The European Union as a Global Actor

Second edition

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Introduction

Our principal aim, in the first edition of this book (published in 1999), was to establish the extent to which the European Union was capable of functioning as an effective actor across the full range of its external activities. Our conclusion was that the importance of the Union in international affairs was greater than we had anticipated, but that its capacity as an actor was limited, in some policy areas more than others, by its distinctive character. That assessment remains valid. We also concluded that, in view of the challenges it then faced, the Union would be unlikely to develop further as an external policy actor.

At the time of submitting this second edition (May 2005), the Union is again at a turning point. Enlarged to a membership of twenty-five, and confronted by numerous further demands for membership, but seemingly unable to agree the reforms necessary to accommodate such numbers, real questions are raised about the Union’s future. Nevertheless, in the period since 1999, a number of important developments combined to strengthen the Union’s capacity as an actor. In consequence, this second edition, while maintaining a focus on actor capability, also addresses questions concerning the nature of the EU as an actor. These include the extent to which the Union has attained a distinctive collective identity that informs the broad direction of its external activities; and, more specifically, the extent to which there has developed a capacity and willingness to provide strategic direction for external policy. A final question must concern the extent to which the enlarged Union can operate effectively in the absence of fundamental reform.

Our initial interest in the EU stemmed from a gradual realization that, in our areas of research (global environmental diplomacy, development policy), the activities of the Union impinged significantly. We were thus encouraged to develop an approach that, when we began researching the first edition in 1996, differed considerably from contemporary studies dealing with the external policies of the EU. Such studies, focusing almost exclusively upon the Union’s halting attempts to develop conventional foreign policy capabilities, and explicitly or implicitly using the state as comparator, inevitably concluded that the EU had yet to develop a significant role in international affairs. Traditional analyses, we believed, were unable fully to capture the external impact of EU activities.

Hence, our second aim was to engage with contemporary debates within the discipline of International Relations (IR). Divergent approaches to the entities that
may be considered actors in international politics have long characterized the discipline. While traditional (Realist) analyses have prioritized states as actors, pluralist approaches have conceptualized a multi-actor setting that includes, inter alia, intergovernmental organizations and non-governmental organizations. None, however, has effectively conceptualized the EU as an international actor.

Our approach has self-consciously avoided entering into debates that seek to categorize the Union. The EU is not an intergovernmental organization as traditionally understood, nor is it a partially formed state. While it is a regional organization, it is a part of the Union, and the range of policy competencies and instruments it possesses is not comparable with other regional organizations such as the North American Free Trade Agreement (NAFTA) meaninglessness. We thus concluded that the Union should be treated as not general, and that our study would focus upon the extent to which the EU has acquired qualities as actors. In particular, we were interested in the processes through which such qualities might be constructed.

We have found an actor-oriented approach to be invaluable, both because the Union is, itself, a project under construction; and because it is our view that this process cannot be fully understood through study of the behaviour of the entity in question. Rather, actors are constructed through the interplay of many factors, both internal to the Union and in the external environment of ideas and events that permit or constrain EU action. Our approach to actors, which we develop in Chapter 1, comprises three elements: opportunity, which signifies the capacity to exploit opportunity; and capability, which signifies the ability to exploit opportunity, and capitalize on presence.

In developing our model of actors, we have attached great importance to the understandings of those closely involved in the Union as an international actor, whether in the formulation and implementation of EU policy or as its interlocutors. To elicit these understandings, an intensive programme of interviews was undertaken between January 1996 and July 1997 (for the first edition); and, for the second edition, intermittently between March 2001 and April 2005. Interviews involved with officials of the European Commission and the Council Secretariat, staff of Member State Permanent Representations to the EU and national officials. To elicit understandings from the Union’s external interlocutors, we interviewed third country diplomats from all regions of the world and representatives of non-governmental organizations. We are, of course, very much aware that the insights gained (with the exception of those from nationally based officials) reflect the view from Brussels, and that this may accord greater prominence to EU activities than might otherwise be the case. Nevertheless, several of the third country diplomats interviewed had been involved in post only a short time. While they knew their way around the complex EU system less well than their more experienced colleagues, their views on key points relating to EU actors were not substantially different.

These exercises proved highly productive, giving insights concerning the manner in which shared understandings are constructed. We refer to our interview material in all the chapters that follow. Of particular interest, for this edition, is the evolution of understandings over time—a matter we return to below. First, however, we provide a brief overview of the evolution of the EU itself as an external policy actor.

Evolution of the EU as an external policy actor

Since its creation in 1958 the European Community, and subsequently the Union, has evolved considerably. It has expanded, through a series of enlargements, from six to twenty-five members. Four additional states (Bulgaria, Croatia, Romania and Turkey) are candidates for membership and others have been offered membership in the future (the Western Balkan countries) or are actively seeking candidate status (Ukraine and other former Soviet Republics). Alongside this continuing expansion of membership, the years since 1958 have also witnessed a considerable increase in the scope of the Union’s policy competences, most recently with the introduction of Economic and Monetary Union and the launch of the euro in 2002. The tensions between these processes of widening and deepening, and the institutional changes required to accommodate them, remain very much a current issue.

The early phases of community building in Europe took place in the aftermath of the Second World War, at a time when Cold War tensions were increasingly evident. Thus European policy elites faced two major challenges—the need to reconstruct their economies and societies; and the need to ensure a stable and secure external environment in which the processes of reconstruction might prosper. In 1950 this latter concern was largely met through the creation of the North Atlantic Treaty Organization (NATO), which effectively linked United States military capabilities to the defence of Western Europe. Nevertheless, the need to secure peaceful relations between the states of Western Europe remained, as did aspirations to create a strong, united (Western) Europe capable of playing an important role in the post-War world.

To this end, two ‘community-building’ proposals were launched in the early 1950s. The European Coal and Steel Community (ECSC), established in 1952, aimed to initiate a process of economic integration, sector by sector, which would gradually reconfigure the political landscape of Europe. Alongside the ECSC proposals, ambitious plans were launched for a European Defence Community (EDC). This essentially federalist proposal envisaged a fully integrated European army under supranational control. The defeat of this proposal, after more than two years of debate, was a major setback for federalist aspirations. It ensured that the traditional subject matter of International Relations—foreign and security policy and defence—were excluded from the formal policy agenda of the European Community. They remained so for decades.

The European Community, established in 1958, was an exclusively civilian body. The Treaty establishing the European Communities (TEC) made no mention of foreign or security policy; nor, indeed, of the environment, an area of external policy where the Union has become an important global player. Responsibility for ‘external economic relations’, however, was entrusted to the Community. This flowed directly from the aspiration to create a common internal market, which necessitated formation of a customs union and levying a Common Commercial Tariff (CCT). In consequence, the EC was accorded responsibility for formulation and implementation of external
trade policy - a responsibility which was to include external representation and negotiation by the Commission (on behalf of the Member States) in matters of international trade.

A further sphere of external activity accorded to the Community by the TEC was the creation of association agreements with third countries, involving reciprocal rights and obligations, common action and special procedures (TEC Article 310). This provision formed the basis for the construction of a vast network of differentiated and multi-faceted agreements between the EC and countries and regional organizations in all parts of the world. More specifically, it provided the foundation for a distinctive 'Community' approach to development cooperation. Chapters 5 and 6 consider in some detail the development and current scope of the Union's complex networks of external relations.

This significant growth of the Community's external economic activities was strengthened by the provisions of the 1987 Single European Act (SEA). The SEA, in providing for completion of the internal market, greatly increased its attractiveness to third parties, bringing demands for privileged market access from all regions of the world. The ability to grant, deny or withdraw such access remains among the most important policy instruments available to the Union. Moreover the magnetic effect of the single market continues to generate demands for membership or closer association, thus providing the Union with its most important source of external influence. Undoubtedly it is the economic strength of the Union that provides the foundation for all its external activities, and Chapter 3 carries a heavy burden in establishing the Union's roles as economic power and trade actor.

The SEA had significance, also, for the growth of the Union's roles as foreign policy actor and in global environmental diplomacy. Both these policy areas had developed outside the TEC provisions but were formally incorporated by the SEA. In relation to environmental diplomacy, the SEA explicitly recognized the importance of this policy area. It also provided for qualified majority voting, thus enabling the Community to participate more effectively in international negotiations on ozone depletion in the late 1980s (see Chapter 4).

In terms of foreign policy, the SEA began a process of institutionalizing a system of foreign policy coordination between Member States, known as European Political Co-operation (EPC), that had begun in 1970. In this 'high politics' area of traditional international relations, however, the EPC process remained outside the Community framework. While habits of cooperation were established among Member State foreign ministers, diplomats and officials, it was not until the end of the Cold War, followed by entry into force of the Treaty on European Union in 1993, that attempts were made to develop a Common Foreign and Security Policy (CFSP) for the newly created European Union, and thus to give overall political direction to external policy. The TEU undoubtedly had importance for the development of the Union's roles as a global actor. It incorporated the aim that the Union should 'establish its identity on the international scene' (Article 2) and provided, for the CFSP a set of general objectives (Article 12) and policy instruments (Articles 13-15). For the first time, too, an institution to support the formulation of foreign policy was established within the EU framework, in the form of Directorate-General E of the Council Secretariat.

In practice, however, these innovations proved largely symbolic. The Pillar structure created by the TEU placed CFSP firmly in the intergovernmental Pillar II, where Member State unanimity is required. It thus formally separated the political direction to be provided by CFSP from the Community's economic instruments in Pillar I. Hence, in its early years of operation, the CFSP was impeded not only by the need for consensus among the Member States, but also by tensions and turf battles between the European Commission and the Council. Neither of these problems has yet been fully resolved, as we shall see in future chapters.

Disappointment with the functioning of the CFSP led to Treaty reform, most notably through the 1999 Treaty of Amsterdam (TOA). The TOA provided for a new position, of High Representative for the CFSP, which was filled by Javier Solana. Charged with oversight of the CFSP, Solana proved an able appointee. He has made an important contribution to the effectiveness and visibility of the Union as a foreign policy actor. Subsequently the 2003 Treaty of Nice strengthened the institutional structure of the CFSP and formalized arrangements that would give effect to the military and policing instruments of the ESDP. The draft Constitutional Treaty, agreed by all Member States in June 2004, would have contributed further to the evolution of these policy areas. As we shall see in Chapter 7, its provisions will form a basis for future reform.

