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Title:

The European Union, the Nordic Group and the Global Human Rights Regime: Actor Complexity, Small Groups and Jockeying for Influence

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Abstract

Building on our previous work on group politics at the UN (Smith and Laatikainen 2020), this article investigates how group dynamics at the UN unfold when like-minded states seek affiliations outside existing political groups. The Nordic Group and the European Union lay claim to being strong leaders on gender equality issues within the global human rights regime. In the EU, however, some member states have staked out more 'traditional' positions, while the Nordic Group has become more visible within the human rights regime, responding to expectations of Nordic citizens favouring activism in support of gender and LGBTQ rights. This paper examines the relationship between these two groups on issues of gender equality within the larger human rights regime complex at the United Nations. We show that Nordic Group states, joined often by the three Baltic republics, have distanced themselves from the EU and manifested a different, more progressive identity at the UN. We also examine EU actorness in light of Nordic Group activism. How do internal or domestic political dynamics shape the positioning of both groups, and in particular for member states that belong to both groupings? Do they compete, collaborate, and/or bolster each other, and under what circumstances? Is the EU's position 'moved' by the activity of the more progressive Nordic Group? We examine the action of the EU and the Nordic Group in the UN by analysing their formal positioning in the diplomatic process. We analyse how their positioning is received by other states: is there a perception of a divided Europe, or, drawing on Towns (2010), does competition between the two groups foster a race to the top within a normative hierarchy?

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Introduction

The United Nations has become a battleground over aspects of the international human rights regime such as gender equality, reproductive rights, and sexual orientation and gender identity rights. Sexual orientation and gender identity first emerged as a human rights issue in the mid-1990s when the Human Rights Committee announced that human rights applied to gay men and lesbians in 1994, and the 1995 World Conference on Women in Beijing involved discussions on gender orientation (Trithart, 2021: 2). Although the Office of the High Commissioner for Human Rights has been mandated to produce reports on discrimination and violence based on sexual orientation and gender identity, and an Independent Expert on Sexual Orientation and Gender Identity (SOGI) was appointed by the Human Rights Council in 2016, the issue has become one of the most hotly contested at the United Nations. This is in contrast to the gender mainstreaming that has evolved in relation to UN policies and discourses surrounding the advancement of women.[1] Gender in the UN policy context has often meant focusing on cis-gender women in relation to men, and while there has been some movement toward inclusion, overall 'gender mainstreaming has not been a vehicle for mainstreaming SOGISC' [sexual orientation, gender identity and variation in sex characteristics] (Trithart 2021:10).[2] Indeed, when UNWomen was created in 2010, there were strong debates about whether to frame the body's work as focusing on 'women' or 'gender'. Trithart notes that while many SOGISC activists still find the organization too conservative and wary of SOGISC inclusion, in 2019 UNWomen hosted the first high-level event on gender diversity and non-binary gender identities and adopted guidelines for inclusive language and mainstreaming SOGISC perspectives into its work (Trithart 2021: 10-11).

While the tensions between traditional gender equality and SOGI human rights issues within UN Women may be abating, the assault on gender equality continues, and although dominated by issues of sexual orientation, is not limited to them. Over the past decade or so, there have been 'sustained efforts by conservative state and non-state actors to criticize, limit and roll back women's rights principles found in UN treaties, declarations and international policies' (Sanders 2018: 271), while UN bodies such as 'the Human Rights Council are now a battleground over LGTBQI rights' (Voss 2018: 3). The battles focus on language used in resolutions, declarations, treaties and so on, and have brought together an odd coalition of 'norm spoilers' including the Holy See, the Organization of Islamic Cooperation, Russia, the United States (under Republican administrations), and a host of NGOs whose aims are to 'protect the family' and 'traditional values' (Sanders 2018: 273). In particular, such actors have objected to the use of terms such as 'various forms of the family' (including not just families with gay parents, but also single parents), 'reproductive rights', 'sexual and reproductive health', 'sexual orientation and gender identity', and 'gender' itself (Sanders 2018: 284-7). Instead, they insist only biological sex can be mentioned, and the 'family' and 'traditional values' must be respected (see also Smith 2017a).

In this highly contentious area, European states have generally staked out a progressive position, advocating LGTBQI rights, reproductive rights, and gender equality (Voss 2018: 3; Smith 2017a). However, there are increasingly evident divisions within Europe over these issues (Korolczuk and Graff 2018). Hungary and Poland, for example, have been resisting the use of the term 'gender

[1] UN Women, "Gender Mainstreaming," available at https://www.unwomen.org/en/how-we-work/un-system-coordination/gender-mainstreaming .

