Meeting the challenges of a multilateralized world?
The ‘multilaterability’ of the European Union

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ABSTRACT

In its efforts to be recognized as a ‘global player’, the European Union has repeatedly declared its commitment to “effective multilateralism”, claiming that its abundant internal experience of multilateralism has made it “instinctively multilateral” on the global scene. On the backdrop of this self-assertion this paper concentrates on the external environment and the processes therein, which we have labelled the “multilateral playing field”, to test whether the EU possesses such a “multilaterability”. The paper starts from the assumption that contemporary multilateralism as a complex organizing form of cooperation demands specific qualities of international actors. In view of this, the paper seeks to address two main questions: 1. What does multilateralism as a core organizing principle of global governance entail today and which qualities does it concretely demand of a (foreign policy) actor wanting to play a part on the multilateral playing field? 2. Does, and if yes, to what extent does the EU possess these qualities? Parting from a brief discussion of the concept of multilateralism the paper first maps out the political and legal aspects of contemporary multilateralism in order to establish a set of criteria an actor has to meet to “play on the multilateral playing field”. The EU is then tested against these criteria, which subsequently leads to tentative conclusions about the EU’s “multilaterability”, answering whether the EU has the potential to have or already has the qualities needed of a multilateral player.

1. Introduction

“A key task for Europe for the next 50 years is (…) to develop a system of strong institutions able to tackle the problems of a new age and to progressively build a rules-based international order.” (Javier Solana, 2007: 115)

“Europe is instinctively multilateral.” (Peter Mandelson, 2006: 16)

The anatomy of global political cooperation continues to represent one of the main puzzles for practitioners and analysts of international relations. Many of them would agree that today’s “partially globalized world” makes international cooperation indispensible (Keohane, 2001). The majority of the planet’s greatest contemporary challenges in such diverse fields as peace-building and -keeping, development, human rights, environment or public health are by their very nature collective action problems (Kaul et al., 2001). They are increasingly dealt with by what may be referred to as “global governance”, i.e., in short, policy-making arrangements involving state and non-state actors that stretch vertically across several governmental levels, and are increasingly characterized by informal processes of decision-making (Weiss/Thakur, forthcoming). Further, most analysts and practitioners would agree that a great many of these governance arrangements currently function according to a multilateral mode of cooperation - making multilateralism arguably the core organizing principle of contemporary global governance.
However, determining what it is precisely that constitutes today’s multilateralism continues to pose a challenge. Already a “highly demanding institutional form” in continual flux during the post-war period (Ruggie, 1993a: 12; Newman et al., 2006: 1), multilateralism has apparently become even more complex in a context of globalization and global governance.

It is this convoluted, economically globalized and politically multilateralized world that the European Union (EU) faces whenever it enters the world stage. With the gradual expansion of its external competences, these appearances have become more and more frequent over past decades. Today, the EU is a player in fora dealing with all of the above-mentioned policy fields (Bretherton/Vogler, 2006). And an ambitious one, too: in strategic and policy documents and declarations, EU representatives from all three political institutions regularly present the Union as particularly well suited to play by the ‘rules of the game’ that the multilateral mode of cooperation imposes, even considering it as Europe’s task to shape the global governance system via contributions to “effective multilateralism” (Solana, 2007; Mandelson, 2006; European Parliament, 2004; Commission, 2003; Council, 2003).

If the EU is thus rhetorically already a champion of both global governance and multilateralism, its actual participation in multilateral governance fora seems to fall short of its aspirations in a certain number of cases. Analyses of its performance have, so far, predominantly focused on the legal and political prerequisites that make it an international actor (Jørgensen, 2007; Laatikainen/Smith, 2006; Wouters et al., 2006). Accordingly, the “ambition-performance gap” has mostly been attributed to general internal deficiencies such as an overly complicated and slow-moving decision-making apparatus. Such analyses have doubtlessly been valuable in providing insights into the Union’s actorness and its performance in some isolated multilateral institutions (e.g. Hazelzet, 2006; Cavicchioli, 2006) and policy fields (e.g. Vogler, 2005; Meunier, 2005).

However, being strictly actor-centric and bottom up, these studies have paid strikingly little attention to the specificities of the (multilateral) external environment that constrains and empowers actors. This may be surprising, as international cooperation ultimately relies primarily on the relations of actors in a particular environment. In order to complement any investigation into a global player’s domestic prerequisites for external action, it seems thus primordial to map the external playing field in which and the rules by which actors interact.

The present paper sets out to fill this void by taking a closer look at this multilateral playing field before testing whether the claim that the EU is a “natural” and avid multilateral player can bear up against reality. It starts from the assumption that contemporary multilateralism as a complex organizing form of cooperation demands specific qualities of international actors. The paper addresses two questions: 1. What does multilateralism as a core organizing principle of global governance entail
today and which qualities does it concretely demand of a (foreign policy) actor\(^1\) wanting to play a part on the multilateral playing field? 2. Does, and if yes, to what extent does the EU possess these qualities?

To answer these questions, a top down approach will be adopted. Based on a brief discussion of the traditional concept of multilateralism (2.1.), the paper firstly maps the institutional, legal and political foundations and expressions of contemporary multilateralism (2.2). This exercise is based on an empirico-descriptive approach which adopts a multidisciplinary - legal and political science - perspective. It results in a set of criteria actors have to meet in order to be capable of participating in the proceedings on the multilateral playing field (2.3.). We then examine whether the EU possesses the qualities required to meet these criteria (3.). On this basis, tentative conclusions are drawn on what we call the EU’s “multilater-ability”, answering the questions whether and why the EU can have or already has the capacity to be a multilateral player (4.).

2. Multilateralism - a demanding organizing principle of global governance

The term ‘multilateralism’ has been used in manifold ways: as a normative or analytical concept, a mode of cooperation and/ or action, a type of organisation or an instrument (Novosseloff, 2002; Telo, 2006). Multilateralism can indeed be, and often is, many of these at the same time. First and foremost, it is a practical form of cooperation, which, in turn, becomes an organizing principle of global governance if generalized. From the perspective of single actors, it is a mode of action and can, in their hands, become an instrument.\(^2\) If used for analytical purposes, “multilateralism” becomes an empirical concept. Finally, it may also be considered a normative concept in the sense of a “belief” about how international cooperation should function (Caporaso, 1992).

In this paper, multilateralism is employed as an empirical-analytical concept designed to adequately grasp the social reality of multilateralism as an organizing principle of contemporary global governance.\(^3\) Such a concept can be considered as response to the “necessity that individuals have (…) to systematise the experiences they go through” (Bélanger, 2000). It “categorise[s] objects or events that, despite their seeming singularity or uniqueness, have in fact a great deal in common” (Bélanger, 2000). It is only through this categorisation that meaningful communication over international cooperation in terms of multilateralism becomes possible, as the term may be used to describe the interaction of parties in fora as different as, e.g., the International Whaling Commission

\(^1\) Actor refers here to a sovereign state, an international or regional organization, or a non-state entity such as a non-governmental organization (NGO). Generally, we strive to provide criteria that these different types of actors would have to meet in order to play on the multilateral field. However, taking the differences in structure and capacity between state and state-like entities on the one and non-state actors on the other hand into account, our focus will be placed here on those actors that have a genuine foreign policy - hence, states and state-like entities.

\(^2\) Before it can become an instrument in the hands of one actor, multilateralism must first be accepted as an organizing principle of international cooperation by others. Logically, a unilateral use of multilateralism cannot exist.

\(^3\) This implies that normative considerations about what multilateralism should entail, e.g. with regard to questions of legitimacy and accountability, will be explicitly omitted.
and the International Labour Organization. Fruit of such systematization, concepts become “building blocks” of future theories (Goertz, 2003: 1).4

In this section of the paper, we develop a regenerated concept of multilateralism: parting from a discussion and critique of Ruggie’s traditional conceptualization of the term (1993a), we explore how multilateralism could be perceived and analysed in an era of globalization and global governance. Our mapping of the contemporary multilateral playing field and its rules then serves as basis for identifying criteria that constitute an actor’s “multilaterability”.

2.1. The traditional concept of multilateralism and its critique

Despite its long history as a “deep organizing principle of international life” (Caporaso, 1992: 602), systematic analysis of multilateralism has only been undertaken in the early 1990s (Ruggie, 1993b; Keohane, 1990). Before that, the term was mostly used to depict either a form of treaty-making involving three or more parties or the functioning of the Bretton Woods institutions (van Oudenaren, 2003). Accordingly, multilateralism had long been defined quantitatively as “the practice of coordinating (...) policies in groups of three or more states” (Keohane, 1990: 731) by both international lawyers (Burley, 1993: 126-127) and IR theorists.

In his generic work on the concept, Ruggie’s core contribution was to add qualitative elements to this numerical criterion to conceive of multilateralism as an “institutional form that coordinates relations among three or more states on the basis of generalized principles of conduct” (Ruggie, 1993a: 11, emphasis added). These principles detail what is seen as appropriate behaviour by all actors involved in multilateral cooperation. If they are generalized, this logically entails the “indivisibility” among the members of a collectivity with respect to the range of behaviour in question” (Ruggie, 1993a: 11, emphasis added). Finally, multilateralism was fundamentally based on the notion of diffuse reciprocity - actors expect to benefit from cooperation in the long run (Ruggie, 1993a: 11). This distinguishes multilateralism from bilateralism, the latter being characterized by “specific reciprocity”: the two actors involved expect a specific gain and type of behaviour from one another (Ruggie, 1993a: 11). The difference between bi- and multilateralism is therefore not only numerical, but fundamentally about the kinds of relations between actors (Diebold, 1988: 1).

Although the fundamental claims of Ruggie’s conceptualization, namely, that “the term ‘multilateralism’ is linked to the preference for, and institutionalization of, collective action in resolving problems that arise among several actors or entities” (Knight, 2000: 38) and that this

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4 In treating multilateralism as an empirical concept, our approach is comparable to the one employed by Ruggie in his generic article on the concept (1992; 1993a). His still widely used definition was the outcome of an “exploration” of multilateralism based on a “grounded analysis”, “recovering the principal meanings of multilateralism from actual historical practice” (Ruggie, 1993a: 35, 7). Ruggie’s claim remains valid that there is no genuine theory of multilateralism (1993a: 35-36), although theoretical approaches to the study of multilateralism inspired by the habitual IR theories (neoliberal institutionalism; constructivism) do exist (Caporaso, 1992).
action is based on a set of principles and carried out in a long-term perspective, may be timeless, the concrete meaning of multilateralism is - like that of any concept - to be understood in a specific historical context (Cox, 1997a), subject to (frequent) alteration. The concept of multilateralism is therefore, as Newman et al. note, “constantly in flux” (2006: 1).