Much of the impetus for this process of strengthening the Union's foreign policy capacity has derived from changes in the external environment since the end of the Cold War. As will be apparent from the chapters that follow, we have attached considerable importance to the external policy context, or opportunity structure, in the construction of EU actionness. The end of the Cold War had great significance for the evolution of the EU as a global actor, most evidently in terms of the new and unprecedented demands emanating from Central and East European countries (CEE), eight of which became Member States in 2004.

The ending of East/West tensions also produced a policy environment that was, in principle, conducive to development of the Union's roles as a civilian actor. In practice, however, the outbreak of violent conflict in (former) Yugoslavia in the early 1990s, and the failure of the Union's exclusively civilian approach, underlined the inadequacies of the nascent CFSP. This initiated a process that would lead, by 1999, to the unprecedented decision to develop a military capability for the Union, through the ESDP. Given its novelty, and the reluctance of Member States to accord a role to the Union in this most sensitive of policy areas, the ESDP has developed surprisingly rapidly - as we shall see in Chapter 8. Subsequently, the September 2001 terrorist attacks on the United States provided impetus to external policy developments in the area of Justice and Home Affairs (border management issues) and the Pillar III area of cooperation on criminal matters, which are discussed in Chapters 2 and 8 respectively.

In the context of this increasingly visible and proactive external activity, the deep divisions between Member States, in 2003, over the invasion of Iraq, inevitably cast a shadow. Nevertheless, during that year, the Union's first ESDP operations were conducted. 2003 also saw publication of the European Security Strategy, a document that aims to provide an overarching framework for the Union's roles as a global actor.
The making of external policy

In Chapter 1, formulation of EU external policy is discussed, which focuses on how the Commission formulates external trade, development and humanitarian policies. In particular, the role of the Commission's external relations directors and the work of the various services and departments involved are highlighted. The chapter also considers the relationship between the Commission and the European Parliament, which is a key player in the formulation of external policy. The chapter concludes with an analysis of the role of the Council of the European Union, which is responsible for the adoption of the EU's external policy decisions.

Table 0.1: Directors-General with responsibility for external relations

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<th>Period</th>
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Common Commercial Policy. Responsible for multilateral trade negotiations at the World Trade Organization (WTO).
Relations with North America, Japan, China, South Korea, Hong Kong, Macao and Taiwan. |
| | Directorate-General IA
Common Foreign and Security Policy. Relations with Central and East European Countries and New Independent States. Relations with Turkey, Cyprus and Malta. Responsible for Commission Delegations to third countries. |
| | Directorate-General IB
Relations with the Southern Mediterranean countries, Middle and Near East and most of developing Asia. |
| | Directorate-General VIII
Relations with African, Caribbean and Pacific countries. European Community Humanitarian Office
Humanitarian assistance. |
| 1999–2004 (The Prodi and Barroso Commissions) | Directorate-General Trade
Common Commercial Policy. Responsible for multilateral trade relations at the WTO. Responsible for bilateral trade negotiations with all third countries. |
| | Directorate-General External Relations
Common Foreign and Security Policy. Relations with all developed countries and Asian and Latin American countries. Responsible for European Neighbourhood Policy. Responsible for Commission Delegations to third countries. |
| | Directorate-General Enlargement
Relations with candidate countries and prospective candidates in the Western Balkans. |
| | Directorate-General Development
Relations with African, Caribbean and Pacific countries. European Community Humanitarian Office
Humanitarian assistance. |
| | EuropeAid Cooperation Office
Implementation of all long-term assistance programmes. |
policy-making, will be revisited throughout the book. A further, related problem that emerged from our interviews is the uncertainty and lowered morale among officials who have been subject to frequent reorganization.

Despite its significance in Pillar I, the potential for the Commission to play a leadership role in external policy is limited by its relative marginalization within Pillar II (CSFP), where the Commission has no special right of initiative and is merely considered to be 'associated' with the policy process. In the past this has caused considerable resentment among Commission officials, and has resulted in delays in implementation of CSFP decisions requiring Pillar I policy instruments. While habits of cooperation have developed over time, tensions still arise in new policy areas, as we shall see in Chapter 7.

The CFSP Pillar is intergovernmental in character — that is policy formulation takes place outside the Community framework, within the Council of Ministers and its various Working Groups, on the basis of unanimity. Originally CFSP matters, alongside many others, were dealt with in the General Affairs Council. With the explicit aim of enhancing external policy formulation, the Council structure was reformed in 2002. Foremost among the reforms was creation of a General Affairs and External Relations Council which meets in two formations. Thus the External Relations Council considers trade and development policy alongside CFSP and ESDP. This change explicitly recognized the interconnections between the political and economic dimensions of external policy.

Institutional support for CFSP within the Council framework was initially modest, and much depended upon the capacity and commitment of each successive six-monthly Presidency. However, amendments to the TEU since its entry into force in 1993 have considerably strengthened the Pillar II policy process. Within the Council Secretariat the most important innovations are the appointment of the High Representative and the creation of a Policy Planning and Early Warning Unit (in 1999) and, subsequently, the development of military committees and structures. Of great importance, too, has been establishment of the Political and Security Committee (comprising senior Member State diplomats based in Brussels) as the operational hub of CFSP and ESDP.

Questions for the second edition

Several of the changes outlined above have, of course, occurred since publication of our first edition. They raise issues that impinge directly upon the new questions addressed by this present edition. Thus, in Chapters 2 and 8 we consider whether access to military instruments undermines the civilian identity that has been constructed for the Union. A related question concerns the potential for the European Security Strategy to provide strategic direction for the Union. And to what extent would prioritization of security issues jeopardize the Union's established commitment to development and humanitarian assistance and to protection of the natural environment?

These questions are addressed throughout the book. Here, since we place great emphasis upon shared understandings in the construction of EU actors, we briefly review the changing perceptions and expectations of those interviewed for the first and second editions, placing particular emphasis upon evolving understandings among third party representatives.

In our early interviews (1996–7) a number of persistent themes emerged. Third party interviewees referred, without exception, to the considerable challenges involved in interacting with the EU, which is 'quite unlike dealing with an individual state government'. The complexity of the EU, and the related difficulty of ascertaining the cause of policy blockages, was one theme; a second the extremely hard bargaining positions adopted by Commission negotiators. Moreover, distinctions were frequently drawn between the effectiveness of the Commission and the uncertainty and inconsistency attending dealings with the Presidency. There is no doubt that the Commission's relative permanence and more ready access to economic policy instruments was seen as providing considerable advantages over the rotating Presidency.

While a number of interviewees commented upon the lack of overall political direction and impetus to external policy, the absence of military capability was not identified as an issue by any of the third party representatives interviewed — all of whom nevertheless considered the EU to be a significant actor. Frequent reference was made, however, to the Union's failure to derive political benefits, in terms of recognition and influence, commensurate with its economic investment. The EU's role in the Middle East was most commonly identified in this respect, although there were other areas, including humanitarian aid, where the Union's contribution was considered to have been largely unacknowledged. The overall thrust of these comments indicates that the EU was perceived, by those knowledgeable third party representatives, to be more significant as an actor than is generally apparent, despite the failure fully to realize the political potential of its economic presence.

In our interviews for this second edition the themes above remained very much to the fore. 'The complexity is daunting and the institutional balance is always shifting' typifies comments from third country diplomats. Such comments reflect both continuity and change. New factors include the greater complexity of the trade agenda as a consequence of the introduction of new trade issues (see Chapter 3) and a perception that the European Parliament had become more important to external relations. In consequence many third country diplomats considered that it had become necessary to develop contacts with Members of the European Parliament in addition to Commission, Council and Member State officials.

When asked about the principal changes that had occurred since 1999 a typical comment was: 'There has been intensification and diversification of relations'. The reference, here, was to a perceived increase in political significance of the Union. This was evident even among third country diplomats whose principal preoccupation was with issues of market access. For example, a view from the Antipodes was that 'serious discussions' take place on 'regional issues, climate change, development assistance, Iraq, the Asia-Pacific'. Viewed more closely, from its Eastern border, the Union was 'a very important player, an exporter of stability'. And, from the same region, 'the Union is a growing force in international relations ... we look at it very closely to safeguard ourselves from negative consequences'.

review the changing perceptions and expectations of those interviewed for the first and second editions, placing particular emphasis upon evolving understandings among third party representatives.
Perceptions of the increased political role of the Union were complemented by views on the role of Javier Solana, the High Representative for the CFSP. Solana was considered by several third country diplomats to have increased the effectiveness and visibility of the Union's foreign policy. However, the 'Solana effect' was striking in comments from officials of the Council Secretariat and the Member State Permanent Representations. Without exception they referred to Solana's appointment when asked about the principal changes in the Union's role as a political actor since 1999. Here, commentary from Commission officials reflected their sense of marginalization from key processes and events. 'Solana is always ahead of [External Relations Commissioner] Pattem when there is a photo-opportunity', it was claimed.

Despite this general sense of the Union as a more effective political actor in recent years, numerous impediments to actors' roles remain — as we shall see in the chapters that follow.

Organization of the book

In attempting to provide an assessment of the capacity and character of the European Union as a global actor we have been concerned to explore the continuities and discontinuities between actors in different issue areas. In consequence our chapters are organized 'horizontally' according to policy area — an approach that departs from the more traditional focus upon the Union’s bilateral relations with third countries or regions.

The first two chapters address our principal research questions. Chapter 1 focuses upon the construction of actors. It proceeds from a survey of approaches to actors in International Law and the International Relations literature to an examination of the social construction of the Union’s various external roles. Here, the focus is upon the interaction of opportunity (the external context of ideas, events and expectations), presence (representing the structural power of the Union) and internal capability. Chapter 2 considers competing collective identities offered to the Union and their implications for its role(s) in international affairs. Is the Union an inclusive or exclusive actor; can it be seen as having a dominant identity that is value-based, as a civilian or normative power, which distinguishes it from other global actors, notably the USA?

Chapters 3, 4 and 5 discuss the relatively well-established 'Community' policy areas of trade, environment, and development and humanitarian assistance. In discussing the Union as an economic power, Chapter 3 charts the development of the Union as global trade actor and leading member of the World Trade Organization, rivalled only by the USA. It discusses the regulatory effects of the Single Market upon outsiders and considers the Union’s policies on agriculture, services and monetary affairs. The economic presence and actor capabilities of the Union provide the framework and instruments through which it continues to conduct most of its external relations, detailed in subsequent chapters. Chapter 4 considers the way in which the environmental implications of the European market led the Union to become the most significant actor in the new politics of the global environment. There are a number of difficulties with this policy area because the conduct of external environmental policy is shared between the Community and the Member States. However, this has not prevented the Union’s engagement with a broad spectrum of international environmental regimes, including that for climate change. Chapter 5 begins with a consideration of the Union’s long-established and distinctive model of development cooperation with African, Caribbean and Pacific countries. It then discusses the more traditional pattern of relations with Asia and Latin America before considering the role and activities of the European Community Humanitarian Office.