[2] The language surrounding sexual orientation is evolving and often differs across various international forums, NGOs, and governments. Within the UN, the term used is 'sexual orientation and gender identity' (SOGI). Elsewhere, language has evolved from LGTB (lesbian, gay, transsexual and bisexual) to LGTBQI (lesbian, gay, transexual, bisexual, queer and intersex) or SOGISC (sexual orientation, gender identity and variation in sex characteristics). SOGISC is considered to apply to all people (that is, all have a sexual orientation, a gender identity, and sex characteristics), whereas LGBTI+ refers to a community of people.

equality' in European Union documents (von der Burchard 2020). This conservative stance contrasts with the strongly progressive positions of other European countries, as exemplified by the feminist foreign policy pursued by Sweden.

These intra-European divisions play out at the UN in interesting ways. As we have argued elsewhere (Laatikainen and Smith, 2017; Laatikainen and Smith, 2020), 'group politics' is a distinguishing feature of diplomacy at the UN. That is, debates within multilateral forums often take place between groups, with states interacting on behalf of regional groups (such as the Africa Group) or political groups (such as the European Union or UN-based coalitions such as JUSCANZ[3]), which have coordinated their stances beforehand (Laatikainen and Smith 2017: 96-7). The pervasiveness of group politics can contribute to 'polarization' at the UN, with groups opposing each other as though in a 'theatre' (Weiss 2009).

The dynamics of polarization in the highly contested context of gender equality rights at the UN suggest that divisions between European groups could deepen. Here the potential for deepening fissures seems particularly likely between the Nordic Group and the European Union (EU). The Nordic Group consists of five countries (Denmark, Finland Iceland, Norway, and Sweden), three of whom are also EU member states, while the EU has an intensive political dialogue with Iceland and Norway, and both countries are invited to align themselves with EU declarations, including at the UN. In the past, the enlargement of the EU to include Denmark, and then Finland and Sweden, combined with the intensive nature of EU political coordination at the UN created a pull factor that eclipsed Nordic cooperation at the UN and reduced its visibility and authority there (Laatikainen 2003). However, in the past few years, the Nordic Group has become much more active, speaking out in UN forums and putting forward resolutions. Indeed, these two political groups are the most active European political groups at the UN; other formal European regional groups (such as the Council of Europe) are largely absent, while the Western Europe and Other Group (WEOG), the official regional group at the UN, cooperates to a very limited extent, and the Eastern Europe Group hardly at all.

In this paper, we explore the extent to which small group dynamics (Alter and Meunier 2009) are affecting the human rights positioning of the EU and Nordic Group at the UN. In particular, the European Union's internal divisions over gender equality could produce relatively less progressive positions than those expressed by the Nordic Group in three intergovernmental forums at the UN: the UN General Assembly (UNGA), Human Rights Council (HRC) and Commission on the Status of Women (CSW). We also trace how the Nordic group has expanded its promotion of a more progressive stance into its statements in the UN Security Council (UNSC) setting, the arena where the re-emergence of the Nordic group is starkest in the last decade. This paper aims to uncover and explain the inter-institutional dynamics that are emerging in this field, by examining and comparing the statements of the European Union and the Nordic Group at the UN. The first part sets out our conceptual framework of regime complexity and group politics. The second part summarises the main divisions between European states over gender equality. The third explains our methodology, while the fourth presents our findings before the final concluding section.

Part 1 The Dynamics of Group Politics at the UN

[3] The JUSCANZ grouping is a consultative body to the UN Human Rights Council and some other UN bodies. It includes Australia, Canada, Iceland, Israel, Japan, Liechtenstein, New Zealand, Norway, Switzerland and the United States, with its name derived from an acronym of the founding members.

As we have argued in our previous work on group politics at the UN (see Laatikainen and Smith 2020), groups are not 'fixed entities' at the UN. Membership of informal and formal political groups is overlapping and fluid, and

> Diplomats are not typically constrained in diplomatic partners; they seek out the like-minded where they can be found … The existing regional and political groups often do not represent the like-minded, and smaller group affiliations are preferable to larger ones even if means duplication and redundancies (Ibid: 309). .

Importantly, this dynamic could affect the EU, traditionally one of the most cohesive and influential political groups at the UN (see, for example, Panke 2013). The EU member states coordinate intensively on most issues that come up at the UN, in New York and Geneva, and the EU presents numerous statements every year in the General Assembly and its committees, the Human Rights Council, the Security Council, and other UN bodies. Since the Lisbon Treaty entered into effect, the EU delegation to the UN has taken on a strong chairing role, prodding member states to agree common positions. Yet because the EU's member states are also members of the UN in their own right, they can still act on their own within the UN. Indeed, on human rights issues, they have increasingly been issuing statements and acting in concert with other non-EU states (see Smith 2017) – despite the fact that the EU is an influential actor at the UN. Thus, it is puzzling that 'small group dynamics' could be affecting the EU, in particular as it appears that Nordic Group activity is settled and enduring.