Recent developments have certainly brought the traditional conceptualization of multilateralism - valid at the beginning of the 1990s - “under challenge” (Newman et al., 2006). The challenge is, in essence, two-fold: firstly, questions must be raised as to whether the analytical concept of multilateralism still fully incorporates what multilateralism as an organizing principle of international cooperation comprises in contemporary political practice. Most obviously, the centrality of sovereign state actors, so prominent in Ruggie’s conceptualization, cannot remain uncontested in the face of a proliferation of non-state actors and transnational relations in global policy-making (Forman/ Segaar, 2006: 221; Slaughter, 2004). Moreover, the concrete meaning and importance of the generalized principles of conduct, which are not “ahistorical phenomena” (Newman et al., 2006: 1), need to be checked against actual practices of multilateral cooperation.

Secondly, and closely related to the first challenge, the concept has come under pressure from another empirical (and normative) concept introduced to better grasp evident changes in the international system that the classical IR theories were increasingly unable to account for: global governance (Weiss, 2000: 796). As an empirical concept, global governance can be defined as “the complex of formal and informal institutions, mechanisms, relationships, and processes between and among states, markets, citizens and organizations, both inter- and non-governmental, through which collective interests on the global plane are articulated, rights and obligations are established, and differences are mediated” (Weiss/ Thakur, forthcoming). It was conceived with the intention to adequately reflect social changes such as the increasingly multi-actor, multi-level nature of and the “absence of a single organizing principle” from global collective action processes (Rosenau, 1995: 16; Dingwerth/ Pattberg, 2006: 189-193). Defined as such, global governance represents in practice, above all, a political form of organization of global collective action (Novosseloff, 2002: 305). In that sense - and although some have tried to merge the two into one sole concept (Novosseloff, 2002: 305) -, global governance is practically distinct from multilateralism, which must be considered as a form of institutionalized collective action (Telo, 2006). Instead of conceiving of multilateralism and global governance as competing concepts, we would thus suggest to combine them and to refer to multilateral global governance whenever global governance fora function according to the specific organizing form of multilateralism. Although this is, arguably, no more the case for a growing number of governance fora such as the intergovernmental G 8 or various private(-public) initiatives,

5 Important challenges to the concept of multilateralism are also made on normative grounds, mostly by critical social scientists claiming that multilateralism exports neoliberal values to the international level (Burley, 1993) and “consolidates state sovereignty and represents unequal power relationships” (Jørgenson, 2006: 196). Further arguments concern the supposed lack of legitimacy of current multilateral institutions (Forman/ Segaar, 2006).
multilateral fora do “retain, by and large, their dominant role in international norm setting and policy implementation” (Forman/ Segaar, 2006: 207-210; 214).

A similar relationship between the concepts of multilateralism and global governance has been developed in the framework of the “Multilateralism and the United Nations System” (MUNS) project (1990-1995) under the chairmanship of Robert Cox. This project must at the same time be considered the most comprehensive attempt of coming to a reconceptualization of multilateralism in the face of the above-mentioned challenges, albeit predominantly from a normative rather than an empirical perspective (Cox, 1997a; Mürle, 1998: 18). For Cox, “multilateral governance establishes rules and procedures for interaction among the various forces that become involved in world (…) political issues” (1997b: xvi). Empirically, the main observation of the MUNS project was that the input of and power struggle between these “forces” of society have de facto become important features of multilateralism (Cox 1997a; Schechter 1999). Attached to this was a critical perspective on the current, government-dominated top-down UN multilateralism and a wish for a “new bottom-up multilateralism”, with a stronger civil society component, to replace the former (Cox, 1997a: 105).

While the growing importance of social forces that the “new multilateralism” literature highlights may be one of the most striking new features of multilateral global governance, it would be short-sighted to overstate the impact of this change on the functioning of multilateralism and to overlook continuities regarding both the role of state actors and of some of the overarching principles of multilateralism. Rather, we suggest that a snapshot of today's multilateral global governance reveals that “new multilateralism” has to be conceptualized as a combination of some durable core features and a few innovations. To get a balanced picture of the contemporary multilateral playing field, the currently predominant principles and practices will be examined from a legal and political science perspective in the following section.

2.2. Towards an empirical-analytical concept of contemporary multilateralism: today’s global multilateral playing field and its rules

If cooperation in a globalized world predominantly takes the form of what we have called multilateral global governance, gaining insights into the actual functioning of this form of governance requires a look into two determinant factors: (1) the structures that have emerged at the global level, which constitute the multilateral playing field and define its rules of the game and (2) the activities of the players that constantly re-define these structures. To texture our approach, we follow constructionist reasoning, claiming that these two cannot be separated - they co-determine each other over time. The structures constrain or enable actors’ capacities and the actors’ activities constantly re-constitute the structures (Wendt, 1987).
1. Structures have been defined as the “rules and resources” regulating and available to agents (Giddens, 1984: 377).
   a. Rules can be defined “as generalizable procedures applied in the enactment/reproduction of social life” (Giddens, 1984: 21). They can be of a formal-legal or of an informal nature (Sewell, 2005: 131). For an empirical account of multilateralism, the identification of rules therefore requires an investigation into the legal and institutional framework (the formal “rules of the game”) and the genuinely political, informal structural dimensions of multilateralism.
   b. Resources can be either material (e.g. financial, military) or immaterial, human qualities (e.g. intelligence) (Dessler, 1989: 454-455). They represent the enabling dimension of structures. In our case, agents have to physically dispose of them to act on the multilateral playing field.

While rules thus exist independently of any particular agent, resources are inextricably linked to individual agents, which is why we prefer to discuss them as parts of actors’ capabilities.

2. This leads us to the second point of investigation, namely agents’ activity and interaction in multilateral negotiations, based on their capabilities.

In synthesis, to obtain a clearer idea of what contemporary multilateralism represents, we will analytically distinguish between, firstly, the structural dimension (formal rules: legal and institutional framework, informal rules) of multilateralism, and, secondly, the agent-related dimensions of interaction (diplomacy) and capabilities (resources) this activity depends on.

2.2.1. The structures of the multilateral playing field: legal and institutional framework and informal rules

The world in the 20th century faced a wide range of grave political and social upheavals which led to the emergence of more institutionalized forms of international cooperation to address the issues at hand. In light of these developments the use of multilateral treaties started to rise and go beyond the nature of only serving as instruments of international legislation and regulation. This ultimately began to provide the means for creating multilateral organisations in their purest form. This very multilateral corpus juris, a byproduct of “international relations actors’ interactions within the specific configuration of international politics” (Sacriste and Vauchez, 2007: 84) is precisely the basis of the institutional framework in which international cooperation, in terms of multilateralism, functions. Within such a framework exists a decision-making process enabling members and participants of a given arrangement to express their “autonomous will” under the sphere of legal competence (Abi Saab, 1998).

The multilateral playing field of which we speak encompasses a broad range of entities and fora, all of which vary in membership, legal structures and most of all, functions. The intricacies of
the formal functioning of multilateralism within such a framework rest in the rules of procedures (RoP) as they provide the “multilateral players” with the prescribed “rules of the game”. The playing field as such does not have “common legal rules”. Each body and forum contains their own formal procedural guidelines, however it is not uncommon to see a rules of procedure transference from one entity to another, particularly within the UN framework. Such procedural guidelines are generally accepted as a “highway code” of multilateral diplomacy and are applied in light of the “procedural precedents and practices developed within the bodies and organs concerned” (Chrispeels, 1998: 119). In spite of the absence of “common rules”, one can observe commonalities amid the fora that constitute the multilateral playing field. Noteworthy horizontal procedural clauses include voting rights, proposals and amendments, representation and speeches. There is intrinsic value in being informed and familiar with how one can ask for the floor, how statements are reflected in the outcome documents of deliberations, and overall, of how decisions are made as these aspects in essence are the legal means enabling actors to participate in a given arrangement. It is important to highlight here that such means are only applicable in the more formally institutionalized multilateral fora where “institutionalized behaviour is defined by decision making rules” (Ruggie, 1993a: 14).

However, to solely look at institutionalized forms of multilateralism would not do justice to the multilateral playing field as such. It is crucial to address the existence of “informal” rules alongside and independently from that of formalized legal rules of procedures. This brings us back to Ruggie’s still valid definition of multilateralism where he describes generalized principles of conduct as “principles which specify appropriate conduct for a class of actions, without regard to the particularistic interests of the parties or the strategic exigencies that may exist in any specific occurrence” (Ruggie, 1993a: 11). Accordingly, actors in the multilateral playing field, bearing in mind the formal rules of procedure, also coordinate their relations on the basis of principles like indivisibility and diffuse reciprocity.

Against this background it is useful to dichotomize the overarching dimensions of the playing field to that of “inputs” and “outputs”. When considering input, we can distinguish between a pre-negotiation or agenda-setting phase and a policy formulation and decision-making phase. During the agenda-setting phase, issues which need immediate attention in the multilateral playing field are identified. During this phase, it becomes clear that today’s multilateralism is more

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6 The newly established Human Rights Council adopted the same RoP to that of UNGA (A/520/Rev.15).
9 See Rule 23 in the RoP: ICC Assembly of State Parties, 2002 and see Article 7 and 24 in the ILO Constitution.
and more becoming a “multi-actor multilateralism”. It is not uncommon to see a wide range of players involved in this process, notably lobbying NGOs, who, according to Newell (2000), are particularly important during this phase. In a similar vein, other authors have argued that more recently the influence of NGOs has increased, as “they have established their own mobilizing structures, they become capable of altering the political opportunity structure in their favor, and their frames gain in acceptance and legitimacy” (Joachim, 2003: 247). The increasing numbers of multi-actor fora outside institutionalized frameworks, like the World Civil Society Forum, are believed to help shape this process. Nevertheless, as negotiations move to the policy formation and decision-making stages, non-state actors are again placed on the periphery, or sidelines, of the playing field, while state actors move back to the centre.

When examining the decision-making phase itself, it is crucial to look at the means an actor possesses to put forward demands and interests within such multilateral frameworks. In legal aspects, the formal component permitting this is the right to vote, a right which above all derives from membership to a given arrangement or forum. In the UN system, for example, one does not have a right to vote unless one holds the formal legal status of a full member. Membership to a body or arrangement can either be limited and elective (such as in the G8) or open ended (as in UNCTAD). The architectural composition of the playing field however does enable those unable to fulfill full membership criteria to participate, albeit without voting rights, through being granted either observer or full participant status.

When accounting for “outputs”, as it formally denotes, there tends to be either a soft or hard law formula that generates from the entities of the playing field. The nature of “output” however is dependent upon the type of institutional structure and legal function of a given body. For example, the outcome documents of the UN General Assembly are considered to be “recommendations” and as such its resolutions have no binding effect with the exception of matters concerning the internal functioning of the organization such as the suspension of membership rights. Conversely, bodies such as the UN Security Council can adopt resolutions that are legally binding upon all UN Member States and even prevail over their existing treaty obligations. The processes and forms of cooperation involved in each realm accordingly vary and are shaped by the type of the outcome document.