Chapter 6 considers the Union as a regional actor. Relations with candidates and neighbours are a key policy priority and it is here that (in relation to the Western Balkans) the full range of the Union’s policy instruments has been employed. The offer of a membership perspective to several countries of the region may prove to be the source of considerable EU influence. However, non-candidate neighbours to the East and South are included in a new initiative, the European Neighbourhood Policy, which may prove less effective as a policy tool. Ultimately, the repudiation of the Union as an external actor depends upon the success of its regional policies.

Chapters 7 and 8 consider the relatively less developed (and essentially intergovernmental) Pillar II areas of foreign and security policy. Chapter 7 considers the evolution of a foreign policy capability for the Union from its modest beginnings in the 1970s. It discusses the contemporary CFSP structures and the policy instruments at the Union’s disposal. Finally, there is an assessment of the potential for the European Security Strategy to provide an overarching framework that would guide EU external activity as a whole. Chapter 8 can be regarded as a continuation of the previous chapter because its subject, the European Security and Defence Policy, provides a new and controversial set of military and police capabilities for the CFSP. The relationship between the Union and military force is discussed, from the Cold War through the Balkan problems of the 1990s to the formation of the ESDP. Its structures and instruments are described and its emergent and limited roles considered. Finally we consider whether these new actor capabilities have compromised the essentially civilian external identity of the Union.
Conceptualizing actors and actorness

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It is because foreign policy is widely associated with nation states that the EU is overlooked as an international political actor by many who study international relations.

(Ginsberg 2001: 12)

It is true that, in the International Relations (IR) literature, there has been both a neglect and an underestimation of the EU's role in world politics. This reflects two factors. First, the considerable influence of traditional state-centric approaches to IR, which has served to direct research and shape the perceptions of researchers. Second, a related tendency to focus attention upon a limited range of external activities considered to comprise the 'high politics' of traditional foreign policy—encompassing, primarily, the activities of foreign ministries, diplomats and militaries. A state-centric worldview, combined with a focus upon those policy areas where the EU might be considered least effective, would inevitably lead to the conclusion that the EU is not (or not yet) an actor. And, over the years, many commentators have so concluded (Bull 1983; Hill 1993; Zielonka 1998).

Recently, however, a number of authors have explicitly rejected the state-centric approach and narrow focus of traditional IR, with its concentration on the formal institutions and policy outcomes of the CFSP process. Hazel Smith, for example, highlights the 'triggering effect' of state-centric approaches, which succeed in excluding all that is significant and distinctive in the EU's external activity (Smith 2002: 9).

Similarly, Karen Smith focuses upon 'what the EU actually does in international relations'—which she identifies as promotion of regional cooperation, human rights, and democracy/good governance, conflict prevention and the fight against international crime (Smith 2003: 2 and passim). Ray Ginsberg, too, in his evaluation of 'the extent of the EU's international political influence', departs significantly from traditional IR approaches (Ginsberg 2004: 15). The empirical findings of Ginsberg's extensive research accord with our own initial hypothesis concerning the cumulative impact of the EU. Ginsberg found the EU's external political influence to be substantial, leading him to the conclusion that conventional depictions of the EU, by IR scholars, as 'economic giant - political pygmy' are invalid (Ginsberg 2001: 277-9).

These important studies provide a relatively comprehensive overview of the scope and impact of EU external activity. Nevertheless, significant omissions remain. In particular they retain an approach to external policy which is 'primarily political and security-related (as opposed, for example, to international environmental protection or the promotion of sustainable development)' (Smith 2003: 13). Given the extensive discussion of notions of environmental security in recent years, this exclusion of environmental issue areas from the domain of politics/security is still relevant of the traditional foreign policy agenda.

Moreover, as we shall see in Chapter 4, it is in the field of environmental diplomacy that particularly strong claims are made for the importance and effectiveness of EU action. Hence, our concern to assess the cumulative impact of the EU's external activities, demands that we examine all of the policy areas in which the Union is involved.

Our central concern, however, is not to analyse the scope and influence of EU external activity, important and demanding as these tasks are, but to consider the extent to which the Union has become an actor in global politics. Since the EU is a unique, non-traditional and relatively new contender for this status, conceptualizing its international roles, or 'actorness', presents many challenges. We develop an approach to actors and actorness that enables us to treat the EU as unique, in terms of its character and its identity, and also as part of an evolving multi-actor global system. In particular, given the relative novelty and rapid development of the EU's external activity, we are concerned with processes of change. Key questions thus become — which internal and external factors have permitted, promoted or constrained the development of the EU's roles in global politics; how and to what extent is the EU perceived as an actor by its various 'audiences'?

In attempting to answer these questions we have found particularly useful a social constructivist approach that conceptualizes global politics in terms of the processes of social interaction in which actors engage. These formal and informal processes shape the evolution of actors' identities and provide contexts within which action is constrained or enabled. Before elaborating upon this approach, however, we locate our arguments within the wider, historical debates in International Relations — which have in turn contributed to the construction of understandings about the roles and identity of the EU.

Our discussion begins with a brief examination of the relatively formal approach to actorness in International Law. Subsequently, treatments of actorness in the IR literature are reviewed, and an assessment made of behavioural (agency focused) and structural approaches to analysis. We then consider the contribution of social constructivist explanations focusing upon the co-constitution of structure and agency in a process of structuration (Giddens 1984). Finally, drawing upon constructivist approaches, we outline our approach to analysis of EU actorness based upon the interrelated concepts of opportunity, presence and capability.

Actorness in International Law

A formal answer to the question 'how do we recognize an actor?' is provided by Public International Law. This, by definition, focuses upon the inter-state system, and has developed its own formal concept of actorness in terms of the notion of legal personality. As Coplin (1965: 146) argued, International Law has too often been
treated exclusively as a system of restraints upon state activity, rather than as 'a quasi-authoritative system of communicating the assumptions of the state system to policymakers'. Foremost amongst these assumptions, since the Treaty of Westphalia in 1648 formally inaugurated the modern state system, has been the notion of the sovereign territorial state as the subject of International Law, and associated recognition doctrines. Only states could make treaties, join international organizations and be held to account by other states. Legal actorness confers a right to participate, but also to be held responsible by other actors, and to incur obligations.

Whereas for several hundred years there may have been a reasonable correspondence between the legal framework and the political realities of international life, by the mid-twentieth century the 'Westphalian assumptions' were under challenge. The first formal recognition of this came with the 1948 International Court of Justice (ICJ) decision on the legal status of the United Nations, in the context of the organization's right to present a claim for damages in respect of the assassination of its mediator in Palestine, Count Folke Bernadotte. The Court established that the UN had international legal status, but that this was not equivalent to that of a state:

By applying the well-known principle of the 'specificity' of corporate persons, the UN and by extension all international organizations are recognized as having the necessary and sufficient capacity to exercise the functions which have been devolved to them by their charters. If IGOs (Intergovernmental Organizations) are in fact governed by international law, distinct from the members which constitute them, they do not enjoy the whole range of competencies which are accorded by law to states.

(Merle 1987: 233–4)

On this basis the European Community achieved legal personality, although its formal status has been that of an intergovernmental organization and it is entitled to act only in areas of legally established competence.

Creation of the European Union, upon entry into force of the Treaty of the European Union (TEU) in November 1993, introduced complications for the accordance of actorness in formal, legal terms. The TEU established the Union as an overarching framework comprising three 'Pillars', a political compromise which facilitated partial integration of foreign and security policy (Pillar II) and aspects of internal state security (Pillar III), alongside the existing European Community (Pillar I). As a consequence of the political sensitivity of the Pillar II and III policy areas, the TEU did not accord legal personality to the Union. Hence the Union, unlike the Community, cannot conclude international agreements. Not surprisingly this has proved a source of confusion to third parties. However, the Constitutional Treaty, agreed by Member States in June 2004, accorded legal personality to the Union (Article 1–7).

This dynamic process of attaining legally sanctioned actorness might be described in terms of the interaction of institutional/legal structures and political agency, in a process of 'structuration', where International Law both reflects and shapes the evolution of practice. Certainly there has been an ongoing dialectic between the assertion of rights by bodies such as the EU and the understandings that inform the

responses of other members of the international community. This process is evident, too, from the manner in which the EC came to be accepted as the successor to the Member States as a party to certain international agreements. Under the General Agreement on Tariffs and Trade (GATT) it was informally accepted as a player representing the contracting parties. It only became a party in its own right, alongside the Member States, with the creation of the World Trade Organization in 1994 (Macleod et al. 1996: 235–6). In other areas where a common policy applies, such as international fisheries agreements, the EC is a direct successor to the Member States.

A similar dynamic can also be seen to operate in reverse, in that there is a tension between external demands that the EU should play an active role in the international system and reluctance on the part of Member State governments to accord competence to the EC in areas considered sensitive domestically. Competence is the EC term for 'powers', and can be defined as:

... the authority to undertake negotiations, conclude binding agreements, and adopt implementation measures. Where competence is exclusive it belongs solely to the Community to the exclusion of the Member States. Where it is concurrent either the Community or the Member States may act but not simultaneously.

(MacCormick and Hesmondhalgh 1996: 182)

Disputes relating to the extent of competence have been evident, to a greater or lesser degree, in all the policy areas we discuss.

The importance of evolving practices in the complex and dynamic processes surrounding attribution of formal legal status reminds us that, while it is necessary to have an understanding of actorness as ascribed by International Law, it is hardly sufficient. Moreover, there is no necessary correspondence between the achievement of legal personality and actorness in behavioural terms. Weak states may have full legal status but are insignificant as actors, while bodies such as the European Union can fulfil important functions without possessing legal personality. Nonetheless, the law continues to have significance in so far as it provides an institutional context which contributes to shared understandings concerning who may act and the appropriateness (or otherwise) of actors' behaviour.

Actors and actorness in International Relations

In conventional International Relations the answer to the question 'how do we recognize an actor?' is essentially the same as that given by the lawyers: statehood. The question of actorness has always been a fundamental one for students of IR, even if the concept itself has not been subject to the kind of scrutiny that its significance would seem to merit. It is fundamental because the term actor is used as a synonym for the units that constitute political systems on the largest scale. Actors, here, are akin to the players in a theatre - the dramatis personae. The attribution of actorness in this sense will determine what is studied.