We posit that small group dynamics is driven by contrasting values. There is 'forum shopping' (Alter and Meunier 2009), but this is not driven by strategic considerations such as the search for more votes. These fluid group affiliations emerge in the search for affiliations that reflect and represent shared values. Smaller groups 'may take more progressive or stronger positions than those that are possible within broader political groupings' (Smith and Laatikainen: 310). This is because the process of building consensus within broader political groupings entails accepting compromises if the group is to present a united front, and this is bound to disappoint some states; it is easier to find a consensus within a smaller group of like-minded countries. Nordic countries are not content with the anti-gender movements within the EU, and so are deepening their own cooperation in this area. International norm polarisation – a 'process wherein a candidate norm is accepted by some states but is resisted by others leading to a period of international disputation between two groups in each of which socializing pressures pull states toward compliance with rival norms' (Symons and Altman 2015 :65) – seems to be occurring within the EU, which has the effect of leading some member states to identify more closely with an already institutionalised small group that better represents their values. This process has implications for European diplomacy at the UN, where the polarising dynamics are particularly evident given its centrality in the politics of gender equality.

This matters because it shows that the EU is less cohesive on issues of gender equality at the UN, which could therefore weaken the global progressive agenda. It also shows that the internal divisions within the EU are sparking the creation or revival of other smaller groups of European states within the UN human rights regime. It also shows that the institutionalized Nordic group also faces fluid group dynamics as the traditional Nordic five have been joined by the Baltic three to become the NB8. Unpacking group dynamics is important in multilateral diplomacy which is centred on the contestation of norms, because diplomacy at the UN is often conducted through groups.

Part II The EU and the Nordic Group in Global Gender Politics

The EU prides itself on being at a 'global frontrunner' in promoting gender equality (European Commission and High Representative 2020: 2). 'Gender equality is at the core of European values

and is enshrined within the EU's legal and political framework' (Debusscher and Manners 2020: 542). It certainly stands out compared to many other regional organisations (see Chaban et al 2017, which also contains an informative overview of the EU's gender equality programmes, commitments, and policies, as well as Kantola 2010). The 1957 Treaty of Rome contains a commitment to equal pay between men and women, while the 1997 Amsterdam Treaty contains a more explicit and far-reaching commitment to gender equality (Chaban et al 2017: 129). The EU's third Gender Action Plan calls for a 'gender-equal world' and promises that by 2025 85% of all new external actions will contribute to that objective (European Commission and High Representative 2020: 3).

At the UN, the EU is clearly visible in the international human rights forums, issuing multiple declarations and sponsoring resolutions (see Smith 2017b). It has not, however, put forward resolutions specifically on gender equality issues, though it does issue declarations in support of resolutions put forward by other UN member states, including those on sexual orientation and gender identity (SOGI). But as Thiel (2022: 122) notes, European activism on SOGI issues is driven by West European countries, with Central and East European countries in the EU considerably less active.

Within the European Union, fissures are growing, and a conservative backlash has led to contestation of hitherto 'largely internalised' human rights such as those on LGBTI rights (Thiel 2022: 48; see also Korolczuk and Graff 2018). Although there has been some progress, the situation regarding LGTBI rights in six Central and East European member states (Croatia, Czech Republic, Hungary, Lativa, Poland and Romania) deteriorated between 2013 and 2020 (Thiel 2022: 52-3; see also Mos 2020). 'Anti-gender' contestation has been particularly strong in Hungary and Poland (see Korolczuk and Graff 2018). In June 2021, for example, the Hungarian parliament passed a law banning gay people from appearing in school education materials and on children's TV shows (Rankin 2021); in October 2018, the Hungarian government banned gender studies programmes in universities (Redden 2018); and both countries are 'waging war' on the term 'gender equality in EU documents and policies (von der Burchard 2020).

This last action is already having an effect. In November 2020, Hungary and Poland objected to the term 'gender equality' in the EU's Gender Action Plan III for gender equality and women's empowerment in EU external actions (European Commission and High Representative 2020). As a result, the Council of the EU could not agree to endorse it, so the Council Presidency instead issued conclusions welcoming the Gender Action Plan on behalf of 24 EU member states: all except Bulgaria, Hungary and Poland (Council of the European Union 2020).

