



Towards A New Architecture of EU External Relations

MERCURY Second Policy Brief (December 2010)

Executive Summary

This policy brief summarises findings from an ongoing programme of research into multilateralism in the 21st century and the European Union's contribution to it.¹ Its main conclusions on the EU's capacity to act multilaterally are that: 1) a *single* characteristic multilateral approach of the EU does not exist; on the contrary, EU external relations are characterised by varying multilateral strategies, depending not least on the respective institutional context; 2) there are also varying *degrees* of multilateralism across policy fields; 3) the EU's attempts to externalise its internal market-related policies and regulations in multilateral settings represent a power-driven approach, which has been largely neglected in the recent discourse on EU multilateralism and its normative foundations.

While most observers consider the EU and its integration process as a highly successful example of European multilateralism, the assessment of the EU as a multilateral actor at the *international* level is far more ambiguous. The rather fragmented picture of the EU as a multilateral actor can be partly explained by the varying internal institutional incentives and constraints to which the EU is subject when acting multilaterally in the different external policy fields.

An investigation by researchers at the University of Cologne² finds that in the area of trade the structural set-up of the EU has significantly facilitated the internal co-ordination of a common EU position within a multilateral forum such as the World Trade Organisation. Moreover, the central role of the European Commission has led to an extraordinary level of coherence in the external representation of this policy field. In contrast, the multilateral performance of the EU foreign and security policy – analysed with equal regard to internal coordination and external representation – has suffered from the split of competences between the EU member states on the one hand, and the EU institutions on the other. Empirically, when analysing multilateral references in the legal output of both policy fields, it can be observed that EU trade policy is significantly more multilateralised than EU foreign and security policy. In both policy fields, though, as original data generated within MERCURY have shown,³ there is a marked discrepancy between the relatively high level of support

¹ MERCURY is a three year, (approximately) €2 million EU Framework Programme 7-funded investigation into the EU's contribution to multilateralism. It is led by the University of Edinburgh and includes participation from the Universities of Köln, Cambridge, Pretoria, Sciences Po Paris, Charles (Prague) and Fudan (Shanghai) Universities, the Stockholm International Peace Research Institute (SIPRI), and the Institute of International Affairs (Rome). The first MERCURY Policy Brief and all the papers mentioned in this brief are available at: <http://www.mercury-fp7.net>.

² N. Klein, T. Kunstein, and W. Reiners, 2010, *Assessing EU Multilateral Action: Trade and Foreign and Security Policy Within a Legal and Living Framework*, MERCURY E-paper No. 6.

³ For details, see MERCURY's database DATEX on the project website: www.mercury-fp7.net.

for international law (Indicator I: multilateral legal basis) and the lesser degree of multilateralism understood as the pooling of resources at the international level (Indicator II: multilateral implementation). Arguably, “effective multilateralism” – as claimed in the European Security Strategy of 2003 – would have to bring together both dimensions, international law and multilateral implementation.

A closer examination of the role of EU institutions in the multilateral arena shows that the Commission stands out as a distinct actor in its own right. For example, in the field of international trade negotiations, the pivotal role of the Commission has characterised the EU’s presence for a long time. In other external policy fields, however, the (emerging) role of the Commission in multilateral frameworks is less well known. A 2010 MERCURY study⁴ on the EU’s efforts to externalise its goals in the field of migration policy revealed unexpected institutional dynamics. It is argued that in the case of the Mediterranean, multilateral initiatives with partner governments in the framework of the EU’s 2005 Global Approach on migration have been largely unsuccessful. To explain this failure, the study refers to constraints on EU action as a result of the sharing of competences between the Commission and the EU member states and their differing prioritisations of migration aspects. This internal blockage, however, has led to a more active role of the Commission, which aims at implementing objectives of migration policy through international organisations such as the International Organization for Migration and the UN Refugee Agency. Thus, under certain circumstances, supranational EU institutions like the Commission use the multilateral arena strategically in order to circumvent internal constraints.

Yet, a comprehensive study⁵ on multilateral cooperation and initiatives in Northern Europe since the 1990s illustrates that such institutional dynamics are by no means self-evident. As early as 1992, the Commission had become a founding member of the Council of the Baltic Sea States (CBSS) and it has since then consistently sought to pursue multilateralism. The institutional heterogeneity of the Baltic Sea region, as well as the EU’s own complicated structure, have, however, constituted impediments when seeking to pursue a multilateral and well coordinated policy. The countries in the region have been strong driving forces, eager to promote EU multilateralism but also their own interests. Finding a multilateral structure integrating also Russia has been a particular problem. The significant EU treaty changes, since the establishment of the European Union in 1993, including the extension of competences of supranational EU institutions, had no major impact on the particular EU involvement in multilateral cooperation in the North.

Finally, MERCURY has explored the extent to which the EU and its ‘multilateral mission’ are driven by normative considerations or rather by self-interested objectives. A study on the externalisation of market-related policies in multilateral settings⁶ argues that the EU can be characterised as a “Market Power Europe”, which does not refrain from using coercive means to defend or promote its interests. While such a multilateral approach based on power might be called ‘effective’ from the EU perspective, it sits uneasily with the values of partnership and cooperation in external relations as enshrined in the EU treaty. Analytically, the concept of a Market Power Europe puts into question established conceptualisations of Europe as a Normative or Civilian Power. Ultimately, the EU’s approach to multilateralism and capacity to form coalitions may be most effective when its efforts are linked to its market power. By linking its international relations to its market power, the EU may even be able to increase its role in non-market areas, such as climate change and security policy.

⁴ N. Abdelkhalik, 2010, *Externalising migration policy: The European Union’s ‘Global’ Approach*, MERCURY E-paper No. 4.

⁵ G. Herolf, 2010, *Cooperation in the North – Multilateralism or Mess?*, MERCURY E-paper No. 7.

⁶ C. Damro, 2010, *Market Power Europe: EU Externalisation of Market-Related Policies*, MERCURY E-paper No. 5.