The classical, or Realist, approach is state-centric, leading to a focus on the international (really inter-state) political system. Other actors, such as intergovernmental
organizations and transnational business corporations, may be admitted but their functions are seen as essentially subordinate to those of states. While, in some respects, this approach resembles that of International Law, it departs from it in significant ways. Thus Realism provides an essentially political analysis in which power differentials between states are a central focus. Ultimately, the actors of interest to Realists are powerful states.

From the 1970s pluralist approaches challenged the simplicities of Realism. By identifying a range of significant units, in which non-state actors were not necessarily always subordinated to states, they portrayed an alternative 'mixed actor' (Young 1972) or even a 'world' or 'global' political system (McGrew and Lewis 1982; Brethenon and Ponton 1990). The relative inclusiveness of such approaches reflects the condition of world politics at a time when Realist state-centric analyses, with their focus upon 'superpower' relations, appeared inadequate to conceptualize a world greatly complicated by the emergence of what Keohane and Nye (1977) describe as complex interdependence.

During the post-Vietnam period, when United States economic and even military predominance appeared to be in question, policy-makers within the European Community began actively seeking to enhance the external policy capabilities of the EC, in particular through a system of foreign policy coordination, known as European Political Cooperation (EPC), initiated in 1970. The abrupt ending of the Cold War, which posed a major challenge to IR scholars and, indeed, to practitioners, exposed the inadequacies of the EPC system. The re-emergence of armed conflict in Europe in the early 1990s, and fears of widespread political instability in Eastern Europe, suggested a significant role for the EU as a regional security actor. For scholars in the fields of IR and Foreign Policy analysis, this aspect of the Union's external activity has subsequently been the primary focus of investigation. In principle, at least, the EU's emerging external role could be accommodated in a mixed actor system.

In practice, however, attempts in the IR literature to categorize the actors in world politics have not been notably successful in accommodating the EU. It has been categorized as an intergovernmental organization (Keohane and Nye 1973: 386; Roseau 1990) in ways that failed to capture the Union's multi-dimensional character. In other similar exercises the EU has been disaggregated, in effect, appearing as several actors. Alternatively actors may explicitly be attributed to the European Commission, an approach utilized by Hedding and Smith in discussing 'the new variety of international actors' (1990: 75). This approach captures an element of the present reality and is in line with legal competence, where the Commission acts on behalf of the European Community. However, it prevents us from assessing the overall impact of the EU – which is our central purpose. A solution may lie in abandoning formal organizational and legal criteria in favour of a behavioural approach.

**Behavioural criteria of actors**

The attribution of actors does more than simply designate the units of a system. It implies an entity that exhibits a degree of autonomy from its external environment, and indeed from its internal constituents, and which is capable of volition or purpose.

Hence a minimal behavioural definition of an actor would be an entity that is capable of formulating purposes and making decisions, and thus engaging in some form of purposive action.

In IR approaches to actors, the concept of autonomy has been accorded central importance (Cosgrove and Twitchett 1970: 12; Hopkins and Mansbush 1973: 56; Merle 1987: 296). This requirement tends to highlight the internal procedures of the Union and it has been possible to arrive at different conclusions concerning autonomy dependent upon the voting arrangements in the Council of Ministers and the competences exercised by the Commission.

Alongside autonomy, the ability to perform meaningful and continuing functions having an impact on inter-state relations and the importance accorded to the would be international actor by its members and by third parties have also been stressed as behavioural criteria (Cosgrove and Twitchett 1970: 12). Achievement of actors requires that these criteria be met 'in some degree for most of the time', a formula which allowed Cosgrove and Twitchett (1970: 49) to conclude, even in the late 1960s, that the EC was a 'viable international actor'.

We return, later, to behavioural criteria of actors in relation to the contemporary EU. In particular, we address the issue of actor capability, which both contributes to and overlaps with autonomy. Defined by Gunnar Sjöstedt (1977: 16) as 'capacity to behave actively and deliberately in relation to other actors in the international system', actor capability is regarded by Sjöstedt as a function of internal resources. As already indicated, however, we consider an exclusive focus on internal factors – and, indeed, on behavioural criteria generally – to be inadequate in assessing actors. In consequence, before examining the internal factors which contribute to (or inhibit) EU actors, we question the extent to which its external activities are the product of purposive action, or agency; or are shaped or constrained by structural factors.

**Structural approaches to actors**

Explanations of social phenomena which rely upon action or agency make up one side of the agency/structure debate that has long been evident in most of the social sciences. During the 1960s there was considerable discussion in the IR literature of the 'level of analysis problem' – whether attention should be confined to a 'state as actor' focus or to the structure of the system. While the 1970s saw the scope of International Relations broaden to admit 'how' international actors, the predominant approaches to analysis continued to privilege the state; moreover they remained primarily focused on behaviour. However, the end of the decade was to be marked by a new structural direction in the Realist tradition in the form of Waltz's neo-Realism.

The assumptions of structural Realism, as developed by Waltz (1979), are primarily political. Waltz's focus is the international political system, the organizing principle of which (anarchy) determines the behaviour of the units (states). In consequence, the sources of behaviour are to be found not in the differing characteristics, or volition, of state actors but in their fundamental need, in an anarchical system, 'to compete with and adjust to one another if they are to survive and flourish' (Waltz 1979: 72). In these circumstances relative power capability is the only significant factor
differentiating between states. Hence the interests of states, and ultimately their behaviour, are externally given and, in principle, predictable; they derive from the distribution of power in the international system.

From this perspective, the emergence of the European Community was permitted because the Cold War bipolar structure served both to diminish the importance of the West European 'powers' and mitigate the conditions of anarchy in which they operated. While other obstacles remained, an important impediment to cooperation was removed — that is 'the fear that the greater advantage of one would be translated into military force to be used against the others' (Waltz 1979: 70). Such an analysis might provide useful insights into the creation of the EC, but seems of little relevance to the post-Cold War situation where a plausible prediction following the ending of bipolarity, would have been dissolution of the EU and sensationalization of security by its Member States, in some 'back to the future' scenario (Meutheims 1990).

Undoubtedly the ending of the Cold War bipolar system has had a significant impact upon the EU. In particular the emergence of conflict and instability in Eastern Europe in the early 1990s posed major challenges. However, these were not met by individual Member State responses, but by a range of EC-led financial assistance and diplomatic initiatives which led, eventually, to the incorporation of eight former Eastern bloc countries into the Union in May 2004, with the prospect of further Eastern enlargements in the future. Moreover, the potential for instability in the EU did not induce Member State governments to increase national defence expenditure, rather it was met by proposals for the development of an EU military capability. Nevertheless, there have been and remain significant divisions between Member States on the issue of military security. These divisions, however, are not easily explained from the perspective of structural Realism. While it might be predicted that an EU military capability would be supported only by the smaller, less powerful Member States, in practice the situation is very much more complex. Divisions on this issue, for example between the UK and France (or indeed between Ireland and Belgium), do not reflect power differentials, rather they reflect a complex mixture of national traditions and attitudes. A final concern over the relevance of structural Realism arises from its starkly one-dimensional character; it takes no account of those economic structures most significant for a political entity founded upon a Customs Union and a Common Market.

A primary focus of Marxist and neo-Marxist accounts of the global system is the structure of a capitalist economy which has become increasingly integrated in its operation, and extensive in its scope. From this perspective the state remains a significant, although not fully autonomous, role: subordinate to the needs and interests of capital. As with neo-Realism, international politics is portrayed as a struggle for power; but here power is conceived in terms of economic advantage or dominance. There are considerable divergences between theorists adopting a broadly neo-Marxist perspective, and here we briefly examine the implications, for EU economics, of two such approaches — the 'world-systems theory' of Immanuel Wallerstein and the neo-Gramscian approach of Robert Cox.

Wallerstein (1984) discerned the roots of a 'capitalist world-economy' in the sixteenth and seventeenth centuries and considers the capitalist economy to have become global in scope by the end of the nineteenth century. His concern is to explain the broad historical evolution or 'cyclical rhythm' of the world-system (1991: 8). This perspective encourages us to see significant events, such as the end of the Cold War, in the context of phases of expansion and stagnation in the world-economy. Here a contemporary role for the EU emerges in maximizing the potential of Western European states in challenging US hegemony. Attempts by the Union to compete with the US and Japan in high technology, through the Single Market programme and subsequently the Lisbon Strategy, may be portrayed in Wallerstein's terms (1991: 55) as a struggle 'to gain monopolistic edges that will guarantee the direction of flows of surplus ... clearly it must be of concern to Europe that she will come a poor second in the race.'

While also focusing upon economic structures at the highest level, Robert Cox (1980) sees the emergence of a global capitalist economy as a contemporary and still incomplete phenomenon. In consequence his attention focuses more directly upon the specifics of contemporary change in Europe, rather than upon its location in the pantheon of world historical events. In this sense the perspectives of Cox and Wallerstein are complementary. In Wallerstein's analysis, however, the determining role attributed to economic structures is almost complete: little space is left for creative political action and, as in the case of neo-Realism, differences between states are unimportant. For Cox differences in domestic political arrangements, or forms of state, are highly significant (Cox 1986). A central concern is that state autonomy, and the related ability to maintain alternatives to the neoliberal state form, has been eroded through a process of 'internationalization'. Thus, increasingly, 'states must become the instruments for adjusting national economic activities to the exigencies of the global economy' (Cox 1993: 260). In consequence, in the context of Europe, he is concerned with the ability of the social democratic state to withstand the pressures of economic globalization.

Cox's analysis has considerable relevance for our discussion. The emergence of 'macro-regional economic spheres' has been in part a response to economic globalization. It has been associated, in turn, with the emergence of complex, multi-layered systems of governance which challenge Westphalian assumptions of sovereignty and territoriality and which might be considered as a new form of state, or 'international state' (Cox 1986, 1993). Of particular significance, here, is the increasing disjuncture between political/military power, which remains territorially based (the latter most particularly in the USA), and economic power, which is both more widely dispersed and less amenable to regulation at the level of the state. For the EU the consequences of this disjuncture are particularly acute: their impact is twofold.