In contrast, gender equality (both the traditional women's rights orientation as well as SOGI approaches) has long been a shared priority in the Nordic region. The Nordic states were early champions of women's equality and have some of the highest levels of women's political representation and economic equality in the world (Teigen and Skjeie 2017). In fact, this embrace of gender equality has been a key dimension of Nordic cooperation for decades as Nordic governments cooperate through the (intergovernmental) Council of Ministers of the Nordic Council (Åseskog, 2003). While the Nordic Council promulgates strategies of cooperation on gender equality that often focus on discrete realms such as the work place, child care and health care, it has also been at the forefront in investigating normative understandings, such as the most recent Nordic Council programme on Gender Equality (2019-2022) that focuses on men and masculinities (Nordic Council 2019).

This long-standing regional commitment to cooperation on gender equality has been expanded to explicitly incorporate LGBTI rights in the gender equality cooperation programs. In September 2019 this was taken a step further when the Nordic Council of Ministers formally adopted the objective of

achieving equal rights, treatment and opportunities for LGBTI people in the Nordic region (Nordic Council of Ministers, 2020). The objectives of LGBTI cooperation in the Nordic region are to ensure: 1) everyone and especially LGBTI people are 'able to live and work in the Nordic region without fear of discrimination, threats, violence or hatred'; 2) everyone has access to competent healthcare and other social welfare services that do not bypass LGBTI persons, including older LGBTI persons; and 3) support for networks of civil society organizations to advance progress in the LGBTI area. Cooperation on LGBTI rights within the Nordic region is spearheaded by the Nordic Ministers for Gender Equality, who make up the Nordic Council of Ministers for Gender Equality and LGBTI (MR-JÄM) who meet at least annually on the issue of LGBTI equality.

This Nordic-wide commitment to gender equality is also part of the foreign policies of the Nordic states. Sweden was the first country to declare it would pursue a feminist foreign policy (Aggestam and Bergman-Rosamond 2016), while the other Nordic Group countries have strong platforms favouring the promotion of gender equality in their foreign relations. For instance, Sweden insisted on greater women's participation in critical debates and ensuring parity of civil society representatives in the UN Security Council during its term. Sweden has insisted that gender equality be on the UNSC agenda, addressed in reports and investigations undertaken by the UNSC; 'That has meant that women, who were not being heard and were not visible, have been given a platform, which has changed the understanding of the members of the Security Council. Formerly there were seldom any references to women in the briefings of the Security Council' (Johanssen 2018: 32). But the Nordic countries have also embraced LGBTI rights in their positions and policies at the United Nations and in the context of European relations. The 2019 Nordic Council of Minister's adoption of equal treatment and equal rights for LGBTI people in the Nordic region also identified this as an 'international responsibility' of the Nordic states and contained a commitment to engage in both the European and UN contexts (Nordic Council of Ministers 2020). Nordic countries remain some of the strongest protectors of LGBTI rights in Europe (Thiel 2022: 52).

In sum, debates on sexual orientation and gender identity have proven divisive in the EU context, but have become an issue of greater collaboration within the Nordic region. This has spilled into cooperation within the UN. Interviews with diplomats from Nordic countries over the past decade have revealed that Nordic collaboration within the UN human rights regime complex has become increasingly important:

- Firstly, diplomats from Nordic countries posted to the HRC in Geneva have reported that they have instructions from capitals to act within the Nordic Group where possible because the Nordic Group has a 'certain profile' and provides Nordic countries with the opportunity to express more progressive positions on women's rights and sexual reproductive rights (interview no. 1, Geneva, 26 May 2014).

- Secondly, diplomats from Nordic countries posted to the UN in New York have noted that on sexual reproductive rights, it was difficult to achieve unity within the EU, and that the EU's position in the Commission on the Status of Women could not move beyond the language in EU Council declarations. There was close coordination within the Nordic Group because it was easier to put forward more progressive views on various issues related to the rights of women and girls, for example (interview no. 2, New York, 10 April 2019).

This paper will examine the extent to which such contestation is affecting the process of agreeing and issuing declarations on gender equality issues at the UN by the EU, which in turn is prompting greater activity by smaller groups such as the Nordic Group or the Nordic and Baltic countries. Zurn et al. have noted that contestation is an expected response to changes in political authority (Zurn et al. 2012), while Alter and Raustiala argue that blocking change, as Hungary and the 'like-minded

coalition' attempts to do is easier than promoting change (Alter and Raustiala 2018: 243). Frustration with the blocking behaviour inside the EU is fuelling small group dynamics in the UN human rights regime complex.