It has on numerous occasions been acknowledged that actors choose to “order their relations through international law and design treaties and other legal arrangements to solve specific substantive and political problems” and further that legalization provides these actors with the “means to instantiate normative values” (Abbott and Snidal, 2000: 421). Here it is important to

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12 Conventionally in the context of international law such actors are sovereign states.
13 Although UN General Assembly resolutions are not legally binding they have on occasion been seen as *opinio juris* by the International Court of Justice in establishing rules customary international law, see Western Sahara Case ICJ Rep. 1975, 12 and Nicaragua case 1986 ICJ Rep 14.
stress that the realm of “legalization” comes in two forms (hard law and soft law), and that within each form come different costs and benefits, or even gains and losses. On the one hand, hard law facilitates and strengthens commitments and obligations; on the other hand it has the capacity to restrict an actor’s behaviour or even sovereignty. The ambit of soft law conversely circumvents some of the costs of hard law (Lipson, 1991) and, accordingly, is at times seemingly more appealing for actors to negotiate as it “offers more ways to deal with uncertainty (...) and facilitates compromise, and thus mutually beneficial cooperation, between actors with different interests and values, different time horizons and discount rates, and different degrees of power” (Abbott and Snidal 2000: 447, Koremenos, 2001). In view of this, Abbott and Snidal claim that “states and other actors look to law to achieve their ends whether they are pursuing interests and values. In fact these goals are normally deeply intertwined” (Abbott and Snidal 2000: 425). In the “rule making process” for intellectual property rights for example, private sector actors and states are interested in seeking rules to protect intellectual property while being committed to norms of property and fairness as well as self interest (Abbott and Snidal 2000: 425). The mutually reinforcing nature of this relationship is deeply embedded and reflected in the practice of multilateralism as such.

Against the backdrop of observing law as a means and an end in the multilateral playing field we will now turn to the concrete practice of multilateralism, which in the legal context referring to the guidelines for global multilateralism, has arguably been seen by some as too “pristine for the world of practical politics where compromise is (...) necessary”, and in Kantian terms what would be commonly referred to as “a regulatory ideal” (McGinnis, 2000: 381). This has been markedly argued in the perspective of multilateral treaty making. In light of this McGinnis developed a three factor approach to determine, from a legal perspective, the conditions under which an actor accedes to multilateral agreements:

1. Mutuality of gains: “multilateralism is only appropriate when the agreement provides gains to all parties to the agreement and when the gains could not be realized by the actors acting individually (...)”

2. Facilitation of encompassing interest: “multilateralism should facilitate the governance of participating actors by an encompassing interest (...)”

3. Light elaboration mechanisms: “the substantiality of an elaboration mechanism is needed to make multilateralism work (...)”

Looking at these three factors alongside defining elements of multilateralism as it has been used as an empirical concept in political science we are able to draw interesting parallels. The first factor “mutuality of gains” corresponds with what Keohane refers to as “expectations of diffuse reciprocity” (Keohane, 1985; Ruggie 1993a). Here the underlying notion is that the arrangement, or in the legal context, the agreement, will yield a rough equivalence of benefits and gains to all parties/actors involved in the long-run (McGinnis, 2000; Ruggie, 1993a).

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14 The term “actor” is substituting “nation” in view of our “multilateral playing field” accommodating beyond solely that of sovereign states.
McGinnis specifies as mechanisms that promote governance by an “encompassing interest”. This in context would mean that, for example, in negotiating redistribution policies one cannot disregard the effect on the total size of the cake to be divided. This remains consistent with Singer, Walsh and Wilkening’s approach to multilateralism in “which lasting solutions to the main problems of international security are sought through cooperation based on common interests” (Singer, Walsh and Wilkening, 2004: 8). Finally the third factor “light elaboration mechanisms” coincides with Ruggie’s conclusion that “institutions, clearly, are not unimportant” and that they are indeed “platforms representing collectivities at hand” (Ruggie, 1993a: 35; 34).

These parallels illustrate predominantly a conventional and institutionalized approach to the concrete practice of multilateralism, holding the sovereign state at the crux. In view of the playing field comprising beyond solely that of state actors, attention has to be drawn to current practices of forging cooperative partnerships - in multilateral treaty-making activities - between international public institutions, sympathetic states and international civil society. This recent transpiration arguably serves as the “model of a new and better way of creating international law” (Anderson, 2000: 109). The success of this “new model” can most aptly be observed in the case of the establishment of the Ottawa Convention Banning Landmines, which, as Canadian Foreign Minister Axworthy noted, “(..) was the harbinger of the new multilateralism: new alliances among states, new partnerships with non-state actors, and new approaches to international governance” (Anderson, 2000: 109).

In sum, even with the ever increasing number of players and the shift in the “types” of players, the multilateral playing field holds law and the legal process at “centre field”. Taking into account the legal aspects as explored by McGinnis and Abott and Snidal, in tandem with elements of multilateralism as explored by political scientists like Ruggie, it becomes clear that multilateralism connotes and requires both legal and political attention. Given that “legalization” mobilizes different actors and shapes their behaviour in particular ways (Carr, 1946) the following section will elucidate upon actor capabilities and interaction in the multilateral playing field in view of the wide range of actors existing in the contemporary global governance architecture.

2.2.2. Actors, their capabilities and interaction in the multilateral playing field: multilateral negotiation

Since the early 1990s, the described multilateral playing field has been undergoing two major processes of transformation with specific regard to the actors that populate it. Firstly, the diversity and number of players on this field have considerably changed. Traditional multilateralism was

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15 The term “encompassing interest” was first developed by Mancur Olson. For a further elaboration see Mancur Olson, 2000, Power, and Prosperity: Outgrowing Communist and Capital Dictatorships, 15-16.
dominated by inter-state, inter-executive relationships. For more than a decade now, a de facto proliferation of civil society (business or non-for-profit organisations), media actors and “epistemic communities” has started to alter the relationships between states and society actors at the global level (Alger, 2002; O’Brien et al., 2000; Cox, 1997a; Haas, 1992). Moreover, these non-governmental actors increasingly successfully demand for - or become, via their mere presence, agents of - greater transparency and openness of negotiation processes, profoundly changing the nature of multilateral cooperation. A move towards a “multi-actor multilateralism”, described in the previous section, is thus increasingly noticeable. Yet, this multi-actor nature of negotiations is mostly still limited to the agenda-setting and, sometimes, implementation phases (Newell, 2000). The reality of today’s multilateral system regularly shows that states executives and, in some cases, regional organisations (such as the EU) remain - formally and de facto - the core decision-makers when it comes to multilaterally structured global governance fora (Schechter/ Zierler, 2005: 3). In this context, a second major transformation becomes important. In terms of material resources, the relative weight of state actors in the current international system has considerably changed since the end of the Cold War. The post-war bipolar system that had become unipolar when the fall of the Iron Curtain left the US as the only remaining “superpower” may now be in the process of transforming into a multipolar one: countries like China, India and Brazil are on the rise, challenging US (and EU) predominance in multilateral global governance (Humphrey/ Messner, 2006; Schmucker, 2006).

It is also against this background of an international system in the process of transformation that contemporary practices of multilateral global governance are emerging. As organizing principle of global governance, multilateralism continues to correspond in practice “en premier lieu à un besoin de communiquer, d’expliquer les politiques de chacun et d’éviter les malentendus” in order to overcome a logic of confrontation (Novosseloff, 2002: 308). In this sense, it presupposes common or coordinated (inter)action in spite of originally diverging interests (Novosseloff, 2002: 308; Nyerges, 1998). These processes of interaction did and do primarily engage states, but global non-governmental actors increasingly take part in them.

Multilateralism amounts thus in today’s political practice to a continuous process of interaction, predominantly in the form of *simultaneus* negotiations involving three or more parties (Nyerges, 1998: 177; Touval 1991: 351), with different degrees of intensity: where the negotiation fora are highly institutionalized as in New York or Geneva, the representatives of countries see themselves engaged in “une succession quasi ininterrompue de négociations” (Hessel, 1998: 171). Here, the input from non-state actors is permanent and more and more institutionalized. But also in less institutionalized fora, such as the negotiations on the global climate change regime, negotiators tend to meet several times a year and the input of non-state actors is continuous (Raustiala, 2001).
In addition to implicating multiple players, multilateral negotiations represent also typically “multi-issue, multi-role and multi-value” settings (Zartman, 1994a; Aviel, 2005: 19). In a context of global governance, this means in practice that state and non-state actors engage in talks on a range of often interlinked issues in parallel - and regularly over longer periods of time. In these negotiation processes, actors can take on various roles - some assume a leadership role, whereas others tend to slow down negotiations or free-ride (Jönsson, 2002: 223). While state actors are most prone to occupy central positions during the core decision-making phase, non-state actors will typically be able to play a role as agenda-setters in early phases of the negotiations. All in all, the involvement of a growing number of players, with varying inputs at different stages in the multilateral negotiation process typically let these negotiations appear as “a very messy affair” (Holsti, 1982: 160). It is precisely this ever-increasing messiness that negotiators - as the core operators of multilateralism - have to deal with in their daily practice: “the prime imperative of practitioner[s] is (...) to decomplexify” (Zartman, 1994c: 219).

If contemporary multilateral negotiation requires thus, above all, the management of an ever-increasing complexity, the “art of building and managing (...) coalitions before, during and after” actual negotiations becomes key (Aviel, 2005: 20). As a matter of fact, multilateral (state) negotiators need to constantly engage in coalition-building and the identification of trade-offs and of options for issue-linkages (Aviel, 2005; Jönsson, 2002: 222-223; Zartman, 1994b: 4-7). Although this necessity to form coalitions is not per se new, coalition-building on the contemporary multilateral playing field does often differ from the past: where coalitions were formed very much along the lines of the traditional regional, albeit always heterogeneous, groupings (G77 etc.) before, they tend to be increasingly issue-specific and pragmatic today (Manz, 2007: 31). Further, conscious of their growing importance, actors of the global South increasingly form coalitions among themselves to better be able to face “the North” in multilateral fora. A prominent example of such a coalition is the G20 in WTO negotiations. This new tendency has considerably altered negotiation dynamics on the whole.

In sum, contemporary multilateralism is, also seen from the perspective of the actors and their capabilities, a combination of old necessities (coalition-, and trust-building) and new challenges (new actors and alliances). It requires a specific type of multilateral diplomacy - both as “an institution and a profession in the twenty-first century” (Muldoon, 2005: 9).

