

Theoretical Approaches to the study of the EU as an actor in the multilateral system

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Draft for comment rather than citation

The title of this presentation is *Theoretical Approaches to the study of the EU as an actor in the multilateral system*, and I propose splitting it into five parts. In the first one I'll contrast a broad and a narrow definition of 'multilateral' and suggest which one is preferable. I'll also set out my own definition of multilateral and multilateralism. In the second part I'll briefly look at the communications and statements made recently by the EU about its role in the multilateral system. Then the presentation will turn to look at the policy areas in which the EU is working well within the multilateral system and where these policy areas fit into the overall framework of EU foreign policy. In part four the focus is going to be on existing theoretical models for studying the Common Foreign and Security Policy (CFSP) and how suitable these models are for understanding the EU as an actor in a multilateral system. I'll conclude by suggesting what adaptations to specific models might be useful for understanding this new policy environment, and give some of my own thoughts on the matter.

I. What makes multilateralism special?

John Ruggie described multilateralism as 'an institutional form that coordinates relations among three or more states on the basis of generalised principles of conduct'² This definition is widely accepted and is informed by regime theory as seen in its use of behaviouralist language and is applicable to relations that are *not bilateral*. Using this definition the net can be cast wide and the catch will be varied – the UN, Nato, OECD, Mercosur, ASEAN, the G7 and of course the EU would all be snared at the same time. According to this definition the following two statements are valid.

1. The relationship between the EU and UN is one of equals.
2. EU-UN relations are comparable to EU-Mercosur relations, EU-Nato relations,

Are these statements useful in understanding the EU in the multilateral system? I would argue that they are not, since we have at our disposal more sophisticated descriptions of what the UN is, the EU, Mercosur, by looking closely at the generalised principles of conduct, be they

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² Multilateralism Matters, Ruggie (ed) p. 11 1993.

complex institutional structures of government in the case of the EU, or summit-based with a small secretariat, in the case of the G7.

I prefer the recent definition produced by Stephen Woolcock and Nicholas Bayne in their jointly edited work on *New Economic Diplomacy*. They define four levels of international negotiations - the bilateral, the regional, the plurilateral and the multilateral. Regional and plurilateral organisations are groups of states organised along generalised principles of conduct but are also defined by a additional membership criteria - geography in the case of a regional organisation and common interests, such as wealth generation or security in plurilateral organisations. These additional criteria explain why the memberships of the EU, ASEAN, OECD, the G7 or Nato are who they are. For Woolcock and Bayne, a multilateral institution is open to all states – it is truly universalist. In their words:

[M]ultilateral economic diplomacy provides for the involvement of all countries, though this makes it cumbersome. It incorporates regimes such as the WTO, the International Monetary Fund (IMF) and the World Bank and the economic work of the United Nations, as well as a wide range of specialist organisations. Multilateral economic diplomacy is well suited for rule-making and there were great advances here in the 1990s, especially in the trade and environmental fields. (p16)

The idea that I wish to propose to you today is that multilateral and multilateralism are two different things. Multilateral is an adjective that we use to attribute a particular characteristic to an object; for example, a multilateral institution in an institution that exhibits ‘generalised principles of conduct’ that we can define. Multilateralism is an abstract noun, which is a thing that is based on an idea, rather than a material object, just like freedom, or democracy. The remainder of this presentation will be dedicated to elaborating on this point, but for the moment I would like to suggest that multilateral is about a **procedure** which describes how an institution works, while multilateralism is an idea about the **principle** of how an institution works.³ To support a multilateral institution (like the WTO) is to support the use of a procedure as a means to a particular end, such as liberalised trade. To support multilateralism in the WTO means to support the principle that all states should be given an equal voice in determining global trade laws, which is an end in itself. The two objectives

³ This parallel’s Keohane’s analysis of regimes through norms and principles and rules and procedures. (Krasner 1983)

need not coincide, for if we take the Cancun example, supporting multilateralism did not lead to a neat, negotiated agreement - rather it appeared to land a blow on the nose of the multilateral process.

The first issue I would like to turn this understanding to is the question of definition. First and foremost, I would say that Ruggie's definition is an answer to the question, what characteristics makes something multilateral?, not what is multilateralism? Woolcock and Bayne's 'regional' and 'plurilateral' terms are useful since they too are adjectives that describes characteristics, but in this case they include an element of segregation or differentiation, such as geography. Multilateral means *no differentiation*, or that membership is potentially universal. Therefore multilateralism is the idea that the principle determining which states are members of an institution is that everyone can. I am aware that the term 'institution' is contested, although throughout this paper I will use it to mean international organisations that have statutes, constitutions or other legal texts defining their membership and purpose.