First, economic globalization has generated considerable pressure for the transfer of economic management functions to the EU level. Here, tensions between neoliberal and social democratic forms of governance can be resolved in circumstances largely divorced from public scrutiny. This separation of economic oversight from democratic political systems has been a crucial factor in disrupting a strong European tradition of political control over economic processes; in consequence it is likely to be maintained (Cox 1993: 284). The implication for our discussion of action is that there is no impetus, emanating from structural factors, towards the provision of overall political
direction for EU external activities. On the contrary, the interests of global economic liberalism are best served by a continued separation of 'political' foreign policy and external economic relations. Clearly the increased formalization of this separation inherent in the EU's Pillar structure accords with this analysis. Nevertheless it fails to capture the suble processes by which this has been partially overcome, for example in the evolution of practice in relations to political use of economic instruments.6

Second, the increasing separation between the economic and political/military dimensions has resulted in an implicit division of global management tasks between the USA and the EU. Thus major policy decisions at the global level on non-military matters such as trade or environment require, at minimum, US acquiescence; where military enforcement is at issue the US plays a leading role. The EU, for its part, is increasingly expected to pay a large proportion of the cost, while gaining little political advantage. This has been evident in the Middle East, former Yugoslavia and in the broader area of humanitarian assistance. It is not well known, for example, that the European Community Humanitarian Office (ECHO) has become the world's largest single donor of humanitarian aid.

In this analysis, the EU's role as a 'civilian power' paymaster is assigned rather than chosen. We shall argue below, however, that structural determinants cannot alone account for EU actions, rather they reflect the complex interplay of a number of factors which combine to shape EU collective identity. Here, EU reluctance to play a 'paymaster' role in relation to the reconstruction following the 2003 invasion is instructive. It is indicative not only of agency, but of the importance of normative commitment to preservation of peace and respect for the rule of law embedded in EU treaties (TEU, Article J.1). These norms, which were violated by the invasion and occupation of Iraq, are important contributory factors in the construction of the Union's collective identity.

Ultimately structural explanations alone prove inadequate for a conceptualization of EU actors. Nevertheless, through their focus on the EU's position within global political and economic structures, such analyses contribute in important ways to our understanding. Their emphasis on the constraints which structural factors impose upon the identities, roles and policy options available to the EU provides a necessary antidote to behavioural approaches which conceive of actors as primarily a function of political will and the availability of resources. Nevertheless, structural explanations provide insufficient scope for differentiation between the units in a system, and hence the singularity of the EU. Moreover, they provide only one side of a complex story. Bipolarity doubtless permitted, and economic globalization encouraged, the development of cooperation in Europe. However, the European Union as a political form is unique; its creation reflects a combination of external demands and opportunities, and political will and imagination on the part of its founders. The subsequent development of the EU also reflects, we believe, a complex yet dynamic relationship between structure and agency. In short, there is a need for an approach which emphasizes neither structure, nor agency, but the relationship between them. Here social constructivism can help us.

The social construction of actorhood

Constructivist accounts that seek to reconcile structural and behavioural approaches to explanation are largely derived from sociological theory. They arise from, and attempt to resolve, what Alvin Gouldner (1971: 54) has termed the 'unique contradiction distinctive of sociology': that human beings inhabit a social world, which they have themselves created but to which they are also subject. In addressing this contradiction, constructivists seek explicitly to redress the determinism of structural analyses. Thus, for constructivists, structures are seen as providing opportunities as well as constraints - they are potentially enabling; at the same time actors have agency - that is they are rule makers as well as rule takers.

In constructivist analyses, structures are not defined in material terms (as neo-Marxists and neo-Realists would maintain); rather they are intersubjective. Thus, in relation to the international system:

Inter-subjective systemic structures consist of shared understandings, expectations and social knowledge embedded in international institutions. Intersubjective structures give meaning to material ones, and it is in terms of meanings that actors act.

(Wendt 1994: 389)

In this analysis, structures alone do not determine outcomes, rather they provide 'action settings' or distinct patterns of opportunity and constraint within which agency is displayed. Actors are, to varying extents, knowledgeable about the settings within which they are located and are potentially able to change them (Hay 1995: 200). Hence space is provided for differentiation between actors, in that construction of distinctive identities, and the effectiveness of agency, reflect a number of factors at both the actor and the structural levels.

At the actor level differentiation could reflect availability of resources, although decisions concerning when and how to deploy resources will be shaped by the complex interplay of a range of factors, some of them structural, as we saw in the Iraqi case above. Here, resources include not only economic and military instruments of great importance, also, are access to knowledge and political will/skill. Indeed the creation of the European Community itself, and its 're-launch' via the 1987 Single European Act, provide clear evidence of the importance of political energy and creativity in responding to opportunities afforded by international structures.

At the structural level, differentiation reflects the extent to which actors are strategically well placed - in that structures are selective, that is they are more open to some types of strategy (and by implication actor) than others. Hence, in the sphere of external economic activity, EU market opening strategies and imposition of a range of conditionalities (see Chapter 3) accord well with dominant understandings about the efficacy of neoliberal economics. Here the EU is not seen to be 'swimming against the tide' (Bretherton 2001). Conversely, the understandings embedded in the international legal system privilege state actors, as we have seen, and there has frequently been reluctance in international fora to accord recognition to a hybrid entity (more
Conceptualizing actors and actorness

than an intergovernmental organization, less than a state). Despite this, the statements and everyday practices of third party representatives we interviewed showed, repeatedly, that the EU is already considered to be an important global actor – a further demonstration of the dynamic processes through which intersubjective understandings evolve. Thus, in considering the evolving practices that constitute EU external policy, our research has placed particular emphasis upon the perceptions and actions of third parties. These, we believe, contribute significantly to the shared understandings that frame the policy environment, shaping practices of Member State governments, EU officials and third parties alike.

Constructivists, then, posit a dialectical relationship between agency and structure, and it is to this process of construction and reconstruction that we refer in employing the concept of structuration. Actions, which include discursive practices, have consequences, both intended and unintended, and structures evolve through the renegotiation and reinterpretation of international rules and practices. However, constructivists see structure and agency as essentially intertwined, indeed mutually constitutive, and hence only "theoretically separable" (Hay 1995: 200, original emphasis). It is precisely the interconnection between structure and agency which is of interest in a study of the evolving identity, roles and actorness of the EU.

As we have observed, the EU is unique, both in conception and evolution. Its creation reflected the dynamic interaction between innovative political actors and the opportunities and constraints afforded by changing international and domestic structures. The subsequent evolution of its external roles reflects a similar dynamic – with the added dimension that the Union's emergence as an international actor itself contributed to the evolution of the meanings and practices which constitute intersubjective international structures. The EU's contribution in this respect, however, has been a function not only of intentional decisions or purposive actions but also of its existence, or presence, as a new form of international actor which has defied categorization.11

Inevitably, the development of the EU has engendered considerable academic debate about the evolving meanings of international practices and principles – a debate which, of course, also contributes to this evolution. It has, for example, become commonplace for academics, and for politicians, to conceive of sovereignty as divisible. For Keohane and Hoffman (1991: 13) the EU is "essentially organized as a network that involves the pooling or sharing of sovereignty." This network analogy, which is commonly applied to the EU, also has the effect of challenging territoriality. Indeed the availability of multiple, shifting meanings of 'Europe' encourages one actor to conclude that 'Europe really isn't there' (Walker 2000: 29).

For our purpose, we have found useful John Ruggie's notion of the EU as a 'multiperspectival polity', which captures something of the complexity of the EU's external personality (Ruggie 1993: 172). As we shall see in the chapters which follow, the EU is a multifaceted actor; indeed it can appear to be several different actors, sometimes simultaneously. It has, moreover, a confusing propensity to change its character, or the persona it presents to third parties – as we shall see from the discussion of environmental negotiations in Chapter 4. Thus, in some circumstances the EU resembles an international organization (indeed, as already indicated, it is regarded by International Lawyers as an international organization sui generis). In other circumstances it has state-like qualities that cannot be divorced from territoriality, in the sense that stringent rules operate in relation to the flow of goods, and of people, into its space. Moreover, as representatives of states applying for EU membership would confirm, the EU as a 'network' can be remarkably impenetrable. Undoubtedly the eligibility criteria constructed by the EU both contribute to and reflect aspects of its emerging collective identity.

The complexity of the EC/EU as a 'multiperspectival polity' is, of course, experienced on a daily basis by third party representatives. From our interviews it was evident that they encounter (or employ) a range of practices that reflect understandings about the complexity of the EC/EU as an actor. Thus, for example, Commission negotiators, in dealing with third parties, exploit the dense and uncertain characteristics of EC decision processes as a bargaining asset. While our interview material suggests that this ploy contributes to the reputation of Commission officials as formidable negotiators, there is also evidence of reciprocity, in this respect, on the part of the Commission's interlocutors. Thus, in the course of negotiations:

... some third parties, while having a very clear idea of the state of affairs at any given time, nevertheless profess 'faisons faîtes' bewilderment in an endeavour to draw diplomatic advantage from the Community's uncertainties and ambiguities.

(Nuttall 1996: 130)

Here an excellent example of the evolution of international practices is provided in a speech by then French Prime Minister, Alain Juppé, to a Conference of Ambassadors, in September 1994:

It is your role as ambassadors of France, both to assert the identity of the European Union and to explain the specific positions defended by France within the institutions thereof. It is without reservations, therefore, that you will endeavour, wherever you are, to affirm the political identity of the Union.

(Quoted in de La Serre 1996: 36-7)

Similar processes of discursive construction apply to the internal dynamics of policy formulation – as we shall see (in Chapters 3, 5 and 6) from the Commission's unacknowledged but very evident involvement in foreign policy under the guise of external economic relations. In a very real sense, then, understandings about the EU, its roles, responsibilities and limitations, form a part of the intersubjective international structures that provide the 'action settings' of global politics. At the same time the EU contributes to the processes of constructing international structures, both as a purposive actor exploiting opportunities presented, and through its unique presence. It is to these issues that we now turn.
Conceptualizing actors and action

Opportunity, presence, capability: EU actorness under construction

Our approach to the EU as an actor 'under construction' envisages a complex set of interacting processes, based on the notions of presence, opportunity and capability, that combine in varying ways to shape the Union's external activities:

- Opportunity denotes factors in the external environment of ideas and events which constrain or enable actorness. Opportunity signifies the structural context of action.
- Presence conceptualizes the ability of the EU, by virtue of its existence, to exert influence beyond its borders. An indication of the EU's structural power, presence combines understandings about the fundamental nature, or identity of the EU and the (often unintended) consequences of the Union's internal priorities and policies.
- Capability refers to the internal context of EU external action—the availability of policy instruments and understandings about the Union's ability to utilize these instruments, in response to opportunity and/or to capitalize on presence.