2.3. What it takes to be a multilateral global player: criteria of ‘multilaterability’

For the individual player aspiring to participate in multilateral fora, the described changing features (cf. table 1) of contemporary multilateralism make it an increasingly “demanding institutional form” (Ruggie, 1993a). The picture we have drawn of the multilateral playing field in general will be used
in this section to extract criteria that individual players have to meet in order to have access to and be active on this field. To this end, we introduce the concept of “multilaterability”, which we define as the capacity of an actor to contribute to resolving pressing global issues by following the “rules of the game” of contemporary multilateralism. Multilaterability in this sense relies on the fulfilment of all of the criteria discussed below. At the same time, it could be argued that the extent to which a player fulfils each of the criteria is an indication of its ability to be a powerful, potentially influential multilateral player.

Table 1: Core features of the contemporary multilateral playing field

1. **Formal legal and institutional parameters**
   > formal entry requirement: legal status
   > input dimension: rights (voting, tabling, speaking etc.) that flow from legal status and rules of procedure;
     decision-making process as laid down in rules of procedure
   > output dimension: varying degrees of legalization (soft vs. hard law)

2. **Core informal “rules of the game”: generalized principles of conduct**
   > preference for cooperative, enduring solutions to global problems
   > compromise orientation
   > diffuse reciprocity/ mutuality of gains
   > indivisibility/ egalitarianism
   > desire to legalize relations/ adherence to international law of cooperation

3. **Actors: increasing number and variety of players with diverse capacities**
   > proliferation and increasing importance of various non-state actors
   > among states, challenge to Western dominance via actors that are capacity-wise on the rise (e.g. China, India)
     new patterns of coalition-building, above all in the “global South” (e.g. G 20)

4. **Actors’ interaction: multilateral diplomacy**
   > centrality of coalition- and trust-building
   > increased complexity and importance of networking capacity (between states, but also with non-state actors and the media)

In our view, an actor’s multilaterability is a function of six criteria (cf. table 1): the first is a formal criterion for the access to the multilateral system per se, and transcends the sole capacity of this actor; the remaining five depend directly on both material and immaterial resources this actor possesses and exudes.

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16 In principle, “multilaterability” could be used to assess the capacity of any governmental or non-governmental actor to play a part on the multilateral playing field. However, as governmental and non-governmental actors differ importantly in their capacities, we choose to concentrate here on evaluating the “multilaterality” of the former. An assessment of the potential and actual activity of non-governmental actors would necessitate yet more nuanced criteria.

17 Although it is difficult to pinpoint the extent to which an actor fulfils these criteria - certainly without conducting empirical research ourselves -, we strive here for some tentative conclusions that may provide food for thought on how to think about and test an actor’s potential to have an impact on multilateral governance fora.
A first criterion that can be deduced from the overview of the legal-institutional framework of contemporary multilateralism is of a formal legal nature: as it may be observed in the more institutionalized multilateral governance fora (e.g. the UN bodies), an actor can (de jure) only play on the multilateral field when it has been given the permission to do so via being granted a legal status (member, observer etc.). In an environment that is still mainly state-dominated, this formal requirement is ostensibly a crucial obstacle to surpass for actors wishing to play a role in multilateral fora. Further, the access to certain rights (voting etc.) depends on the specific legal status awarded. If this access is denied, the chances of efficiently participating in a multilateral forum can be considerably constrained. Although in some of the formal and in many less formal multilateral governance fora de facto participation can overcome the juridical constraints, we retain thus here as a first criterion of an actor’s multilaterability its **formal access to the multilateral system and rights therein.** It is only after this access has been granted that the notion of indivisibility or non-discrimination between actors on the playing field sets in. An assessment of whether an actor fulfils this criterion necessitates a thorough analysis of its legal status and corresponding rights in multilateral fora.

Subsequent to overcoming this obstacle, any actor must possess a number of both material and immaterial resources necessary to facilitate it to “play by the rules of the game”. As seen, these rules can be either formal or informal in nature, more institutionalized or more ideational. Concerning the latter, it can be argued that a certain degree of compatibility between an individual actor’s convictions and actions and the overarching rules of the multilateral playing field (Ruggie’s “generalized principles of conduct”) is indispensible for its multilaterability. Multilateralism demands a strong commitment to the cooperative solution of global problems (Novosseloff, 2002), and, ultimately, to the international law of cooperation (Burley, 1993: 126-129). Only if an actor is willing to stand in for these convictions, will it excel on the multilateral playing field. In this sense, an actor’s internal **value base** - as guideline for its actual external action - is a crucial criterion for gaining access to and performing well on the international stage. To assess an actor’s value base, it is essential to take a look at, firstly, its constitutional foundations, but also at how fundamental values and norms are translated into and applied in political declarations and policy papers. In addition to the elite view expressed in such documents, an (at least latent) overall support of organised civil society and the public opinion for these values may also be considered as a necessary precondition for external multilateral activity.

Thirdly, as shown, the notion of reciprocity plays an important role in all types of multilateral relations. Mutual recognition and acceptance by multilateral players is a crucial precondition for (joint) multilateral activity. For the individual player, this implies that it has to enjoy the reputation of being an actor that is willing and/or apt to play by multilateral rules. This recognition - by third countries, global civil society and/or the public - depends at any given
moment on an actor’s actual past multilateral behaviour, its interaction with others and the visibility of this activity. In synthesis, what we depict here as an actor’s **multilateral attractiveness** can be considered as the active dimension of the value base. Congruence between the action of a given player and the values it proclaims can be measured by investigating into this player’s historical record of multilateral behaviour and the reputation it enjoys abroad.

Fourth, multilateralism as a “demanding institutional form” requires not only an insistent ideational commitment and a record of coherence between words and deeds, but also a strong institutional apparatus for dealing with the great variety of multilateral fora and their specific requirements. As seen, solving collective action problems at the global level asks a lot of an individual actor, both in terms of input (agenda-setting, negotiation, decision- and treaty-making) and output (ratification, implementation). Actors can only meet these requirements if they dispose of an **internal legal and institutional set-up** that permits them to prepare and follow up on all ongoing multilateral activities across the various issue areas. To assess how an actor fares concerning this criterion, we will have to see whether it disposes of the following qualities, seen as indispensable in order to play on the multilateral field: adequate legal competences, decision-making procedures, foreign policy instruments, and institutional arrangements for external representation and interaction with others.

Moreover, if an actor certainly has to be capable of providing input and dealing with the output of multilateral negotiations in general, it is essentially the core negotiation (decision-making) phase that constitutes the centre of past and present multilateralism. Working at the intersection between the internal and the external set-up are the real operators of this core activity: the multilateral diplomats. With the described, increased levels of complexity of multilateralism as an organizing form, **diplomatic resources** become therefore an ever more important component of an actor’s multilaterability. These resources are, in principle, dependent on, on the one hand, human resources, i.e. a sufficient number of skilled diplomats and, on the other hand, on infrastructure. As can be deduced from our discussion of contemporary multilateral negotiations, contemporary multilateral diplomacy is principally characterized by the necessity (i) to deal with complicated, long-term negotiation processes, (ii) to be open to public scrutiny and control (Muldoon, 2005: 5), and (iii) to respond to the demands of non-state actors. In other terms, just like foreign policy in general, multilateral diplomacy has to be more “society- and population-orientated” (Keukeleire/ MacNaughtan, 2008: 21). This has repercussions for the ideal-typical profile of today’s multilateral diplomat (Muldoon, 2005; Nyerges, 1998): firstly, she has to be capable of building and maintaining both coalitions or networks with state actors and contacts with many other actors.

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18 When speaking of the “hot” phase of a negotiation process, the role of politicians - elected negotiators, as opposed to career diplomats - should not be underplayed. However, in most multilateral negotiations, they only enter the playing field at the very final stage, on many occasions only to give their assent on what has been agreed beforehand.
including business and civil society demanding both information and to be heard, and, prominently, also with the media. Secondly, a greater specialization, the capacity to think strategically across issue areas, and knowing “how to use the rules of procedures” have become key (Aviel, 2005: 19). With this comes the necessity to give input into the processes of “drafting and amending international normative and regulatory rules” (Muldoon, 2005: 6). Finally, as most issues contemporary multilateral global governance fora deal with are collective action problems, diplomats also increasingly have to be capable of acting according to a “dual responsibility”: they have to promote their own (state) actor’s interests and “advance the interests of the global community” (Aviel, 2005: 21). Human resources will, however, not be able to live up to their full potential without an adequate infrastructure: to be present in multilateral fora across the world, a network of embassies that is not limited to New York and Washington is of great value. In synthesis, all these points need to be considered when assessing how an actor scores on this criterion of multilaterability.

Finally, we can deduce from our discussion of the multilateral playing field that an actor’s multilaterability relies crucially also on its material resources in the hard sense. As a sixth and last criterion, we assume therefore that the participation in multilateral negotiations and the impact on these depend on economic/financial resources. A sufficient budget is needed to support staff in a large number of places and in all relevant fora as well as to allow this staff to bring together partners for multilateral consultations. Further, economic and financial tools need to be available both for usage in complex negotiations and to support the functioning of multilateral fora. It is the task of the analyst to investigate into the availability of these resources when evaluating an actor’s performance on this criterion.

Table 2: Criteria of multilaterability

<table>
<thead>
<tr>
<th>Multilaterability criterion</th>
<th>Formal access to the multilateral system and rights therein</th>
<th>Value base</th>
<th>Multilateral Attractiveness</th>
<th>Internal legal and institutional set-up</th>
<th>Diplomatic resources</th>
<th>Financial/economic resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Components/indicators</td>
<td>status as formal legal entry point into the most institution-alized multilateral governance fora (e.g. UN bodies) and corresponding rights</td>
<td>commitment to multilateralism (cooperative action; collective problem-solving; adherence to international law)</td>
<td>reputation created in third countries (elites, public) depending on “past multilateral behaviour” and overall image</td>
<td>- legal competences - institutional set-up (decision-making) - representation - instruments</td>
<td>- personnel: number and skills - infrastructure: embassies - long-term strategic capacity</td>
<td>- monetary resources - financial instruments</td>
</tr>
</tbody>
</table>

In sum, an actor’s access to, capacity to participate and perform in multilateral governance fora - what we call multilaterability - depends fundamentally on the fulfilment of these six criteria. It is the
degree to which they are met that determines how efficient its participation can be. Rating an actor’s performance on each of the criteria can thus give us an insight into its potential to have an impact on multilateral fora. Even if the actor scores high on all criteria, it will be only in function of the specific context whether its multilaterability (or “power under multilateralism”, cf. Lukes, 2005) is converted into actual influence or not.

We will now turn to see whether and to what extent the EU can be and is “multilaterable”.