In brief and to answer the question of what makes multilateralism special, it is a commitment to the principle that in institutions that govern global affairs, membership should be universal. Commitment to multilateralism is a foreign policy; commitment to a multilateral institution is an instrument of foreign policy.

II. EU: multilateral actor or acting in accordance to the principle of multilateralism?

The multilateral institutions that I will be looking at here in relation to the EU are the specialist agencies, funds, programmes and secretariat bodies of the UN, whose membership is made up of sovereign states organised in various procedural models. All states are members of the General Assembly and specialist agencies, while forums (such as ECOSOC and Security Council) are made up of representatives of the total body. However, the EU does not have legal personality, (although a proposal to grant it has been included in the Convention [re. COM2003-526 p. 16, Articles III-188 and III-201]) and at present the treaties of the European Communities have transferred the member states' right to negotiate certain areas of common policy to the EC in a limited number of areas, the result of which is EC membership of the WTO and the FAO. It should be remembered that this membership complements rather than displaces member states' membership. Therefore at present, when the EU acts within the

UN system – and by this I mean when the EU wants to participate in the procedural mechanisms of these multilateral institutions, it must do so either through the EC or through the member states, which article 19 of the TEU sets out as follows:

Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the common positions in such forums. In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.

Over the last three years there have been a number of communications and initiatives produced by the Commission to improve the **working relationship** between the EU and the UN, through clarifying and streamlining procedural operations with particular agencies and in particular policy areas. Examples of this are the Letters of Exchange (UNHCR [7-00], WHO [12-00] and ILO [5-01]) and policy papers, such as in Development policy in November 2000, Humanitarian Aid in May 2001, Core Labour Standards in July 2001 and Trade and Development in September 2002. These papers focused on making the mechanics of EU representation in the UN work better, be it through the member states or through the EC. Three dimensions were identified:

- **Coordination:** Between member states. This is both in the UN and in the bilateral relations between EU states and third states. The Commission advocates greater information flows between members to prevent duplication or worse, contradiction.
- **Complementarity:** Between the EC and the members. Building on coordination, the role of the EC – the contribution made by the members of the EU working together through common funds and common policies – needs to be enhanced. This is specifically to do with the ‘value added’ by EU involvement that is greater than the some of its parts.
- **Coherence:** Within the Commission and across common positions. Greater coherence implies a more holistic approach to EU-UN relations, both across different UN bodies and across the pillars of the EU.

However, since the summer of this year I think a new trend can be identified in which the EU is beginning to see participation in the multilateral system not the means to a particular policy end, but as an end in its self. In the terminology used above, the EU is beginning to

pursue multilateralism as part of its foreign policy. CFSP High Representative Dr Solana's said in the Security Strategy presented at the European Council in Thessaloniki in June:

'We need to build an international order based on effective multilateralism. [...] The fundamental framework for international relations in the United Nations Charter. Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, must be a European priority.'

Another step in the move towards adopting a holistic approach to the UN came in September this year with a communication from the Commission to the Council and EP under the title: *'The European Union and the United Nations: The choice of multilateralism'*.⁴

In framing this section I asked whether the EU is multilateral actor or is acting in accordance to principle of multilateralism. The EU's credentials as a 'multilateral actor' depend on how well it can work within the procedural framework of multilateral institutions even though it often does not have the legal personality to participate. The EU is getting better at this, but better can mean stronger, more dominant, and winner of a bigger piece of the pie. However, *choosing* multilateralism is not the same as *using* the multilateral system. It means reinforcing the system to the benefit of all participants, rather than selective engagement in those which promote the EU's interests because they have a strong bargaining position.⁵ However, to choose multilateralism without being a credible 'multilateral actor' makes little sense, so the EU choosing multilateralism should perhaps be seen as 'moving up a gear' and acting more widely and less selectively. In short, multilateralism means moving away from picking and choosing one's dishes *a la carte*, and digesting the set menu.