Opportunity

Opportunity denotes the external environment of ideas and events—the context which frames and shapes EU action or inaction. While opportunity is a structural attribute it should not be seen as an 'inert background'; rather it conceptualizes a dynamic process where ideas are interpreted and events accorded meaning (Jacobsen 2003: 58). Thus, while shared understandings constitutive of intersubjective structures shape the context of action, these understandings are not divorced from material conditions; rather they interpret (reflect/distort) them in various ways. The EU itself, in acting or refraining from action, is a participant in the social interaction that characterizes international relations, thus contributing to understandings of the meaning of opportunity. Our approach to EU action includes the discursive practices which contribute, for example, to the construction of the Union's collective identity.

Our concern is with the external environment of ideas/events since the early 1980s. From this time, changes in perceptions of the international system and its operation have interacted with changes in the ideological climate, to produce understandings of unfolding events which have been conducive to increased EU involvement in global politics. Here we refer to notions of interdependence and globalization, and to the impact of the ending of the Cold War. More recently, too, the events of the 11 September 2001 and their aftermath have been accompanied by competing discourses which offer very different understandings of the Union's identity and resources.

From the mid-1970s the international system was increasingly perceived in terms of its (primarily economic) interdependence. In circumstances where the ability of states to govern effectively was deemed to be in question, the EC, a partially integrated regional policy system, appeared well placed to act on behalf of its members in the management of interdependence. Subsequently notions of interdependence have largely been supplanted by an insistent discourse of globalization, in which the individual state is depicted as relatively impotent in the face of non-territorial economic actors operating in a system of globalized production and exchange relationships. More than ever before, the strong economic focus of globalization discourses, and the emphasis upon the inadequacy of the state to regulate the activities of globally oriented economic actors, appeared to present opportunities, indeed imperatives, for the EU to act externally on behalf of its members. Certainly this interpretation has enjoyed widespread support among politicians and officials within the EU, not least in the European Commission, where globalization discourses have been routinely invoked in the construction of Europe as a valid space in the light of external challenges (Rosamond 2001: 168).

In policy terms the neoliberal underpinnings of (dominant) globalization discourses, involving reconceptualization of the relationship between states and markets—to prioritize the latter—has resonated with a policy orientation already embedded at the Community level. This has been reflected internally, in the Single Market programme and the subsequent Lisbon Process, and externally in the Union's trade relations and market opening strategies. Dominant (neoliberal) discourses of globalization, have interacted with, and been greatly encouraged by, the series of events that constituted the definitive ending of the Cold War. These events significantly altered, in a number of ways, the patterns of opportunity and constraint which contextualize EU action.

Most fundamentally, the end of the Cold War brought into question what had appeared to be the more or less fixed boundaries of the European project, thus challenging the appropriation of the concept 'European', by the European Community. This was manifested in the removal of impediments to membership of the West European neutral countries, in particular Finland, which had long been prevented, by its closeness to the Soviet Union, from pursuing an independent foreign policy. Of greater significance, however, was the chorus of demands to 'return to Europe' emanating from Central and East European Countries (CEEC). This initiated a discourse of 'return'—of reuniting Europe—which incorporated notions of Western betrayal and responsibility towards the East. Again, prominent commentators within the EU contributed to this discourse through frequent reference to a sense of historical and moral responsibility consequent upon the West's abandonment of Eastern Europe at the end of the Second World War (Spieren 2002: 505). Here Fierke and Wiener (1999) argue persuasively for the importance of discursive commitments, or promises, made to the East during and after the Cold War. Failure to honour these promises would have implicated negatively, not on its material interests, but on the collective identity of the EU.

The consequences of these processes of reconstrucing Europe's identity (and borders) have been profound. Inevitably the 2004 enlargement of the EU, which saw the accession of ten new members (eight of which were CEEC countries), has changed the Union's character. Moreover the process of enlargement is not complete. Hence, for Steinhoffenning and Sedelmeier (2002: 505), a further consequence of the 'reunifying Europe' discourse has been acceptance of enlargement as a permanent and continuous item on the EU's agenda. Indeed it seems clear that overlapping discourses of responsibility and inclusiveness (through enlargement) were central to the offer of future EU membership to the five countries of the Southern Balkans in 1999.13
A final area where the ending of the Cold War presented new opportunities for EU action proved particularly challenging. The Soviet Union's (and subsequently Russia's) diminished ability to exert control, or even influence, over its former empire generated fears of political instability in countries close to the EU's borders. The outbreak of armed conflict in former Yugoslavia initially provoked attempts to employ a discourse of responsibility. Thus, as conflict broke out in June 1991, Jacques Pooe (Luxembourg Foreign Minister speaking for the EC Presidency) was moved to declare 'This is the hour of Europe'. This discourse of responsibility, however, was quickly superseded by a discourse of 'tragic failure' (Buchan 1999). As Brian White has observed (2001: 106), 'No other area of international activity to date has attracted more adverse publicity for either the Community or the EU'. So pervasive has been this discourse of failure that it has almost totally eclipsed the 'considerable and significant political impact' of EU activities during the Yugoslav conflicts - 'given the constraints of its capabilities' (Ginsberg 2001: 83).

This evocation of a 'capability-expectations' gap affecting the Union (Hill 1993) reminds us that, while opportunity may be discernibly constructed, the processes of construction cannot be divorced from material conditions. In circumstances where continued US military commitment to Europe has been uncertain, concerns about potential security risks on the borders of the Union have been very evident since the early 1990s. They have been accompanied by a new discourse of EU responsibility which envisages the Union abandoning its 'civilian power' identity and developing 'all the necessary tools' to deal with crises and conflicts near its borders and beyond. Developments in the sphere of military capability have been quite rapid. But, as we shall see in Chapter 2, constructions of the Union as a (potentially) conventional superpower are inconsistent with dominant understandings of EU identity, and have been strongly contested. 'We don't do war', it is claimed (Black 2003).

The context of EU external action was significantly changed by the terrorist attacks of 11 September 2001 and the ensuing US-led 'war on terror'. In the immediate aftermath of 9/11 the Union employed a range of civilian instruments in a coherent and proactive manner. However, the 2003 invasion and subsequent occupation of Iraq fundamentally challenged norms, such as commitment to multilateralism and the rule of law, that are constitutive of EU identity. The use of military means without a clear United Nations mandate, while supported by some Member State governments (most notably the UK, Spain and Poland), was vociferously opposed by publics across the EU, several Member State governments and prominent spokespersons representing EU institutions.

The significant differences between Member State governments on the Iraq issue undoubtedly impinged on the Union's presence. Nevertheless, a new discourse of 'responsibility' has derived from the desire to distance the Union from US interpretations of the 'war on terror'. The US post-9/11 doctrine of pre-emptive defence, and subsequent military action, was seen within the EU as part of a regressive pattern of US unilateralism, and abdication of responsibility, across a range of policy areas from traditional diplomacy to climate change. Inevitably, US 'irresponsibility' contributes to discourses of EU responsibility, manifested in the ambition to establish an alternative, EU approach to the threat of terrorism. In a communication seeking to define 'the common objectives of outside action', the European Commission makes a clear statement of this position:

The Union must be in a position to take more resolve and more effective action in the interests of sustainable development and to deal with certain new risks, associated in most cases with the persisting and growing economic and social imbalances in the world. It must therefore stick up for a strategy of sustainable development, based on a multilateral and multipolar organisation of the world economy, to offset any hegemonic or unilateral approach.

(Commission 2002a: 11)

In the absence of a dominant understanding of appropriate responses to 'new' security challenges, the events of 9/11 and their aftermath have provided an opportunity for the EU to adopt new roles and responsibilities. This is acknowledged in the European Security Strategy produced in response to these events - 'Europe should be ready to share in the responsibility for global security and in building a better world' (European Council 2003: 1). The Union's security roles cannot simply be chosen, however, they will be constructed through a process that takes account of its capabilities and its international presence.

Presence

It is our contention, broadly following Allen and Smith (1990), that the Union's growing presence in international affairs has been of great significance. By presence we refer to the ability to exert influence externally; to shape the perceptions, expectations and behaviour of others. Presence does not denote purposive external action, rather it is a consequence of being. In particular, presence reflects two intimately interconnected sets of factors that determine the reputation and status accorded to the EU by external audiences.

First, the character and identity of the EU. Character refers to the Union's material existence, that is the political system comprising the Member States and the common institutions of the EU. Identity attempts to capture the fundamental nature of the EU; it refers to shared understandings that give meaning(s) to what the EU is and what it does. Identity is, we believe, of great importance to actors. Not only do identities suggest roles, and associated policy priorities, it is in terms of understandings about identity that policy is evaluated. Consequently we deal with identity at some length in Chapter 2, and our treatment below of this aspect of presence is relatively brief.

The second element of presence refers to the external, often unanticipated or unintended, consequences of the Union's internal priorities and policies. Here, the relationship between the EU's presence and actors can be relatively direct, in that EU internal policy initiatives may generate responses from affected/aggravated third parties which, in turn, necessitate action by the EU.

In terms of the Union's character, a particularly strong attribution of presence is provided by Charles Kupchan (2002: 145): 'An EU that encompasses Western and
Central Europe and whose wealth rivals that of the United States is in and of itself a counterpoise to America' (emphasis added). Certainly the successive enlargements of the EU, and the attractiveness evident from the plethora of further membership applications, contributes to its international presence. In economic terms, too, Kupchan's claim has credibility. In terms of overall influence in international affairs, however, the multifaceted and often disputatious character of the EU political system, with its proliferation of derogations and opt-outs, serves to diminish its presence.

Nevertheless, we consider that important processes of influence are associated with the character of the EU as, for example, a model of regional economic integration and a 'Community of security' (Commission 1997a); a stabilizing factor and a model in the new world order (European Convention 2003: 1). We return to these matters in Chapter 2.

In relation to the second, more specifically policy-related aspect of presence, the most fundamental sources of the Union's influence are, inevitably, economic. Here we focus on three areas (which are discussed more fully in Chapter 3) - the important but largely unintended external impacts of the Common Agricultural Policy (CAP) and of the Single Market, and the impact of the introduction of the euro.

The CAP provides an excellent example of the processes by which actors can be induced when third parties respond to the Union's presence in ways which necessitate, in turn, a response by the EU. The mechanisms through which agricultural policy has been managed, and its success in stimulating domestic agricultural production, have impacted significantly on world market prices for temperate agricultural products, prompting political reactions from aggrieved third parties affected by loss of export earnings. The accession of Greece, Spain and Portugal in the 1980s greatly increased the quantity of Mediterranean products affected by the CAP. This impacted negatively upon the export potential of the Maghreb countries, triggering a reaction which, in combination with other factors, led the EC to negotiate a new relationship with non-member Mediterranean countries. Here, the EC's presence initiated a process through which actors were constructed.