3. The EU as a player on the global multilateral playing field: does it meet the challenge?

On the background of what has been presented so far, i.e. the contemporary multilateral playing field (cf. table 1) and, derived from this, the six components of multilaterability (cf. table 2), our task is now to examine if the EU fulfils the identified criteria, and if so, to what extent it fulfils them. To this end, the EU’s record on each criterion will be assessed along the explicated lines. For illustrative purposes, examples will be used from a variety of policy fields. While our assessment is by no means intended to be exhaustive, it should ideally enable us to draw tentative conclusions on the EU’s overall multilaterability.

3.1. Contemporary multilateralism and the EU

3.1.1. Formal access to the multilateral system and rights therein

A fundamental pre-condition for the European Union to participate in a given multilateral forum, notably in the more institutionalised fora, is in essence having the permission to do so. When we speak of “permission” we refer to the multilateral body granting a formal legal status to the EU, i.e. providing it with the formal “access pass” needed to enter and “play in the playing field” via the requisites arising from its status.

Within institutionalised frameworks like the UN system - of which many other fora follow suit - the European Community has generally been awarded with observer or full participant status apart from a few exceptions: the WTO (since 1995), the FAO (1991), Codex Alimentarius (2003) and the World Customs Organisation (2007), in which it is a full member.

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19 For Lukes, power is a “potentiality” or capacity that is not systematically converted into actual impact (2005: 69). Multilaterability could therefore also be conceived of as the power of an actor - in the sense of its potential impact - in a multilateral context. Whether this power is converted into actual influence, i.e., in essence, the modification of the behaviour of other actors on the multilateral playing field (Cox/ Jacobson, 1973: 3), will depend on additional factors, such as the behaviour of these other actors or the exact circumstances given in a specific forum.

20 The EU and EC are commonly used interchangeably in many parts of existing literature. We expressly refer to the EC here whenever this is necessary for purposes of legal accuracy.
To be awarded with an “access pass”, the EC had to undergo the sometimes arduous processes involved within each body/arrangement in light of it not being a traditional actor (i.e. a sovereign state) of institutionalised arrangements (Govaere/Capiau/Vermeersch, 2004). The FAO for example required a constitutional amendment for the EU to be a full member in addition to a vote concurred by a two-thirds majority of all members of the FAO Conference. While this was finally achieved in 1991, the persistence and negotiations concerned should not be disregarded.

The access pass for the WTO, on the other hand, consisted of an easier process: as the Community had been participating in the GATT’s activities for more than three decades, it was able to continue its participation in the WTO as a full member. Full membership status grants an actor ultimately the most rights available on the multilateral playing field. The EC with its full membership status in bodies like the FAO possesses voting rights, rights to make interventions, rights to submit amendments and, above all, to be a party to all agreements deriving from the given organ, just like a Member State. In context, full membership status may be seen as the “VIP” access card in the broader picture.

In the majority of multilateral fora, however, the Community is restricted to observer status, the primary reason being that the practice of multilateralism in respects to both input and output still holds individual state actors at the centre of its functions. Nevertheless, in 1974, the EC received a formal standing invitation to the United Nations General Assembly to participate as an observer. Other institutionalised forms of multilateral arrangements like the International Atomic Energy, UN specialised agencies (e.g. ILO, WHO, UNESCO) and programmes and funds (e.g. UNDP, UNEP, WFP), and global conferences similar to that of the World Conference on Human Rights, tend to follow in its path. The EU’s access card thus remains constant across the field. Observer status, unlike full membership, encompasses the lowest degree of rights and does not endow the EU with any rights in the formal sense, excluding it from serving as rapporteur, voting and presiding over meetings. Markedly, it can only make interventions after all full members to the body have done so. While it may possess an “access card” to participate, it must face these constrictions on the multilateral playing field. Finally, it is important to highlight here that on occasion the EU is also granted full participant status in some arrangements like the Commission on Sustainable Development, the WHO and UNESCO as regards treaty negotiations, in addition to world conferences such as the World Conference on Information Society. This form of access card, while not conferring voting rights, enables the EU to submit amendments, preside over meetings and serve as rapporteur (Hoffmeister/Kuijper, 2006).

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21 See Article II.2 FAO Constitution.  
23 See UNGA resolution 3208 (XXIV).
In sum, each awarded legal status or what we refer to as an “access card” holds different rights and accordingly fosters different capacities. The European Union, while wishing to pursue full membership to more multilateral arrangements (Hoffmeister, 2007) including the rights therein, remains having to deal with the shortcomings and obstacles of observer and full participant status. As such, it scores “mix to low” in our formal access criteria: while it may have the access to participate in all of the arrangements, it does not always necessarily have all the encompassing formal rights to put it on equal footing with other players on the field.

3.1.2. Value base

A first substantial quality that makes an actor multilaterable is its value base, and its compatibility with the values and principles underpinning contemporary multilateralism.

In the EU, the treaties represent the “constitutional” foundations for both internal and external activity. Currently, it is above all the Treaty on European Union (TEU) that makes reference to the values that corroborate the global multilateral governance arena. Art. 11 (1) TEU lists as aims of EU external activity: “to promote international cooperation” and “to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms”, some of the core values enshrined in contemporary international law.24

Recent policy documents demonstrate what this general adherence to the values of multilateralism means when applied to specific strategic considerations. Firstly, in the European Security Strategy, drafted by its High Representative for Common Foreign and Security Policy and

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24 The ratification of the Lisbon Treaty, product of the EU’s most recent reform effort, will make its commitment to multilateralism even more explicit: according to Art. 3 (5) of the new TEU, “[i]n its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter”. Art. 21 TEU elaborates on this further: “1. The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law. The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations. 2. The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to: (a) safeguard its values, fundamental interests, security, independence and integrity; (b) consolidate and support democracy, the rule of law, human rights and the principles of international law; (c) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders; (d) foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty; (e) encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade; (f) help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development; (g) assist populations, countries and regions confronting natural or man-made disasters; and (h) promote an international system based on stronger multilateral cooperation and good global governance.”
endorsed by the European Council in December 2003, the EU affirms that its aim is the “development of a stronger international society, well-functioning international institutions and a rule-based international order” (European Council, 2003: 9). The Strategy further highlights that the EU supports the development of international law and the integration of new members into the multilateral arena (European Council, 2003: 9-14; Jasinski/ Kacperczyk, 2005: 34). In a Communication published that same year, the Commission - after having listed some of the principles and values of the multilateral system (“friendly relations among nations”, “harmonising the actions of nations”, solidarity, the rule of law) - concludes: “Flowing from the deep commitment to these values comes a natural support by the EU for multilateral institutions, like the UN, and for multilateral solutions to global problems” (European Commission, 2003b: 6). If these documents testify of the EU’s (rhetorical) commitment to the promotion of the values that underpin multilateralism, this is also strikingly evident from various statements of representatives from all EU institutions. Emblematically, Commission president Barroso affirmed in a recent speech (2007): “we believe that multilateralism is the only effective way to tackle global challenges like climate change, trade, development”.

This general support for multilateralism also translates into value-based commitments in certain policy fields such as the ones enumerated by Barroso. In the field of climate change, for instance, the EU has long stressed the necessity for multilateral solutions under the UN umbrella (European Council, 2007: 11; European Commission, 2005b), as it has generally for most environmental issues (Vogler, 2005: 838). The same can be said for the EU’s trade policy, where regional approaches and multilateralism are seen as going hand in hand (Aggarwal/ Fogarty, 2004).

The strong commitment to the values of multilateralism evidenced in the constitutional foundations and in the elite view on multilateralism within the EU is mirrored by European civil society and public opinion attitudes. For instance, in the fields of environment and human rights, both European and international non-for profit organizations largely welcome the EU’s (multilateral) value commitment, and are quick to criticize it whenever the Union does not live up to this commitment in practice. For instance, in a recent Amnesty International (AI) statement on an EU-Africa meeting on migration and development, we can read: AI “welcomes the fact that EU Member States and the Commission continue to engage in multilateral dialogue on this issue” (Amnesty International, 2006: 1). Similar declarations can be found in statements by NGOs on issues such as trade and the environment (Martin, 2003). It is more difficult to find evidence on the public opinion and its support specifically for the values underpinning contemporary multilateralism. Generally, a solid two-third majority of the public has been in favour of a common EU foreign policy that would tackle global collective action problems (European Commission, 2003).

25 This commitment was expressed in a similar vein by the Commission in its influential communication “The EU and the UN: the choice of multilateralism” (European Commission, 2003).
2005a; McCormick, 2007: 118-119). In the absence of telling opinion polls on the specific values of multilateralism, we can take the wide upraise against the US-led attacks on Iraq in the spring of 2003 as an example that public opinion in Europe generally favours negotiated, multilateral solutions covered by international law over ad hoc alliances operating outside a multilateral framework. Altogether, there seems to be broad support for a common EU foreign policy based on multilateral convictions.

In synthesis, our brief survey reveals that the EU appears to score quite high on the criterion of value base. Its commitment to multilateralism as it has been defined here and to the values attached to it is explicit in many official documents and statements and in specific issue areas. Further, it is based on broad support from civil society and the public. It is, however, a very different question whether this value base and the declared willingness to play by multilateral rules is regularly taken into account when it comes to actual external activity. This brings us to the third criterion.

3.1.3. Multilateral attractiveness

The values an actor embraces are mirrored in its multilateral attractiveness. The EU’s commitment to multilateralism, its historical record of participating in multilateral activities and its experiences of being a full member, full participant and observer on the multilateral playing field place it in a good position to attract other actors including third countries, NGOs and the private sector to engage in multilateral practices.

The EU has had a sound record in participating in multilateral activities dating back to even the early 1970s in the UN General Assembly. Since then it has incrementally developed its presence and clout in multilateral fora through its economic and political resources, arguably because “it is increasingly ready and able to use its trade muscle to serve political goals” (Meunier/Nicolaidis, 2005: 266). Hence, when looking at the general landscape of the playing field today, one can generally find the EU in (almost) every multilateral arrangement.

However, when it comes to actually translating multilateralism as such, instances do arise where the EU either (a) chooses bilateral options/ preferential treatment towards certain countries to serve its own interests or (b) does not choose a multilateral solution at all. The EU’s preferential trade agreements within the framework of the Cotonou Agreement with ACP countries is an example of the first option, where these agreements have received much criticism from even the WTO itself, claiming that they are non-reciprocal and discriminatory and thus incompatible with WTO rules (Engel, 2007). As the impetus behind the Economic Partnership Agreements (EPAs) that are currently being negotiated between the EU and ACP countries are to restore compatibility with the WTO regime, increase reciprocity and stimulate a stronger integration of ACP countries in
regional and global economies, the example nowadays swings back to the multilateral side of the
spectrum. Currently a better example of where the EU has not chosen to act multilaterally is in the
area of the rights of migrant workers. Neither the Community nor any of the EU Member States
are parties to the International Convention on the Protection of the Rights of Migrant Workers, a
core international human rights treaty, in spite of the European Council (1999) conclusions to the
Tampere Summit where it had proclaimed:

“The objective of creating a common EU asylum and migration policy within the framework of the area of freedom, security and
justice, on the basis that this freedom should not be regarded as the exclusive preserve of the Union’s own citizens. Its very
existence acts as a draw to many others worldwide who cannot enjoy the freedom Union citizens take for granted. It would be in
contradiction with Europe’s traditions to deny such freedom to those whose circumstances lead them justifiably to seek access to
our territory.”