Part III: Methodology

We investigate the formal positioning of the EU and the Nordic Group on gender equality issues in several UN forums. By 'formal positioning', we mean the positions that are put forward in publicly-available and public-facing documents (texts); that is those documents that are intended for a wide audience. At the UN the most prevalent forms of public positioning are the statement and explanation of vote, and these can be issued in general debates, with respect to particular resolutions, and in interactive debates with special rapporteurs, panels or working groups. European states issue many such statements, but we will investigate only those that are issued 'on behalf of' the 'European Union' and the 'Nordic group'. The latter has not been consistent in its self-referencing so we looked for statements on behalf of the 'Nordic Group', or the 'group of Nordic countries', or 'Denmark, Finland Iceland, Norway, and Sweden' or the Group of Nordic and Baltic Countries (NB8).

We are interested in both the development of the positions of each group on gender equality matters, and in a comparison of the positions of both groups. We investigate positions of the EU and the Nordic group over the last ten years (2011-2021) in three UN forums focusing on human rights (the Human Rights Council, the UN General Assembly – particularly its Third Committee but not only – and the Commission on the Status of Women) as well as the UN Security Council. Membership of the UNGA is universal, whereas 47 states are elected to the HRC, 45 states are elected to the CSW, and 10 states are elected to the UN Security Council. This means that not all EU or Nordic Group member states will be formally serving on the HRC, CSW, or Security Council; however, statements are still issued on behalf of the groups in all those forums. In both the EU and the Nordic Group, statements have to be agreed by all of the members.

With respect to understanding the development of the positions of each group, we will examine the language used in their declarations on issues related to gender equality. With respect to the UNGA, we looked for declarations containing the words 'gender', 'women' and 'sexual orientation', which primarily appeared in general debates on the agenda items 'advancement of women' and the 'promotion and protection of human rights', as well as at declarations and explanations of vote with respect to resolutions put forward under the agenda item 'advancement of women', and relevant resolutions put forward under the agenda item 'promotion and protection of human rights'. With respect to the HRC, we look at general statements, and statements with respect to resolutions, where issues of gender equality arose, particularly under the agenda item 'protection and promotion of all human rights'. With respect to the CSW, we look at all statements. For the UN Security Council, we look for statements under the subject headings of Women Peace and Security, Women in Conflict and Children in Conflict.

In looking at the language used in declarations, we took note of what was stated, but also what was left out (particular words or phrases). For example, was the term 'gender equality' used consistently throughout the period? Do declarations referring to sexual orientation refer to issues such as same-sex marriage or not? We looked at the strength with which positions were expressed, and whether this changed over time.

We also compare the language used by the two groups. To do this, we compare declarations issued on the same agenda item or the same resolution. We again takek note of what was stated, and what

was left out, and at the strength with which positions are expressed. Are there differences in the language used by the EU and Nordic Group?

Document analysis will be followed by interviews with diplomats based in New York and Geneva on the extent to which they perceive differences between the Nordic and EU groups on gender issues. We also examine the reception of this positioning by other delegations in New York and Geneva.

Part IV: **Findings**

Please note: we are still researching this paper, so this section is quite incomplete. In particular we are still investigating the EU and the Nordics at the UNSC and CSW.

Revival of the Nordic Group

After Sweden and Finland joined Denmark as members of the EU in 1995, the longstanding practice of Nordic coordination joint statements at the UN that had emerged in the 1980s came to a dramatic halt. In 1988, the Nordic Group spoke 82 times in the General Assembly and Economic and Social Council—though notably never in the UN Security Council.

Table: Nordic Group at the UN over Four Decades

	1980s	**1990s**	**2000s**	**2010s**	**Total**
GA 1st Committee/ Disarmament and Int'l Security	4	4	0	14	**22**
GA 2nd Committee/ Economic and Financial	77	52	0	4	**133**
GA 3rd Committee/ Social, Humanitarian and Cultural Affairs	72	40	19	28	**159**
GA 4th Committee/ Special Political and Decolonization	13	16	0	1	**30**
GA 5th Committee/ Administration and Budget	64	66	0	0	**130**
GA 6th Committee/ Legal	43	60	55	69	**227**
GA Special Political Committee (Merged to GA4th in 1993)	16	8	0	0	**24**
GA Plenary	55	41	3	30	**129**
ECOSOC	53	25		2	**80**
Security Council	0	1	3	66	**70**
Total	**400**	**324**	**80**	**215**	**1019**

Source: Authors' compilation from data available at the UN Digital Library (https://digitallibrary.un.org)

The Third Committee addresses human rights issues, and in the 1980s and 1990s before expanded EU membership, was one of the venues where the Nordic group was very active. In 1995, Nordic statements disappeared almost entirely in the Third Committee, while of course EU coordination in the Third Committee grew by leaps and bounds. Often Norway and Iceland would associate with the EU statement, alongside applicant and associated states to the EU. Only in 2000 did the Nordics begin to offer once again a rare joint statement or two in the Third Committee. By 2019, however, there were 13 statements on behalf of the Nordics in the Third Committee, and the Nordic group had begun to offer statements in the UN Security Council, where they had never given joint statements in the past. In the decade under review in this paper, only once did Iceland associate with the EU statements related to gender equality, women's advancement or sexual minorities; Norway never did.