III. The EU as a multilateral actor

For the moment I want to concentrate on the question of the EU improving its procedural relations with the UN system and thereby becoming a more coherent multilateral actor. Classifying the policy areas where it pursues its interests can be broken down into two

⁴ COM(2003) 526 final

⁵ Linked to this is the question whether the EC is evolving from a competent bilateral negotiator to a competent multilateral one. The decision-making process that required Council approval of negotiating mandates meant that the Commission's narrow 'win-set' (in the language of Putnam's mode) was strength in bilateral negotiations, but will probably turn out to be a hindrance in multilateral talks, if the case of Cancun turns out to be the new norm.

categories – the ones that should-work-and-do, and the ones that don't-work-but-should. In the should-work-and-do category are the typically functionalist policy areas where regime theory predicts common goods are generated by cooperation. The EU pursues trade, environment, humanitarian aid, development, and increasingly refugee and asylum policies with either established success or an improving record. The EU is working hard to improve its cooperation with the UN in peacekeeping, conflict prevention and post-crisis reconstruction, and promotes the protection of human rights through various elements of all of these policies. To this list one should also add the coordination work of the Presidency and the Council secretariat in the General Assembly, which on a functional level is a sensible division of labour and rationalisation of diplomatic resources. These areas are on the whole politically uncontroversial areas of cooperation between the member states, either due to their technical nature, economies of scale or widely held values.

In the second category of don't-work-but-should, the two main institutions are the Security Council and the Bretton Woods institutions. In the World Bank and the IMF representation of the euro currency is fragmented, not simply between permanent members (France and Germany) and non-permanent, but between the remaining countries through their dispersal in a number of different multi-member constituencies that include Ireland voting with Canada and Spain with Latin America.⁶ In this don't-work-but-should category also unfortunately falls the 5% of General Assembly votes in which no common position is agreed or that a member breaks rank. These cases afflict damage on the external representation of the EU in a disproportionately high degree in comparison to their one-in-twenty occurrence. These areas are politically controversial, based on national interests and national prestige.

There is a correlation between the areas where the *acquis communautaire* of the EU is well developed and where the EU is becoming a more coherent multilateral actor. In these policy areas I would suggest is a process being pushed from below and pulled from above.⁷ Where the EU is not working so well in the multilateral system is where it has difficulties at the EU level too, namely in the CFSP and the question on national interest which is reflected

⁶ Since votes in constituencies cannot be split, each member chooses a constituency in which they are most likely to be in the majority, although should they be outvoted within their constituency, their votes will still be used in supporting the consensus view. Therefore eurozone members could find their voting percentages opposing each other.

⁷ Woolcock and Bayne argue that globalised economic integration carries with it a strong undercurrent to standardise and harmonise international regulations, (as postal systems and telecommunications did 100 years ago), yet the pressure is increasingly effecting national markets. The EU's collective standards stand as one of the major existing regulatory standards to which others can be homogenised with. In this sense the EU can act to minimise the effect of multilateral regulation by asserting its standards as those to be internationalised.

in the Security Council and in the General Assembly. The Bretton Woods example has three issues involved; one, the question of prestige and national recognition. Two, the non-EU wide use of the Euro and the reluctance to harmonise macroeconomic policy, and thirdly the question of revised voting weights and reduced EU influence. The same logic of integration at the EU level fits at the multilateral level – that they are functional or technical issues that are either presented as economic rather than political issues and the market should decide, or else scientific and experts should decide. When the issue is de-politicised, the move from EU to multilateral coordination is predominantly a procedural one, since it is a further means to the same, or very similar, end. Where the EU is performing less well, it is in areas that still remain political at the EU level, and at the UN level. In these areas, procedural change to make the EU a more coherent multilateral actor probably isn't enough – it will require either a political decision to grant the EU legal personality, or else the political decision to incorporate multilateralism into EU foreign policy, thus demonstrating its commitment to the principle by grasping these thorny issues.

IV. Existing theoretical approaches and the challenge of the multilateral system

And now, as it were, time for the theory. How do these policy areas relate to the CFSP? From a legal perspective, they all belong squarely in the middle of it, as stated in article 19. These are multilateral institutions and the EU member states should uphold common positions. However, many of the policy areas fall within either the competency of the EC (trade) or are of mixed competency (environment, development, humanitarian aid, and increasingly asylum) and fall under other articles and chapters of the treaty. Yet they are associated with foreign policy when they become the instruments of a CFSP common position. I would like to borrow from Professor White's book on *Understanding European Foreign Policy* the framework he uses to introduce and to modify Foreign Policy Analysis (FPA) to make it more suitable for the European political system. He divides the common approaches to studying policy into two camps, the 'European Union-as-actor' and the 'institutionalist'.