Nevertheless, in the broad spectrum, whenever the EU chooses to partake in multilateral activities,
it is perceived as an attractive partner. This may be observed in trade negotiations, where “others
listen (…) they wake up when the EU speaks” (Elgström/ Chaban/ Holland, 2006: 250) and
occasionally align their negotiation stance with that of the EU (Elgström, 2007), not only because of
its economic strength. A variety of actors on the playing field actually views the EU as a “principled
actor” in the way it exports its core values and policies in multilateral fora. Moreover, it is
commonly argued that because the EU’s external identity is “value-driven” and because it has the
capacity to transmit its values through “value vehicles” such as its development policy, it becomes
an attractive actor to collaborate with in multilateral arrangements (Coulon and Rees, 2005). Many,
like elite political actors in Australia, regard the EU as “a key source of global influence, and a
source which is likely and hopefully to increase in importance and effectiveness in the future” (Stats
and Bain, 2007: 15) and therefore feel strategically for their own interests that partaking in
multilateral activities with the EU can serve to be beneficial in the long-term.

Further, the EU’s moral capital has also contributed to many parts of the world seeing it as a
trustworthy partner. Observably it has helped “put a brake on rampant anti-Western world views
and perceptions which have gained impetus due to the Iraq war, human rights abuses in Abu
Ghraib, the erosion of human rights at Guantánamo Bay, and the unilateralism exhibited by the
Bush government”, overall, setting the foundation for more effective international initiatives
(Messner, 2007: 12).

To put these value characteristics into context, the ratification efforts of the Kyoto Protocol
and the Rome Statute are seemingly fitting examples. In the area of climate change the EU is
credited for having actively contributed to convincing major emitters, especially Russia, of the
necessity to ratify the Kyoto Protocol after the US announcement to pull out of the multilateral
process (Douma, 2006). EU activity thus contributed significantly to assuring that the climate
change negotiations remained within the framework of the UN, all of which made the EU appear as
an attractive and credible multilateral player. In the EU’s efforts to support the functioning of the
International Criminal Court it has also been seen and declared by NGOs like the Coalition for the
International Criminal Court as a “leading force in strengthening the ICC” and the international
justice system as such (Coalition for the ICC, Regional and Country Info, EU). The inclusion of an
ICC clause in the revised 2005 Cotonou Agreement merely strengthened this stance as, since its
inclusion, 13 ACP countries have ratified the Statute. The EU’s exportation of values in respects to
the ICC therefore also illustrates its attractiveness as an international player: by putting its valued
declarations into practice.

In sum, the EU scores “mixed to strong” in the multilateral attractiveness category. When it
does choose to act multilaterally it receives a strong score as its commitment to multilateralism
parallel to its actual practice in exporting its values on the multilateral playing field have led a wide
range of actors to see the Union beyond solely that of “trade muscle” and accordingly as an
attractive multilateral player. However, there have been significant occasions, like the cases of the
EU-ACP preferential trade agreements in the past and the international convention on the rights of
migrant workers, where the EU in spite of its strong declaratory commitment to multilateralism
opted for its own path.

3.1.4. Internal legal and institutional set-up

In order for any actor to participate in multilateral activities it must possess the legal competence,
instruments and the internal institutional arrangements for decision-making and external
representation purposes. For the EU it is much more complex in nature to that of state actors due
to its architectural composition. The Treaty of Maastricht establishing the European Union divided
policy areas into three main pillars: (i) a first pillar consisting of the three (nowadays two) European
Communities, with the European Community with long-time ascribed external competences like
common commercial policy (Art. 133 TEC) and a far-reaching international treaty-making capacity
(Art. 300 TEC); (ii) a second pillar consisting of the Common Foreign and Security Policy (CFSP)
and, increasingly, a European Security and Defense Policy (ESDP), including the power – since the
Nice Treaty – to negotiate and conclude agreements with thirs states or international organisations
(Art. 24 TEU); and (iii) a third pillar covering police and judicial cooperation in criminal matters
with a similar treaty-making capacity as under the second pillar (Art. 38 TEU). Importantly, the EC
has implicit competence, as recognized by the European Court of Justice, to conclude
international agreements where necessary for the implementation of internal policies or as an

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26 This overview is only on the current state of affairs. The authors recognize that once the Treaty of Lisbon comes into
force “the Union shall replace and succeed the European Community”. See Treaty of Lisbon, Article 1(b).

27 See ECI Case 22/70 ERTA [1971] and Opinion 1/76 Agreement on a European fund for decommissioning inland
waterway vessels.
expression of its internal competences in previously exercised areas of competence. This may be most aptly observed in the 2006 negotiations on the UNESCO Convention on Cultural Diversity where the Community ratified the convention in its own right due to “cultural diversity” being embedded and enshrined in its Treaty (Art. 151 TEC).

Against this background it is imperative for the EU to have a solid internal decision-making process in place so as to ensure its external policies are executed in a coherent manner. The EU has three main decision-making procedures: consultation (Art. 192 TEC), co-decision (Art. 251 TEC) and assent (Art. 192 TEC) and which institutions are involved is dependent upon the specific procedure/policy area. In the consultation procedure, the Commission submits a proposal addressing issue areas like agriculture and police and judicial cooperation in criminal matters to the Council of the European Union which is then required to consult the European Parliament. Areas subject to the co-decision procedure include all “internal market” matters, including environmental policy, where the Council shares its legislative powers with the European Parliament. Finally, in the assent procedure the Council in cases like certain international agreements, notably those that have major a financial implication, can only take a decision with the European Parliament’s express assent. The variance of decision-making procedures and the number of policy issues, institutions and actors involved have on several occasions induced arduous and cumbersome processes, notably in the area of CFSP/ESDP, due to the unanimity requirement and “the problems of a Council weighed down by too many participants and too many policy issues” leading to the real question “how does the EU manage to make any foreign policy at all” (Keukeleire/MacNaughtan, 2008: 112). Many have also claimed that the EU’s decision-making process has become inordinately slow, suffering from an excessive load of business and increased gridlock (Schulz/Köng, 2000: 654). This in sum has posed many challenges for timely policy implementation as seen in the case for the 6th Environment Action Programme (IEEP Report for European Environmental Bureau, 2006), which also has consequences for how the EU is perceived internationally.

Bearing in mind its pillar structure, even when this is set to be formally abolished under the Lisbon Treaty (Wouters et al., 2008), internal coordination remains crucial in all of the EU’s external multilateral engagements. The Treaty on European Union obliges EU Member States to coordinate their action in all international organisations and conferences and to uphold common positions falling under its competences (Art. 19 TEU). The support in the establishment and effective functioning of the International Criminal Court is an excellent example of this, as each Member State has been required to establish a “national focal point” for its external contacts and exchange of information concerning the implementation of the Common Position28 on the ICC. Further, these national contact points are expected to liaise with the EU focal point in order to

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effectively implement the Common Position. This, however, is a best case scenario: there have been times where individual Member States, notably in negotiating mixed agreements where the European Community alongside its members become party to the agreement, prefer to participate on their own will. This was for instance the case in the negotiations to strengthen the Basel Convention where Denmark chose to negotiate independently (Kellow/Zito, 2002). Accordingly, it is crucial for all parties involved at the EU’s internal level to coordinate efforts so that the overall objectives of the EU are not undermined on the playing field.

Subsequent to the decision-making and internal coordination process and acquiescent to legal competences comes external representation in multilateral practices. In fora where the Community has exclusive competences, such as certain areas addressed in the FAO, it is the European Commission who is to negotiate and conclude agreements in addition to maintaining appropriate relations with all international organizations (Art. 300 and 302 TEC). In arrangements where, for example, the fight against the proliferation of weapons of mass destruction is discussed, like in the Organisation for the Prohibition of Chemical Weapons, it is the EU Presidency who is supposed to represent the European Union (Article 18(1) TEU). The practical result, however, is seemingly bewildering, as it is not uncommon to see the representation of the EU being passed back and forth between the Commission and Presidency (Vogler, 2005), noticeably in UN environmental negotiations (Damro, 2006). In view of the absence of a stable pattern of external representation in environmental negotiations, Delreux concludes “Practice shows that (…) who speaks on behalf of the EU and who represents the EU is (…) subject to a large degree of variation” (Delreux 2006: 243). Consequently this very variation poses a hindrance to how the other players on the playing field identify the European Union.

The last indicator of this criterion of multilaterability is instruments. An actor must possess the appropriate internal instruments in order to promote and implement the declarations and agreements it makes in multilateral fora and the obligations arising from these. The EU disposes of a variety of legal, crisis management and financial instruments, covering a wide range of policy areas. A noteworthy legal instrument is the inclusion of a “human rights clause” in all EU association, trade and partnership agreements. In the Cotonou Agreement for example, if countries seriously violate human rights, democracy and the rule of law, as enshrined in Article 9 of the agreement, the EU can invoke the “essential elements” or “suspension” clause, as outlined in Article 96. Since the signing of the Cotonou agreement, Article 96 has been invoked ten times (ECDPM, 2007). An example of a crisis management instrument would be the EU’s Rapid Reaction Mechanism which is designed to “allow the Community to respond in a rapid, efficient and flexible manner, to situations of urgency or crisis or to the emergence of crisis (…)” (Council Regulation (EC) No 381/2001 Article 1). Further, the EU disposes of a number of specialised

financing instruments that include emergency provisions allowing for a mobilisation of funds on short notice such as the Council's Regulation on Food Aid (Council Regulation (EC) No 1292/96 Article 24). Lastly, the EU is in possession of a number of financial instruments, e.g. LIFE+, which supports environmental and nature conservation projects in some candidate, acceding and neighbouring countries. In our view, financial instruments are the most important of all EU instruments and accordingly will be further elaborated upon below. In sum, all of these instruments provide the EU with the capacities needed to contribute to resolving and attending to pressing global problems addressed in the multilateral playing field. How the EU uses these instruments has an impact on its multilateral relations.