One difference between the early years of the Nordic group and current reemergence—and between the EU and the Nordic group in general--is the greater fluidity of the Nordic group. The EU's foreign policy process always includes the members of the European Union, while others may associate with the EU statement. For decades the Nordic group was simply Denmark, Finland, Iceland, Norway and Sweden which coordinated on the basis of intergovernmental coordination. They of course still form the core, but there are a number of other variable groupings associated with the Nordic group. The Baltic countries of Estonia, Latvia and Lithuania have joined the Nordic states in issuing joint statements on several issues at the UN. This NB8 group became particularly pronounced after 2017 on issues related to gender, when all statements by the Nordic group in the Third Committee were issued on behalf of the NB8. In the discussion below, when we refer to Nordics, it also includes the NB8 configuration that has come to dominate gender issues in the past few years. In addition to coordinating positions with the Nordics or the NB8, Norway and Iceland are frequently part of an expanded CANZ grouping on gender issues, which includes Canada, Australia, New Zealand, Lichtenstein, Iceland, Norway and Switzerland (CANZ-LINS). This group is one that, like the NB8, tends to be more progressive in its statements and includes only non-EU member states (though several are European states) among its cohort. The CANZ-LINS grouping is not considered part of the Nordic group, but future research should consider its role alongside these other groupings.

It is worth noting as well the decline of association of non-EU Nordic states with EU statements in the General Assembly Third Committee. In the early years after the 1995 expansion of Nordic EU-membership, Iceland and Norway frequently associated with EU statements as the Nordic profile was eclipsed by the rise of EU coordination at the UN. Norway and Iceland joined applicant and accession states in aligning with EU statements. This practice has all but disappeared for the non-EU Nordics, as the table below indicates. As the number of EU statements in the GA 3rd committee has steadily increased, the affiliation of non-EU member Nordic states has almost entirely abated since the mid-2010s.

Table: Declining Nordic Alignment with EU Statements in GA 3

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
EU Statements	25	21	33	29	40	31	40	38	35	43	46	30	29	40	50	47	42	44	52	57	9
# EU statements with non-EU Nordic State Alignment	8	8	14	6	10	10	6	12	7	4	5	4	11	5	6	0	2	0	1	0	0
Norway Aligns	7	8	10	3	4	6	6	9	5	4	5	2	6	2	1	0	0	0	1	0	0
Iceland Aligns	8	8	13	6	10	7	5	6	6	4	3	4	9	4	5	0	2	0	1	0	0
Percentage of EU Statements with non-EU Nordic state alignment	32%	38%	42%	21%	25%	32%	15%	31%	20%	9%	11%	13%	37%	12%	12%	0%	4%	0%	2%	0%	0%

Source: Authors' compilation from data available at the UN Digital Library (https://digitallibrary.un.org)

The European Union is a much more visible presence in the UN General Assembly Third Committee. Whereas the Nordic (or NB8) group produced at least 13 statements in the GA3 in 2019, the EU spoke 57 times. This means that every time the Nordic group spoke, there was invariably also a statement by the EU; but often the EU speaks without a statement by the Nordics. However, it is also the case that while the EU has gradually over the last twenty years issued a larger number of statements within both UNGA Third Committee and the HRC, there has been a considerably faster rise in the number of statements issued by the EU's member states outside of the EU coordination framework. Often such statements are issued by one or more EU member state together with other UN members and in other groups (including the Nordic Group and NB8 but also other informal groups, and groups such as the Francophonie) (Smith 2017b). In other words, there appears to be a wider 'small group dynamic' at play here, beyond the particular issue of gender equality.

Table: EU Statements at the UN *(incomplete)*				
	2016	**2017**	**2018**	**2019**
General Assembly	135	142	169	172
GA1			12	16
GA2			13	16
GA3			52	57
GA4			9	9
GA5			27	23
GA6			13	11
Plenary			26	22
ECOSOC	15	12	14	11
Security Council	35	30	33	29
TOTAL	**182**	**182**	**211**	**209**

Source: Authors' compilation from data available at the UN Digital Library (https://digitallibrary.un.org)

Gender and Sexual Orientation in General Assembly Third Committee

The number of statements related to gender are far smaller than the overall number of statements issued by the two groups. Gender issues are nonetheless a key dimension for the Nordic group. Of the 13 statements made by the Nordics in 2019, six incorporated a gender or SOGI perspective. Indeed, when we examined Nordic statements for the key words of women's advancement, gender equality, and sexual orientation, we discovered that they have mainstreamed those issues in statements issued under agenda items such as youth, protection and promotion of the rights of children, and displaced persons.

