the EU internal discussion begins (Rasch, 2008, p.51). It can invite Poland, Hungary and Malta from the conservative discourse group, and Sweden and The Netherlands from the progressive group. If timely done, by reporting of the EU MS delegates through their mission, they could request instructions conform bilateral agreements that have been made. Even if prior to the EU coordination no result has been achieved, Malta, Poland and Hungary will feel heard, which can positively influence their willingness to engage towards consensus-building. Finally, this thesis concludes that a shared information system could address feelings of EU MS distrust towards the EEAS and could foster a joint understanding by usage of the same pool of information.

In conclusion, theory prescribed that consensus-building could be improved by increasing profit of cooperation, by sanctioning defection and by increasing loyalty. Given that the two discursive positions are conflicting to one another, increasing profit for the one would mean decreasing it for the other. On substance, a balanced compromise needs to be found. With regards to sanctions for defecting cooperation, informal sanctions seem to be present. No willingness from EU MS seems to be in place however to move away from the intergovernmental nature the current system of EU coordination is, coercive sanctions are not to be expected. EU MS themselves or jointly can always opt to increase informal sanctions.

Most of the recommendations above address a further improvement of loyalty. Though the EU coordination in New York seems to work well, there are structural shortcomings. With a clear mandate, strategic guidance and increased human resources, the EU Delegation in New York could address the critique it receives for being insufficiently timely and pro-active. The role the EEAS chooses to lead negotiations also can increase trust and loyalty, if it starts to be perceived as a neutral actor. An improved cooperate culture and better information sharing also increase the quality of support the EEAS offers the EU MS.

§6.3 Discussion

The motivation for the subject of this thesis stems from personal experiences of the author, participating in EU coordination meetings to the CSW and CPD. As discovered during the research process, these processes have been developed by long-standing traditions and non-codified customs, not by transparent rules of procedure. In addition, policy-making unfolds to the largest extent behind closed doors, making insights even more difficult. Rasch, 2008, p. 24). Sources teach that the at the CPD44 and CPD50, the EU was not able to reach a compromise (Pavao, 2011; Sensoa International, 2017). Prior to the choice of doing a document analysis, this thesis aimed to study the main question through interviews. Due practical circumstances (not living in New York anymore, business of diplomats at the missions) this was assessed as unfeasible, and the choice was made for a shift in methodology.

For academia, EU coordination in New York is a great vague area where there is much new to discover. This further complicated the execution of this study, due a limited availability of sources on the matter of this study. Hence, for academia, this thesis is also an encouragement for more research on the matter. The only book available that accurately described the process of EU coordination, namely Rasch' publication on the European Union at the United Nations, is from before the entry into force of the Lisbon Treaty. Also interviews to deeper understand the logic of diplomats working in New York are highly welcomed, as currently there is a great literature gap when it comes to EU coordination on CFSP to the UN.

Content-wise, this thesis, by making use of Rasch' publication, has provided an understanding in the current methods of EU coordination to the UN under CFSP and the combinations of theories applied and empirical evidence collected have demonstrated that the outcome of EU negotiations at the UN are not solely decided based on substance, but that rules, norms and believes in this process influence the outcome of these negotiations as well. The study matter may have been very specific, but this study might spark further research on EU coordination on controversial issues towards the UN.

For the EU coordination itself, lessons can be drawn to improve the chances of success of EU coordination processes on SRHR to the UN. The amount of time that numerous EU MS spend in EU coordination to these commissions is great, and would be a waste if no consensus is reached. This thesis hopes to make a contribution to the success of EU coordination reaching consensus.

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