Looking at the EU-as-actor approach, Hazel Smith in *European Union Foreign Policy: What it is and what it does* is a good example of analysing the material substance of the EU's presence in the world to construct a likeness of its image. This approach is concerned with the collection of empirical data based on the observation of material actions

by the EU around the world, and extrapolates from the actions the nature of the actor. It is like finding the footprint and calculating the size of the person who left it. Advocates of this approach are less concerned with how a decision was made than with the fact that it was made at all, and that action was taken as a consequence. '[This book] takes as its premise that the European Union is an important actor in world affairs and that it makes and implements foreign policy and that it does this as a complex but relatively cohesive actor'.⁸ When the material relations studied are either bilateral or intra-regional (plurilateral) there is a clear causal link between action and actor, given that the EU negotiates directly with the third party. While this approach tends to 'black-box' the EU – the 'premise of a complex but relatively cohesive actor' – it is able to identify the impact the EU has in world politics. However, in the multilateral system, the UN acts as a central interlocutor between all parties and between actors and actions. The policy and funding inputs into the UN by member states (or by the EC) are internalised into the particular agency, fund or programme secretariat and the outputs rarely bear the signature of the sponsor. Returning to the footprint metaphor, the perpetrator is wearing UN boots, and therefore constructing an image of the actor is much harder.⁹

The institutionalist approach focuses on the structural arrangements that define the decision-making process and therefore the decisions that constitute foreign policy. This approach advocates the narrower definition of foreign policy with CFSP and is unwilling to acknowledge trade and development as policies of a political nature, (instead they are economic or humanitarian, etc.) A more fundamental problem in the case of multilateral participation is the different actors that represent the EU in the UN, be they member states or the EC. Given that the EU has no legal personality, its policy is generated in different levels and it is represented at different levels.

Professor White juxtaposes these two positions as overtly agency-centric and structure-centric in order to highlight the fact that neither tells the whole story, although each has a contribution to make. I think that reflecting on the EU's engagement in multilateral institutions makes this conclusion too soft – for the reasons given, neither tells enough of the story. I suggest that there are two prerequisites for a theoretical understanding of the EU in

⁸ Smith, (2002) p10

⁹ This may not be a long-term problem since the EU, like many donors, is contributing more money into greater programme funding at the expense of core funding. This gives the donors a stronger policy input into programmes than the core activities, which are administered by the secretariats.

the UN system. The first is that there must be an appreciation of the different centres of decision-making in the EU *that are linked to* different representative mechanisms in the UN. Britain implements foreign policy objective through the European Commission (Trade – WTO), the CFSP, (common positions and statements in the General Assembly) and through its national representatives on Board of the IMF or in the Security Council. The model of concentric circles within Europe that constitute European foreign policy, (EC, EU, national and a possible military one in Professor White's model) needs to be reflected into concentric circles of policy application within the UN system too.

The second important factor is the question of legal personality and of change in the UN system. The EC has membership of the WTO and the FAO – the WTO because it was a signatory of the GATT Uruguay Round in Marrakesh that founded it, but in the FAO its membership came through the petition and change of the FAO constitution by the necessary majority of member states. Bretherton and Vogler in their book *The European Union as a global actor* begin from the observation that the EU is a powerful actor in the world in certain areas of global policy, specifically trade and the environment, and that the stature of the EU is built upon its real actions and the perceptions of those with whom it deals. The authors ask whether these two features are sufficient to constitute the status of an *actor* in the international system even without the EU's legal personality. Their answer is that they do, and that the two dimensions are related through a social constructivist framework:

'Constructivists thus posit a dialectical relationship between agency and structure; actions have consequences, both intended and unintended, and structures evolve through the renegotiation and reinterpretation of international rules and practices.'¹⁰

The success with which third parties come to see the EU as an actor is not dependent on its legal personality, but on their perceptions of it. And perception is based on *presence, opportunity and capability*. If the EU is able to change the way it acts in the UN, for example through greater coordination, complementarity and coherence can it enhance its presence? This argument works in bilateral relations, where perceptions are malleable, but it remains to be seen if it can be applied to the more rigid legal structure of the UN. However, that structure is, at the end of the day, changeable, if the other members see fit to do so.

¹⁰ Bretherton and Vogler (1999) p.29

V. Concluding Remarks

The main conclusions that I draw from this presentation are as follows. Firstly, the EU's increased efforts to cooperate in the UN system represent the natural conclusion of a functional logic towards the management of sectorial affairs. In order to become a multilateral actor, the EU needs, and is, adapting to the procedural requirements of the multilateral system. I also suggest that the EU is taking the first steps towards embracing the principle of multilateralism, and that this is a political foreign policy decision. However, as I will mention briefly below, the motivation for this new foreign policy is unclear. Nevertheless, I think areas in which EU participation in the UN 'should-work-but-doesn't' will only 'work' in future if multilateralism as a principle is embraced. The difficulties are more political than technical.