In comparing the statements of the Nordic Group and the EU in the Third Committee, the first half of the 2010s did not exhibit a great deal of substantive difference. On the agenda item 'The Advancement of Women', the EU frequently exhorted universal ratification of the Convention on the Elimination of Discrimination against Women (CEDAW) and the binding optional protocol of the Convention, while the Nordics might call for additional resources to enable the CEDAW committee to fulfill its mandate (2013). The EU often pointed to the diversity in forms of the family in its statements on gender equality, that triggered interventions from the Holy See indicating support for rights within a traditional understanding of gender and the family (see statements 2014). Where there are clearer differences are in terms of emphasis in the areas of reproductive health and rights, sex education, and SOGI.

At the Third Committee, Nordic countries – alternately Finland or Sweden – have included sexual orientation in a bi-annual resolution on extra-judicial, summary or arbitrary executions since 2000, and since 2012 have included gender identity. The resolutions call on states to investigate killings that target people based on SOGI. The EU has been very supportive of the resolution – in the face of quite outspoken hostility by other groups such as the African Group, the Organisation of the Islamic Conference and the Arab Group (Smith 2017a: 153), but it is notable that the initiative stems from Nordic countries and not the EU.

Sexual and Reproductive Rights—EU and Nordics in Agreement

Although interview material (some of which is cited above) indicated that some Nordic countries were unhappy with the EU's position on sexual and reproductive rights (which did not evolve or become more progressive), in statements at the UN there is little difference between the EU and Nordic Group. However, it is nonetheless notable that the Nordics issued separate statements. For example, in UNGA Second Committee (on economic and financial matters), the issue of reproductive rights arose in consideration of a 2019 resolution on Women in Development. Reproductive rights is often seen by detractors as a right to abortion, and the United States in 2019 attempted to introduce a number of changes to agreed language on the resolution on Women and Development. The United States, joined by 17 states including Bahrain, Belarus, Iran, Iraq, Pakistan, Russian Federation, Saudi Arabia, and Sudan, sought to delete the word "services" and the expression "including in the area of sexual and reproductive health." The efforts to challenge the long agreed language failed, but only after pointed statements by the EU, the Nordics, and CANZ (sources to follow). The EU, together with Iceland, Norway, Montenegro and Moldova, successfully put forward amendments to reintroduce the language, and was backed in this by the Nordic countries as well as CANZ.

[to be completed]

Human Rights Council: SOGI and the Independent Expert

What is notable about the EU in particular on the issue of gender equality is that it does not sponsor resolutions in this area (see Smith 2017b). It has sponsored amendments to resolutions – as in the case of the 2019 Women in Development resolution cited above – but pressure on this issue comes from other states. One of the most controversial issues at the UN involves sexual orientation and gender identity, which has been debated almost exclusively at the Human Rights Council in Geneva. Here, innovation has come firstly from South Africa and then from a group of Latin American states. In 2011, South Africa sponsored a resolution calling for the Office of the High Representative for Human Rights to conduct a study on discriminatory laws and acts of violence against individuals based on the sexual orientation or gender identity. In 2014, Brazil, Chile, Columbia and Urugay sponsored a resolution requesting that the High Representative share ways to combat violence based on SOGI. In 2016, the same four South America countries were joined by Argentina, Costa Rica and Mexico, called for the creation of an Independent Expert on protection of violence and discrimination based on sexual orientation and gender identity, and in 2019, they sponsored a resolution calling for the renewal of the mandate of the Independent Expert. All four of these resolutions passed, but were extremely controversial. The EU and the Nordics strongly supported the first three resolutions; the fourth, in 2019, revealed a clear split within the EU. In debates on the Independent Expert, further, subtle differences between the EU and the Nordics emerge.