The impact of the Single Market has been of even greater significance. In particular it has had a magnetic effect in attracting foreign investment and in stimulating demands, from a wide range of third countries, for privileged access. Thus the notion of the Commission as 'gatekeeper of the Single Market' is developed in Chapter 3. Here, again, increased presence prompted reactions to which the EC was ultimately obliged to respond actively. One of the most important effects of the Single Market was the initiation of a process that led to the creation of the European Economic Area, and ultimately the accession of three new members (Austria, Finland and Sweden) in 1995. This enlargement further increased the size and attractiveness of the Single Market, and hence the EC's presence in the international economy. The much more substantial 2004 enlargement has also enhanced the presence of the EU, not least through expansion of the Single Market into areas where economic growth is rapid and consumer demand vibrant.

Unlike the CAP and Single Market programme, introduction of the euro in 1999 (followed by physical circulation of coins and notes in 2002) did not prompt fears of significant, negative implications for third party economies. Nevertheless it represents both an important symbol of political commitment to the European project and a major deepening of the integration process. Thus, despite the decision of the UK, Denmark and Sweden to remain outside the eurozone, it might be anticipated that the Union, equipped with the second largest currency after the US dollar, would attain a major additional source of external influence. It might also be anticipated that introduction of the euro would generate responses from third parties, in particular expectations that the Union would assume the responsibilities associated with a major international currency (Bretherton 2004: 201).

In practice, however, international responses to the launch of the euro were muted, and have remained so. Initially there was an insistent discourse of failure, characterized by somewhat gleeful, decisive comments. Goldstein (2001: 1) provides a nice example: 'the first government venturing to swap its national reserves in unrebutable euros was that of Saddam Hussein'. Juxtaposed with this has been a less intense discourse of potential, wherein the euro is considered as a future rival to the dollar (Feldstein 1997; Kupchan 2002: 137). This reminds us that the meanings attributed to EU activities by third parties are important, though not least in relation to currency issues, where shared understandings about credibility and confidence are crucial. Moreover it is evident that such understandings are not universal - dominant and subordinate actors have different stories to tell about the significance of the Union's presence. Thus, while experienced globally to some extent, it impacts with particular intensity in circumstances where third party expectations are focused primarily upon the EU - that is, where there is heavy dependence upon access to the Single Market or an aspiration to achieve membership status.

Overall, however, the Union's presence has undoubtedly increased over time as a consequence of the expansion of its size and policy scope. It has been mitigated, nevertheless, by internal factors associated with the chronic concern about the efficacy and legitimacy of the EU's policy processes, which have tended to influence third party expectations of the Union's ability to act. It is to these issues of capability that we now turn.

Capability

Capability refers to the internal context of EU action or inaction - those aspects of the EU policy process which constrain or enable external action and hence govern the Union's ability to capitalize on presence or respond to opportunity. Here our focus will be on those aspects of the Union's character that impinge most particularly upon the possibilities for external action - the ability to formulate effective policies and the availability of appropriate policy instruments.

Much of our discussion is concerned with the material conditions of the EU policy environment. Nevertheless, here as elsewhere, the meanings attached to the conditions are of great significance. Understandings among third parties about the effectiveness of the Union's policy process or the appropriateness/availability of policy instruments, contribute in important ways to its international presence. Internally, too, competing discourses attribute distinctive meanings to the components of capability, in that Euro-sceptics and Euro-enthusiasts tell very different stories about
how the Union works and what it should (or should not) do. These competing
discourses, and a range of pragmatic positions in between, have impacted significantly
upon the Union's construction as a multiperspectival policy with elements both of
intergovernmentalism and supranationalism.

Our treatment of capability draws upon the work of Gunnar Sjöstedt (1977). However,
Sjöstedt's complex scheme is not elaborated here, rather we propose four basic requirements for actorness:

- Shared commitment to a set of overarching values.
- Domestic legitimation of decision processes and priorities relating to external
  policy.
- The ability to identify priorities and formulate policies - captured by the concepts
  of consistency and coherence, where:
  - consistency indicates the degree of congruence between the external policies
    of the Member States and of the EU;
  - coherence refers to the level of internal coordination of EU policies.
- The availability of, and capacity to utilize, policy instruments - diplomacy/
  negotiation, economic tools and military means.

European values?

The first of these requirements is relatively unproblematic. The Common Provisions
of the Treaty on European Union set out very clearly the values and principles to
which the EU and its Member States claim to be committed, and which contribute to
understandings of the Union's identity. These range from economic and social
progress and sustainable development, to democratic governance and the rule of law.9

Domestic legitimation?

The second requirement is more evidently problematic. Inclusion of domestic
legitimacy in a consideration of external policy reflects the growing significance of
policy-making at the EU level. This raises issues of legitimacy for two reasons. First,
there is a perception that, despite insistence upon adherence to democratic principles
on the part of Member States and third parties, the EU itself suffers a democratic
deficit. Second, it is evident that, as EU policies impinge more directly upon the
daily lives of individuals, policy implementation will increasingly be dependent upon
public consent, forbearance and even active support.

Over the past decade a number of commentators have expressed concern that the
EU is suffering a 'legitimacy crisis' (Garcia 1993; Laffan 1996; Obradovic 1996).
Despite these concerns, there appears to have been sustained public acceptance of the
need for EU action in areas where Member State initiatives are perceived to be
inadequate. Overwhelmingly these are external policy areas (Taylor 1996; Leonard
1997; Commission 2001a, 2003a). Particularly strong approval has been expressed
for a Union role in 'maintaining peace and security in Europe', which was seen as the
second highest priority (after combating unemployment) for the Union as a whole
(Commission 2001a: 35). There has also been sustained approval of an EU role in
foreign and defence policy, and in relation to overseas development and global
environmental issues.

Clearly the meanings of such survey material are open to construction. One
interpretation is that they indicate a broad understanding that collective representation,
via the EU, maximizes Europe's influence in international affairs. While this may
prove a fragile basis for legitimation of EU external policy, it is significant that, in
October 2003, 81 per cent of respondents to a Eurobarometer survey considered that
the EU should play an enhanced role in the Middle East peace process (Commission
2003a: 59).

Identification of priorities, formulation of policies?

As will be evident from the chapters which follow, the ability, in principle, to identify
policy priorities and formulate coherent policies is not in question. In question, rather,
is the extent to which this ability is realized; and this varies considerably according to
issue area and policy sector. Inevitably, as in any complex decision making system,
divergent understandings of interest generate tensions over the identification and
prioritization of goals. Nevertheless policy coordination within the EU system is
affected by difficulties which flow from its unique character. We refer to these as the
problems of consistency and coherence.

Consistency denotes the extent to which the bilateral external policies of Member
States are consistent with each other, and complementary to those of the EU.10 Hence
consistency is a measure both of Member State political commitment to common
policies and of the overall impact of the EU and its Member States. Enlargement of
the Union to 25 Member States, with more to follow, has inevitably exacerbated
problems of consistency.

In those areas of external economic relations where there is exclusive Community
competence (see our discussion of International Law above), and common policies
are entrenched, consistency has not been a major problem. However, in areas of
environmental policy, where competence is shared between the Community and
Member States, consistency becomes very much an issue, as we shall see in Chapter
4. In relation to development policy and foreign policy, where Member State bilateral
policies maintain a prominent role alongside EU efforts, consistency is of central
importance. Put another way, claims that the EU is the world's largest trading bloc
have a rather different meaning from claims that it is the world's largest donor of
development assistance. In this latter case (which should not be confused with EC
humanitarian aid), the development assistance total on which this claim is based
amalgamates Community aid with Member States' bilateral aid. As we shall see in
Chapter 5, while Member State governments have made a specific commitment to
ensure consistency in this area, this has been pursued to only a limited extent in
practice. Clearly, in this and other areas, lack of consistency impinges negatively upon
EU presence. The bitter divisions over policy towards Iraq in 2003 remind us that
the Union can be paralysed, and its reputation undermined, by problems of consistency.
In an effort to overcome problems associated with lack of consensus among Member States, there has been, in recent years, increasing tolerance of 'flexibility' within the EU. This has been manifested in a growing discourse of differentiated integration. Thus the TEU permitted the UK and Denmark to opt out of important policy areas, notably Economic and Monetary Union (EMU) – a provision that Sweden appropriated following accession in 1995. Subsequently, the Treaty of Amsterdam provided for 'constructive abstention' in an attempt to strengthen the Union's Common Foreign and Security Policy and the Nice Treaty elaborated 'General Principles' (Articles 43–5 TEU) for 'enhanced cooperation'. This would permit groups of Member States to move forward (rather than opt out) in policy areas encompassing all three of the Union Pillars. In practice, however, the Member States have been reluctant to utilize these provisions.

Coherence refers to the internal policy processes of the Union. In many respects the problems here are analogous to those affecting any pluralistic political system. Tensions between trade policy and environment policy, for example, are endemic; as are controversies over the extent to which sectors of the economy, in particular agriculture, can or should be protected from external competition. Nevertheless there are aspects of the EU policy system that have generated particular coherence problems.

The first of these is the Pillar structure itself, which has impinged negatively upon the coherence of external policy as a whole. In the early period after creation of the Pillar structure (by the TEU in 1993) tensions were very evident between the Commission, with its responsibility for the economic aspects of external policy (Pillar I), and the Council Secretariat, which is responsible for administration of CFSP and ESDP matters in Pillar II. Over the past decade however, habits of cross-pillar cooperation have developed in many policy areas (Christiansen 2001). Nevertheless, our interviews with officials (between March 2001 and March 2005) indicated that resentments remain, particularly in areas of potential civilian/military interface such as civil emergencies or crisis management. While habits of cooperation are developing here too, for example in relation to civilian policing, the area is sensitive because it has normative as well as 'turf war' dimensions. Thus, in the Commission, there is a lack of leadership for the Union, and a preference for its 'civilian power' identity.

An attempt to address coherence problems was made in 2002 when the Council Secretariat was rationalized. Creation of the General Affairs and External Relations Council, with the latter configuration dealing with CFSP, ESDP external trade and development cooperation, was intended to ensure overall coherence of the Union's external action. Within the institutions themselves, coordination problems are also evident. The General-Secretariat of the Council has been subject to momentous changes since the introduction of CFSP and ESDP. While some new structures were created to deal with these issues, and internal processes were enabled, clearer relationships were not established. This led to divisions between new and established officials, and a number of 'futile turf wars' ensued (Interview, Council Secretariat, March 2003). However, as new structures became more established, and ESDP became operational, these problems diminished (ibid.).