On the backdrop of the EU's complex architectural composition, tiered decision-making procedures and intricacies of external representation, it receives a mixed score on the internal legal and institutional set up criteria. While it scores high on certain indicators like instruments, there remains an overarching shadow resulting from issues surrounding coordination, as seen in the case of the Basel Convention, and the complexities arising from the pillar structure in respect to competences and representation.

### 3.1.5. Diplomatic resources

We identified two factors as crucial to the successful conduct of contemporary multilateral diplomacy: people (human resources) and presence (infrastructure).

Depending on the issue area, as seen in the previous section, legal competences and internal representation arrangements determine if European Union multilateral diplomacy is, in practice, conducted by the Presidency on behalf of the EU, as in many negotiations in such fields as external environmental policy or human rights, the Commission, as, e.g., in external trade negotiations, or both. On this background, EU multilateral diplomacy can best be regarded as “concerted diplomacy” (Duke, 2002: 850) in the “spirit of loyalty” and “mutual solidarity” stipulated in Art. 11 (2) TEU. Conceived as such, the EU can draw on the infrastructure and personnel resources of both the Commission external service and the Member States diplomatic services. Recently, counting both the Member States’ embassies and the Commission delegations, the EU-25’s “concerted diplomacy” infrastructure consisted of about 2,300 diplomatic missions, run by about 59,000 (diplomatic) staff (Hocking/Spence, 2005: 301-302). As one important backbone of this diplomatic network, the Commission had, in 2006, about 135 delegations and offices, among them delegations at the UN headquarters. These operated with a permanent staff of about 1800 (not counting local personnel), which were backed up by about 2700 officials working in Brussels (European Commission, 2006a).
Evidently, not all of these diplomats were directly involved in multilateral negotiation. Nonetheless, with these resources the EU disposes of a network spanning the entire globe. It definitely gives the Union the capacity to be present everywhere on the multilateral field, both in a permanent manner in the central settings of multilateral governance (New York, Geneva), but also at the various meetings of, for instance, the governing bodies of regimes. Further, it allows the EU to have permanent links with all regions of the world, and especially with those states that can be expected to have the greatest impact on the future functioning of multilateralism, such as China or India.

Regarding the second crucial factor - people -, a purely quantitative assessment, i.e. having a large number of personnel at one’s disposal, is but one indicator of diplomatic resources, certainly insufficient by itself. As seen, the qualities and skills of diplomats tend to become ever more important in today's multilateral playing field. One may think that these qualities vary a lot: where Commission officials, who make up the staff of the delegations, receive currently no complete diplomatic training (Duke, 2002: 860-863; Bruter, 1999: 191), most Member States have their future diplomats go through extensive preparatory programmes. The “professionalization” that some Commission officials seemingly lack (Duke, 2002) is, however, regularly compensated by the tremendous experience that both the staff of the EU institutions, but also national diplomats and experts working in and for the EU often go through: before representing and negotiating on behalf of the Union externally, they have frequently had a substantive exposure to multilateral negotiations as they are conducted within the EU, which is “itself an example of multilateralism at work” (Cameron, 2004: 158; Wallace, 1990). This implies that EU officials often possess a strong record of compromise-oriented negotiating in highly institutionalized, multilingual and multicultural settings. At the same time, internal EU negotiations expose diplomats from the national capitals to socialization processes that challenge their identity as representatives of their country (Batora, 2005). As a result, many of them tend to develop the sort of “dual responsibility” and identity (as a defender of both the interests of their country and of a European common good) Aviel identified as crucial for the profile of today’s multilateral diplomat (Aviel, 2005: 21, cf. 2.3.).

Further, the EU seems to have already effectively adapted to another need of modern multilateral diplomacy: the necessity to be more “society- and population-oriented” (cf. 2.3.), i.e. to communicate with civil society, the media, and the public. Commission delegations fulfil many such tasks, going largely beyond the representative and managerial functions of traditional embassies. In addition to coordinating between Member State embassies in situ, they engage in numerous activities designed to fulfil the demands of third (host) countries, EU and non-EU non-state actors, citizens and the media in terms of assistance or information (Bruter, 1999: 199-201). It is also such

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30 For Batora, this transforming diplomacy within the EU, if projected onto the world, even yields the potential for a renewed Europeanization of the “global diplomatic system” (Batora, 2005: 62).
activities that enhance an actor’s multilaterability by contributing largely to oiling the wheels of contemporary multilateral governance as joint exercise involving state and non-state actors and the public.

Finally, multilateralism as cooperative action functioning according to a logic of diffuse reciprocity makes the capacity to plan for the long term become an ever more important diplomatic resource. This capacity depends both on the quality of the personnel and the institutional infrastructure. In the EU, activities of the Commission, as the promoter of a European common good, but also of the High Representative at times enable the EU to act in accordance with a medium- or long-term strategy. Both have - proactively or on demand by the (European) Council - been able to keep certain topics on the agenda over longer periods of time and to develop broader lines of long-term activity in such strategically important fields as, for example, climate change and energy policy (European Commission, 2005b) or human rights (European Commission, 2001). If this capacity cannot be observed for all fields and at all times - and has not always been followed by activity - a clear tendency to forge long-term strategic action plans for the EU can certainly be identified.

While the diplomatic resources the EU disposes of seem thus to be well-suited for multilateral activity, their usage, i.e. the functioning of the diplomatic system, can yet be improved. A certain lack of strategic coherence (European Commission, 2006b: 6-8) and “consistency” between various actors at various levels and across issue areas, hampering both the visibility and the actual impact of EU foreign policy, has been repeatedly criticized (Nuttall, 2005). An effort of fostering greater synergies between EU and national services aimed at further enhancing the performance of the EU’s diplomacy has been made during recent reform negotiations. The Lisbon Treaty foresees the creation of a European External Action Service (new Art. 27 (3) TEU), which would provide the institutional framework for combining Member State, Commission and Council resources, formalizing to a certain extent what already exists de facto in a much less coordinated fashion.

All in all, the EU seems to possess a great potential in terms of diplomatic resources, especially if we take EU diplomacy to be the concerted efforts of EU Member States, whenever they act explicitly on behalf of the EU, and the Commission. However, problems of inconsistency lead, at times, yet to considerable shortcomings in the actual functioning of EU diplomacy, which is why the capacity that exists in terms of multilaterability is not always used up to the full extent. In sum, its record on this criterion is therefore yet mixed.
3.1.6. Financial/ economic resources

As final criterion of multilaterability we identified the availability and use of economic and financial resources, including, but going beyond those that are needed to pay staff and infrastructure. It is instructive to take a look at the relevant budgetary resources and at instruments and how they have been applied in the past with regards to multilateral activity.

When discussing the issue of an EU external budget, two problems arise: firstly, once again the question of “who is the EU?” has to be posed: do we only take the EU’s budget into consideration or also the relevant budget lines of the Member States? This is a tricky issue and the opinions diverge on how to deal with it. In a report to the Evian European Council in 2000, the High Representative argued that an “accurate and comprehensive picture of [the] EU’s financial efforts vis-à-vis our partners should include, at any point in time: Community assistance: whether from the budget proper (projects, programmes and macro-financial); from the EDF; or from the EIB; Member States bilateral assistance; [and] an approximation of the EU’s burden from IFIs multilateral assistance (since MSs are major shareholders and financing sources for IFIs) and from public debt re-scheduling” (Solana, 2000: 6). This is obviously extremely difficult to measure. Recent textbooks on EU foreign policy either avoid the question of budget altogether (Bretherton/ Vogler, 2006; Cameron, 2007) or acknowledge that there is more to the financing of European foreign relations than only its own budget, but nonetheless concentrate on the latter (Keukeleire/ MacNaughtan, 2008: 115). Here, the focus will also be placed exclusively on the EU’s budget, but it is indeed noteworthy that the actual resources of the EU go well beyond the financial resources allocated to external activities in this budget, and can, in total, be quite impressive. For instance, the component EU (EC+Member States) is the biggest provider of Official Development Assistance (ODA), with 35 billion $ (or 54% of all ODA) donated in 2004, and allocates important sums to the funding of multilateral fora (Wouters, 2007: 7). It makes sense to discuss the EU’s budget separately from the Member States’ contributions, however, because it can be assumed that the latter would also give this money in the absence of the EU. The second problem is equally intricate: it seems virtually impossible to isolate bilateral from multilateral activity within the relevant budgetary lines. To solve this problem, we take a pragmatic approach and assume that all forms of external activity, especially when it comes to financial assistance, can potentially contribute to multilateral policy-making. As a matter of fact, many (but not all) (financial) bilateral relations help to enhance cooperation between the EU and the country or actor in question, which translates into better cooperation between the two and between these two and their partners in the multilateral

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31 To give an idea, for the year 2008, about 391 million € are appropriated for the Commission’s administrative expenditure for external relations (Commission budget, Ch. 19.01). On the budget of the delegations: cf. Bruter, 1999: 187-190.
arena. We argue therefore that an appreciation of the EU’s financial resources for multilateral purposes can be derived from an overall view of its financial capacities.

As a suitable indicator of the EU’s financial capacities, it makes sense to take a look at the multiannual financial framework (European Parliament/Council, 2007). For the period 2007-2013, this framework groups resources for EU external action essentially under Heading 4: “European Union as a Global Partner”, which is endowed with a total of 53.3 billion € (or 5.7% of all resources for this 7-year period). A large share of this sum goes into geographic and thematic instruments of the first pillar (Keukeleire/MacNaughtan, 2008: 116-118). Three major geographic instruments can be identified: the Instrument for Pre-accession (11.5 billion €), the European Neighbourhood and Partnership Instrument (11.2 billion €), and the Development Cooperation Instrument (roughly 17 billion €). Thematic financial instruments include the Humanitarian Aid Instrument and the European Instrument for Democracy and Human Rights (altogether more than 10 billion €). To this must be added the European Development Fund, which is funded separately by the Member States and amounts to 22.7 billion € for the period 2008-2013 (Representatives of the Governments, 2006; Keukeleire/MacNaughtan, 2008: 118). Finally, the CFSP, which amounts to 1.98 billion € (roughly 4% of the resources under Heading 4 and 0.2% of all resources), contributes - inter alia - to assuring that the EU can follow up on and implement multilaterally agreed commitments in such fields as monitoring and implementation of peace and security processes, non-proliferation or disarmament initiatives.

Altogether, the EU has thus a number of sufficiently funded instruments at its disposal, which can be and are used to support its multilateral activity. The financial aid programmes help foster relations with partners in the multilateral arena, and/or enable directly or indirectly the implementation of multilaterally agreed policies. The EU’s most obvious contribution to multilateralism lies, however, in its significant effort of funding bodies and organs composing the multilateral playing field. For example, the EC and EU Member States together are the largest financial contributor to the UN system. The composite EU pays “38% of the UN’s regular budget, more than two-fifths of UN peacekeeping operations and about one-half of all UN Member States’ contributions to UN funds and programmes” (European Commission, 2007). In total, all of these financial engagements assure the EU’s credibility, and, ultimately, multilaterability, as a global actor.