Secondly, a theoretical approach must incorporate agency and structure. EU-as-actor black-boxes not only the EU but also the 'the world' as *the place where the EU acts*. The multilateral system is a complicated structure that mediates between states, and the actions of states are restricted by the procedural norms. Theory has to go into the EU decision-making institutions to understand the various channels of representation, and it needs to go into the UN system to understand how these representative channels are structured. However, these are rules-based systems, and the rules can be changed, although they are not as malleable as bilateral relations are in the social constructivist model.

At this point my conclusions end and my questions begin. The first concerns the question of whether the EU really is choosing the principle of multilateralism. This means commitment to the management of global politics through law and negotiation. On one hand this fits with the structural power thesis of Mario Telo and with the civilian power thesis. Yet critical theory tells us that power and ideas are always linked, and therefore I should ask *whose principle of multilateralism am I talking about?* It is surely no coincidence that these new positions came up after the Iraq war and the sight of America acting unilaterally. If the US is turning its back on the institutions in which it acted as the hegemon for so long, perhaps the EU is seeking to fill the vacuum and recognises its chance to fashion a multilateral system closer to its own heart. In a recent EU document it said:

‘While the EU has moved progressively towards speaking with a common voice in UN debates, its real influence – and its ability to project European values – on the world stages still falls short of its economic and combined political weight, or indeed its contribution to the funding of UN organisations.’¹¹

In a similar issue concerning values and multilateralism, the Commission has proposed linking its UN agenda to bilateral meetings in an effort to lend some economic and political clout to policies that would have much less were they left within the UN system.¹² One such example is EU pressure on states to adopt ILO Core Labour Standards as part of a necessary global social regulation to counteract the much stronger global economic regulation. While the US tried to do this in the WTO Seattle negotiations in what was widely regarded as thinly veiled form of protectionism, the Commission stresses that it is concerned only with positive encouragement (carrots) and repeatedly stresses that it does not see it as a form of protectionism. But the concern remains that the EU’s greater role in the UN is an attempt to universalise ‘European values’ and reinforce those values in their bilateral relations by wrapping (their own) policies in the flag of the UN. If this is the case, this is not an example of the principle of multilateralism, simply a cunning use of the multilateral system to pursue EU interests.

Another interesting point to consider is the connection between regional blocs and the multilateral system. Much of the intellectual underpinning of the United Nations project comes from the historically grounded view that the untrammelled economic liberalism of 19th century created a reactionary protectionist movement in the opposite direction towards regional economic blocs that ultimately lead to the World War I and II. (Polanyi, *The Great Transformation*). A middle way was needed, of regulated openness, of multilateral negotiation and agreement, where minimum levels were set to ensure that bilateral negotiations and agreements did not lead to downwards bidding and excessive competition, nor too readily resorted to punitive sanctions. This view held favour until the 1960s, when the success of the EU showed that a regional bloc could exist alongside the multilateral system, provided that the trade bloc administered its external tariff in accordance to the multilateral regulations.

¹¹ COM(2003) 526 final p3

¹² ‘Very often the agenda of bilateral meetings between the EU and its partners does not reflect the objectives pursued by the Union in multilateral forums – and vice versa. Greater use could be made of the regular meetings that take place between the EU and countries or groups of countries within the framework of the EU’s bilateral agreements, with a view to building bridges between the EU’s position and objectives in the UN and those of its partners [...]. [T]he Union does not sufficiently use the ‘leverage’ which its bilateral relations should provide it with’. COM(2003) 526 final p10

Support and encouragement for regional blocs is part of EU foreign policy and it is attempting to use it now in Africa to create regional trade blocs that will foster eventual openness in the multilateral trading system.

The final point I would like to leave you with is the possibility of change. Enlargement will bring about new pressures to work coherently, but already many statements issued by the EU Presidency on behalf of the EU state that the accession states are aligned with it, although the principal gain for these states upon entering the EU is that they will have their feet under the negotiating table, and consensus (if that is still the guiding principle of CFSP decision-making) will be no easier to reach. After the enlargement the EU will consist of 25 states, or more than 15% of the UN system, but more importantly, for the first time it will straddle two regional blocs within the UN, between eastern and western Europe. Change could also take place in the UN system, which might adapt itself to the EU by extending more privileges to it, beyond its current 'observer' status, which it received in 1974 and since then another 34 organisations have been accredited with the same title. Perhaps recognising its uniqueness then requires re-recognition of its uniqueness now.