In the Community Pillar, despite frequent reforms and changes to its structure, aspects of the operation of the Commission have been an impediment to coherence. The fragmentation of external policy between several Directorates-General (DGs) has been a particular problem. In an attempt to remedy this, the Prodi Commission (1999–2004) created DG External Relations which was intended, under the leadership of Commissioner Chris Patten, to provide overall coordination of EC external policies. Nevertheless, our interviews revealed widespread dissatisfaction with the performance of DG External Relations in the early years. It was considered to have yielded its principal functions to DG Trade, on the one hand, and EuropeAid on the other. External Relations officials were said to be 'led up, marginalized' (Interview, DG External Relations, September 2001); 'External Relations is the process of being eviscerated completely' (Interview, DG Enlargement, September 2001). Our interviews revealed, also, that the frequency of staff changes, and uncertainty about the future, had been harmful to morale. Tensions between DGs are reflected within the College of Commissioners, where the problem is exacerbated by the absence of a satisfactory mechanism for resolving disputes between Commissioners. In the absence of strong leadership from recent Commission Presidents, there has been a tendency for the most powerful DGs, and Commissioners, to prevail.

Availability of policy instruments?

The instruments traditionally employed in pursuit of external policy objectives include political (diplomacy/negotiation), economic (incentives/sanctions) or military means. The Union has access, albeit to a varying extent, to all three types of instrument. As we shall see in Chapter 8 it is also developing the capacity to deploy externally a range of civilian policing and judicial measures. The ability to utilize all or any of these instruments depends, however, upon a number of factors – not least the extent to which problems of coherence and consistency are overcome. The traditional diplomatic tools of declarations and démarche have been much deployed in the context of CFSP, and indeed its predecessor, European Political Cooperation (EPC). An example of proactive EU diplomacy is provided by the series of Troika démarche to Washington, Moscow, Pakistan, Iran, Saudi Arabia, Egypt and Syria in October 2001, in an effort to coordinate responses to the terrorist attacks of 9/11. To facilitate more sustained diplomacy on behalf of the Union, the practice has developed of appointing EU Special Representatives to areas of particular concern such as the Balkans, the Middle East, the Great Lakes region of Africa and Afghanistan.

In addition to these CFSP instruments, the Commission operates an external service with some 130 delegations in third countries. They do not operate as a traditional foreign service, however. Political reporting is often very weak and the focus of delegations, reflecting the principal areas of Community competence, has been 'first on trade, second on aid and only third on CFSP' (Interview, DG External Relations, July 2001).

The ability to negotiate with other actors in the international system is fundamental; indeed it is a condition of entry to the system itself. According to the EC of international legal status, or personality, provides a formal right of entry in policy areas...
where the Community enjoys exclusive competence internally, particularly trade in goods. Elsewhere, however, the unwillingness of Member State governments to transfer competence to the Community in policy areas considered ‘sensitive’ means that competence can be mixed (shared between the EC and the Member States), disputed or unclear. This is a troublesome issue in environmental negotiations, as Chapter 4 will demonstrate. It should also be noted that particular problems apply to external aspects of monetary policy, in that no formal provision has been made for representation of the eurozone in international negotiations.

Negotiation is central to most EU external activity – whether in the multilateral setting of the World Trade Organization or in agreeing association or cooperation agreements bilaterally with third parties. Here, competence to negotiate is not the issue; rather it is the effectiveness of negotiators operating within the constraints of the Union’s singular system. Initially, the internal impediments (problems of consistency and coherence) to agreeing a mandate for negotiation are almost invariably apparent. A particular problem has been the lack of flexibility accorded to Commission negotiators in circumstances where changes to the mandate have to be renegotiated internally between 25 Member States. While this can delay or even jeopardize conclusion of negotiations, it can also have the effect of strengthening the Commission’s negotiating position. Thus, in circumstances where the Community’s economic presence looms large, and third parties are unwilling to take risks, the Community as a negotiator appears truly formidable. Indeed, it was evident from interviews both with Commission officials and third parties that the EU uses its structural flexibility as a negotiating ploy. Typical perceptions of the Commission’s approach among third party representatives were: ‘there are no free lunches’; ‘we’ve cooked up a deal, take it or leave it’. Even among representatives of large third countries there was a sense of the Commission as a formidable negotiating partner. Without doubt, in circumstances where the economic weight of the EU can be utilized, the Commission is an effective negotiator.

In terms of economic instruments, routine use of the economic presence of the Union in the furtherance of broad policy aims is evident from most of the chapters that follow. The accordance of various forms of privileged access to the Single Market reflects political priorities to a considerable extent; moreover, insertion of explicit political conditionalities into aid and trade agreements has become routine, and increasingly intrusive. Non-compliance has, in a number of cases, led to full or partial suspension of privileges. As Piening has observed (1997: 10), the weight of the EU can be formidable when its displeasure is incurred.

The imposition of formal economic sanctions in the context of joint actions under the CFSP, and in order that the EU can speedily comply with UN decisions to impose sanctions, is an area that straddles the Pillars of the Union – in that the decision to impose sanctions falls within Pillar II and the instruments of policy within Pillar I. To address this issue, the TUE introduced specific provision for the imposition of economic sanctions (Article 50 TEC) and financial sanctions (Article 60 TEC). Similarly, here as elsewhere, habits of cross-Pillar cooperation have led to the institutionalization of practice. This has been supported by decisions of the European Court of Justice (ECJ), whose judgements have illustrated in both practical and legal terms, that there is a direct link between the EC and the CFSP (Kourkoulou 2001: 223). This rather nicely illustrates the interaction of internal practices and external expectations in constructing EU actors.

The final set of policy instruments, and the most controversial, involves access to military means. ESDP was formally launched at the Cologne Summit in June 1999 and progress since then has been surprisingly rapid. As we shall see in Chapter 8, both Member States and non-members have made formal commitments of military forces and equipment, and of civilian personnel (police officers, prosecutors, judges and prison officers), for participation in EU crisis management operations. By the same time access to various NATO assets has been negotiated. As a result, the ESDP was involved in its first (suitably modest) operations in 2003 – a police mission in Bosnia-Herzegovina and brief military missions in Macedonia and the Democratic Republic of Congo. In this sensitive policy area, however, a number of problems are likely to persist. Not least among these are the consistency problems associated with differing Member State perspectives on security matters.

Conclusion

This chapter has surveyed a range of approaches to actors and actorness from International Law and from International Relations. The attempt to apply these approaches to the EU has revealed two interconnected sets of problems. The first relates to ontological and epistemological questions concerning the nature of, and criteria for, actorness. The second flows from the unique and complex character of the EU itself.

We have defined an actor as an entity that is capable of agency, of formulating and acting upon decisions. Nevertheless we do not see agency as unlimited, rather we consider that the capacity to act reflects the interaction between understandings about internal character and capabilities and external opportunities. In examining the patterns of constraint and opportunity which contextualize agency, consideration was given to structural analyses that conceive of actors as subordinate to economic or political-structures. Ultimately, however, our preference is for a social constructivist perspective that conceives of structure and agency as interacting dialectically. From this perspective structures are intersubjective: they comprise shared understandings that provide the context for and give meaning to agency. Since structures provide opportunities as well as constraints, and continually evolve, in response both to unfolding events and proactive action, a constructivist analysis can accommodate change and even permits novelty. Clearly this is a major advantage when considering the EU.

The unique character of the EU has proved a major challenge to IR scholars. Despite the development, from the 1970s, of a ‘mixed actor’ focus to analysis, it has proved difficult to accommodate a hybrid entity which is neither an intergovernmental organization nor a state, but which operates globally across a range of policy areas. Consequently the temptation to use the term as a comparator when discussing the EU has proved difficult to resist. In our view, however, comparisons between the EU and other actors in the global system are likely to produce only limited insights. The EU is an actor sui generis. We conceive of it as a multiperspectival policy whose construction reflects both the experimentation of policy entrepreneurs and the opportunities
afforded by the changing structures of the international system. Essentially, therefore, the EU remains in the course of construction. This approach accommodates its evolution over time and its shifting character at any one time; it also leaves open the question of its future destination.

In the following chapters we examine, across a range of policy areas, the complex interconnections between three sets of factors in the construction of EU actors: First, capability, with particular emphasis upon internal coherence/consistency (which to a significant extent reflects political will to act). Second, understandings about the Union's presence, and the mechanisms by which presence contributes to the construction of actors. Third, the patterns of opportunity and constraint that contextualize EU agency. This enables us to think in overall terms about the status of the EU in the global system, the sources of its influence and the impact of the understandings and expectations of third parties. Thus are the identity and roles of the EU as a global actor socially constructed and reconstructed.

2 Nature of the beast
The identity and roles of the EU

According to the existentialist school of philosophy ‘existence precedes essence’. In foreign policy one might say that identity precedes interest.

(Cooper 2004: 190)

Our concern in this chapter is with constructions of the Union’s collective identity and its associated roles in international affairs. These, we believe, impact significantly upon practices towards third parties. The relationship between identities, interests and behaviour however, is not always straightforward. Identities do not directly determine interests, rather they perform a mediating function. Thus understandings about the external context of ideas and events, or the appropriateness or viability of alternative courses of action, are shaped by identity constructions that are themselves shifting and contested.

Since the EU is a political system under construction, with constantly evolving internal institutions and practices, and expanding membership, it is inevitable that its identity will be relatively fluid when compared with that of established states or international organizations. Where EU Europe is, in terms of its geographical boundaries, remains uncertain (Christiansen et al. 2000; Walker 2000). And what it is, in terms of the values, principles and practices which constitute the Union’s essence, is contested (Manners 2002; Niccolaidis and Howse 2002). This sense of the Union as an unfinished project does not necessarily imply that its identity is indistinct; rather, as we shall argue below, the singularity of the EU is an important element of (some) understandings of its identity. Below we explore two facets of the Union’s collective identity which impact differently on its prospective roles.

First, we consider a potentially inclusive identity based primarily upon understandings of the EU as a value-based community. Potentially, this provides opportunities for non-members, through approximating the Union’s declared values, to draw closer to the Union – in order to gain privileged access to its markets; to achieve closer association; or to accede to membership. Here, outsiders are seen in relative terms – as more or less European. Understandings of the Union as inclusive, we believe, reflect a persistent, perhaps dominant, discourse, which is strongly promoted within the Union (in the founding Treaties and by EU representatives). They are also the subject of much scholarly debate, as we shall see.