In sum, on the basis of the broad approach we have taken here, we can assume that the EU disposes of sufficient economic resources and adequate financial instruments to be a multilateral player, despite frequent criticisms pertaining to the supposedly insufficient funding of the CFSP when compared to what the EU intends to do in the sphere of security policy (European Convention, 2002).32 We judge the EU thus to be generally “multilaterable” and award it with a

32 This also raises the question of the EU’s military capacities, which we explicitly did not pose in this paper because it does not lie at the heart of contemporary multilateral governance. Military capacity may, however, play a role when it
“high” score, especially when we take into consideration the fact that concerted (EC+Member States) efforts hold an even greater potential for the Union to play an influential part on the multilateral playing field.33

3.2. Conclusion: The EU’s multilaterability in the contemporary world

The EU’s multilaterability measured against the six criteria developed in the previous section generated many interesting observations. It provided us with a mixed picture of if, how and to which degree the EU fulfils the each criterion independently (cf. table 2).

Firstly, when looking at the EU’s formal access to the multilateral system, it was observed that its “access card” across the field predominantly holds the rights of an observer, and as such, while it may be able to play on the playing field, it faces shortcomings deriving from the rights therein, mainly, not having the right to vote. This consequently affects its overall position in the field because it is not on par with the other players, above all, sovereign states.

The EU’s value base on the other hand received the highest score based on its strong commitment to the principles of multilateralism as represented in its constitutional foundations, policy documents and declaratory statements in multilateral fora.

This led us to the third criterion and how the EU translates its values on the multilateral playing field and whether it radiates “multilateral attractiveness”. When it does engage in multilateral activities, the EU scored strong in this category, notably in how others see it as a multilateral actor. Nonetheless, there have been instances where the Union provided preferential treatment for certain grouping of states and not others or chose not to accord to multilateral solutions. Accordingly, it received a “mixed to high” score in this category.

Fourthly, the complexities arising from the EU’s internal legal and institutional set-up consisting of several institutions, the different levels of decision-making procedures, the intricacies of the pillar structure and legal competences in addition to the minutiae of EU/EC representation all tend to serve as obstacles on the playing field. However, the instruments it disposes of and uses like its human rights clauses and certain budget lines reflect positively on the multilateral playing field. For these reasons, the EU received a “mixed” score in this category.

In the fifth category, diplomatic resources, the EU demonstrated its strength in both human resources, i.e. the quality and number of staff, and in its “concerted diplomacy” infrastructure.

comes to the implementation of multilateral agreements in such fields as crisis management. Here, the EU has made successful efforts over the past by fulfilling its Helsinki Headline goals, and we could conclude that it is “multilaterable”. However, this multilaterability is yet limited, especially when compared to that of other major players such as the US.

33 Our conclusion on this criterion is not fully clear on the extent to which the EU fulfils the criterion, nor about the many possible ways of how the EU external budget could be upgraded, systematized and spent more efficiently. An assessment in this regard would necessitate a much more detailed analysis that would go beyond the scope of this paper. Nonetheless, we think that the EU is financially definitely multilaterable as it stands.
However, because of problems of inconsistency generating from such concerted efforts, we awarded the EU with a “mixed to high” score on this criterion.

Finally, as to financial/economic resources, the EU visibly scored strong in view of its ample economic resources, as seen in its contribution to the ODA, and also because of its prolific financial instruments which cover a wide range of issue areas, all of which contribute to effective practice of multilateralism.

Table 3: Criteria of multilateralism and how the EU fulfils them

<table>
<thead>
<tr>
<th>Multilateralism criterion</th>
<th>Components/ indicators</th>
<th>EU-specific indicators</th>
<th>EU “score”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal access to the multilateral system and rights therein</td>
<td>- status as formal legal entry point into the most institutionalized multilateral governance fora (e.g. UN bodies) and corresponding rights</td>
<td>- awarded statuses for EU across the board - rights that flow from these statuses</td>
<td>mixed to low</td>
</tr>
<tr>
<td>Value base</td>
<td>- commitment to multilateralism (cooperative action: collective problem-solving, adherence to international law)</td>
<td>- elite view (treaties; European Security Strategy, COM communication, declarations by EU representatives) - civil society and public opinion</td>
<td>Very high</td>
</tr>
<tr>
<td>Multilateral attractiveness</td>
<td>- reputation created in third countries (elites, public) depending on “past multilateral behaviour” and on image</td>
<td>- EU record of multilateral activity and image across the board (past examples of coalition-building and cooperative behaviour)</td>
<td>mixed to high</td>
</tr>
<tr>
<td>Internal legal and institutional set-up</td>
<td>- legal competences - institutional set-up (decision-making) - representation - instruments</td>
<td>- EU legal bases for internal coordination and representation - EU instruments and tools</td>
<td>Mixed</td>
</tr>
<tr>
<td>Diplomatic resources</td>
<td>- personnel: number and skills - infrastructure: embassies - long-term strategic capacity</td>
<td>- EU diplomats and their multilateral socialization - network of EU “embassies” and missions - networking capacity across the world - EU strategies</td>
<td>mixed to high</td>
</tr>
</tbody>
</table>

34 Scores have been given on the basis of our discussion of the six criteria. For the purpose of this paper, they are only of an approximate value and meant to stimulate a further debate on how we could test the EU’s multilaterality. The scale employed ranges from very high over high, mixed, low to very low.
The summation of the criteria equates a “mixed” result when looking at the EU’s multilaterability in the contemporary world. The observations contest the general assumption that because of its economic clout, its supposed “multilateral instincts” (Mandelson, 2006) and commitment to multilateralism the EU’s multilaterability should be taken for granted. As it may be observed above, it does fulfil each of the criteria, however, “how” these criteria are filled and the “degree” to which they are filled is in our opinion what determines its actual multilaterability.

The current challenges it is facing, primarily spawning from its internal legal and institutional set-up - which confirms some of the findings of existent EU-centric foreign policy analyses -, will most likely be rectified if/when the Lisbon Treaty comes into force, notably in respects to representation as the “Union shall replace and succeed the European Community” (Art. 1 (b)). Further, the establishment of the EU External Action Service will likely also help remedy many of these shortcomings. Accordingly, the European Union has great potential to strengthen its multilaterability in the future, if it also chooses to use its resources according to its declared values.

The biggest challenge however rests in its formal access to the playing field, an area which the EU can do very little about as the competence lies in the arrangements making up this field. As seen in the case of the FAO, a constitutional amendment is often necessary for actors like the EU to be granted full membership rights to the existing bodies and organs and the likelihood of amending the constitutions of all multilateral arrangements across the field remains to be seen.

In sum, this overview provides us with a more nuanced picture of what the EU can do under conditions of multilateralism than most studies focussing solely on the EU as a foreign policy actor have given in the past. Taking greater account of the external environment, it yields insights into additional restraints (external legal set-up, changing global coalitions etc.), but also into new opportunity structures (non-state actor involvement, greater transparency of negotiations etc.) the EU may embrace in furthering its interests on the multilateral landscape. Altogether, this outcome stresses the necessity to further work on the divide that often still separates the regional and the global level of analysis.
4. Concluding remarks

This paper started from the observation that many of the currently available studies of EU participation in multilateral global governance fora have operated with a bottom up, foreign policy lens, producing numerous insights into the internal dynamics of EU external policy-making, but surprisingly often black-boxing the specificities of the external (multilateral) environment. Against this backdrop, we deliberately adopted a top down approach in our analysis, attempting to map - from an interdisciplinary perspective - the core features of contemporary multilateralism as central organizing principles of international cooperation. Subsequently, we used this conceptualization of the current multilateral playing field to extract six criteria that we think a (foreign policy) actor, like the EU, currently has to meet in order to be able to meaningfully play on this field.

To give this “ability to meaningfully play on the multilateral field” a label, we introduced the concept of multilaterability and defined it as the capacity of an actor to contribute to resolving pressing global issues by following the rules of the game of multilateralism. Further, the six component criteria of the concept were defined as necessary and sufficient conditions: only if all of them are fulfilled we can ascertain an actor’s multilaterability. Following this logic, an actor who solely meets the formal access requirement to the multilateral playing field but lacks, e.g., the necessary diplomatic and financial resources is not a multilaterable actor. Further, an actor who frequently displays its commitment to multilateral values, but consistently does not act in accordance with them, would not be considered multilaterable either. However, each criterion/condition and multilaterability as a whole have to be perceived as continua. An actor can fulfil them to a large extent, a little or not at all (i.e. “score” high, medium or low on a corresponding scale). In our tentative, exploratory use of multilaterability to assess the EU, we defined the cap in the middle: an actor needed at least a medium/mixed “score” on each criterion to be considered multilaterable. To further refine the criteria and the corresponding indicators, add further gradations to the scale and to pinpoint more precisely where to mark the cap between “multilaterable” and “not multilaterable”, it will be necessary to test the EU and other actors’ capacities against our criteria more thoroughly and go back and forth between empirical reality and conceptual thinking (cf. Goertz, 2003). Once the concept has been refined this way, it will become possible to use it in order to assess an actor’s relative “power under multilateralism”, parting from the assumption that a player that scores high on all of the criteria possesses the greatest potential for impacting on multilateral fora. Further refinement would also allow for embedding the concept into theoretical considerations and search for explanations of an actor’s degree of multilaterability, by, for instance, investigating into the role played by ideas (value base) or (external and internal) institutions.
In synthesis, as it stands, multilaterability is a concept that allows us to assess the capacity of both states and regional actors with state-like qualities (like the EU) to perform in a specific external environment structured according to the rules of the game of “multilateralism”. It can be most usefully employed in a given issue area, e.g., for testing the EU’s multilaterability in the field of human rights. For usage to screen non-state actors, the concept may have to be adapted to their capacities.

In the second part of our paper, we used this concept to draw a tentative sketch of whether and to what extent the European Union is currently a multilaterable foreign policy actor. We concluded that it definitely is multilaterable, and even scores relatively high on certain criteria like value base or diplomatic and financial capacities. Although we did not explicitly employ a comparative perspective, the EU would probably also have a comparative advantage regarding some of these criteria in relation to other major global players, such as the US. However, its overall potential to play on the multilateral field is often yet restrained by internal and external legal and institutional arrangements.

All in all, as the topic of EU participation in multilateral governance grows in importance, legal and political scientists find themselves in need of conceptual frameworks capable of making sense of - describing and explaining - EU activity within specific external contexts. With the concept of multilaterability, we have advanced one possible way of approaching this topic, hoping that it stimulates a debate on how to think about this particular actor’s performance under conditions of multilateralism.

Bibliography


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