In 2018, when the Independent Expert Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity presented his report to the UN General Assembly's Third Committee, interesting elements emerge (A/C.3/73/SR.33). The EU mentions its strong commitment to 'equality, non-discrimination and equal enjoyment of human rights by all regardless of sexual orientation or gender identity' and acknowledged that 'LGBTI individuals were subjected to alarming rates of discrimination and violence.' Meanwhile the NB8, represented by Sweden, condemned 'transphobic violence that occurred in all regions and that violence and discrimination against transgender and gender-diverse persons must come to an end.' While there is not a great deal of difference in position, the difference in tone is critical in this debate. The EU is committed to enjoyment of rights regardless of sexual orientation or gender identity, the NB-8 emphasizes transphobic violence that is targeted toward a group persecuted because of sexual orientation or gender identity. Indeed, emphasizing the particular challenges for LGBTI people prompted several other EU member states to issue statements in their national capacity, such as the Spanish who celebrated the 'depathologization of transsexuality' and supported the 'doctrine of the Committee on the Rights of the Child concerning the recognition of children's gender identity' while Slovenia highlighted intersectionality by emphasizing how 'Transgender persons were likely to encounter discrimination and were pushed to the margins of society, and their gender identity often intersected with issues of race, class and religion, increasing their vulnerability. Transgender and gender diverse children and adolescents were more vulnerable than other children to violence and exclusion in classrooms and cyber-bullying.' In all, eight EU member states spoke in their national capacity alongside the EU because they could focus more intently on the SOGI rights directly, rather than the EU's statement on non-discrimination and equal enjoyment of rights.

Almost a year later, at the Human Rights Council in July 2019, the EU was visibly divided. A group of South American countries presented a resolution renewing the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. Twenty-five EU member states, as well as Iceland and Norway, joined the sponsors; Hungary and Poland did not (A/HRC/41/2: 44). Hungary at the time was a member of the HRC, and was the only EU member state serving on the HRC to 'abstain' rather than vote for the resolution, though it did join other EU member states on the HRC in voting against the ten amendments to the resolution

presented to water it down. In an explanation of vote, Hungary's representative stated that Hungary abstained because it 'reserves the sovereign right to define the personal scope and the content of family relations and of marriage in accordance with its national legislation'. She also underlined that Hungary did not other avenues besides an Independent Expert would help countries develop their own human rights framework.[4]

Part V: Conclusion

Our preliminary research indicates that there is indeed 'small group dynamics' at play at the UN's human rights regime complex. The Nordics (and more recently the Nordic-Baltic countries) are staking out positions that are more progressive than those of the EU on issues relating to gender equality. Although the rhetorical differences between the two groups are not enormous and the EU is still one of the strongest supporters of gender equality in the UN, the revival of the Nordic Group diplomacy at the UN in this area seems to be motivated by frustration with a more conservative, cautious stance by the EU. There are increasing signs that the EU's position is being affected by the blocking behaviour of much more conservative, right-wing member states. What we do not appear to be seeing is competition between the two groups fostering a race to the top within a normative hierarchy, which Towns (2010) had argued could happen; or rather, only one group is clearly staking a more progressive position. The EU's position does not appear to have been 'moved' by the activity of the more progressive Nordic Group.

Rationalist frames for these group dynamics do not seem to capture the relationship between the EU and the Nordic group, nor how the Nordic Group has re-emerged and evolved--in part--into the NB-8. The boundaries between regional groups, regional organizations, trans-regional political groups and single issue groups are blurred in practice. Why has the Nordic group expanded to include even more EU member states in its NB-8 grouping on sexual orientation and gender identity issues? Why not include other like-minded EU member states like the Netherlands? When we look in-depth at the debates over SOGI, we see that the EU indeed speaks on behalf of its members, but some EU members like the Nordics and Baltics align speak as a group like the NB-8, while still others have aligned in less formal groupings or have spoken independently of the EU in their own national capacity. The empirics on small group dynamics uncovered in this paper suggest that groups in UN debates are often far more inchoate than our analysis frequently assumes. We argue that the fluid nature of groups in UN multilateral processes suggests that we should assess groups in relation to one another within multilateral processes rather than as discrete entities. Relationalism, David McCourt argues, 'rejects the idea that entities—whether states, international organizations, norms or identities—are the basic units of world politics, replacing them with ongoing processes' and he suggests that analysis should 'follow a logic that foregrounds relational social practices as the basis of political action' (2022: 2-4). What our deep dive into the EU and the Nordic group in debates over sexual orientation and gender identity has revealed is that the fluidity of group membership and the practice of group formation and re-formation is constitutive of UN multilateralism.

As we have argued elsewhere, using a relational perspective 'allows us to understand groups in process terms rather than as entities. Multilateral diplomacy is inseparable from group relations at the UN; it cannot be otherwise, because even though member states individually exercise permanent representation, it is the nature of multilateralism to produce collectively determined outcomes. Groups are not entities that replace member states in importance; group formation and

[4] Oral statement not available on HRC extranet, but can be viewed on the UNTV recording of the session: https://media.un.org/en/asset/k1y/k1yh55210g. HRC 41st session, A/HRC/41//L.10/Rev1 Vote; 12 July 2019. From 01:38.14 to 01:39:27.

reformation is the essential *process* producing (and reproducing) multilateralism' (Laatikainen and Smith, 2020: 318).

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