

'Patchwork Power' Europe? The EU's Representation in International Institutions

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Abstract

This paper examines why, after five decades of integration, the European Union's representation in international institutions still varies considerably. This question has so far not attracted much scholarly attention in political science; most studies focus on the legal status of the EU in international organisations, in particular in UN bodies. The EU does not consistently 'speak with one voice' as a global actor, but its international representation varies from the Commission, the EU presidency (and troika) over the European Central Bank to the national, sometimes coordinated positions of the member states. The Union's role in global governance is thus constrained by a bewildering pattern of external representatives. Theoretical approaches suggest four explanatory factors: issue areas, institutions, interests and identities. The paper argues that the usual focus on issue areas in terms of the distribution of legal competences alone cannot explain the EU's current role as a 'patchwork power'. Institutional factors (such as an organisation's rules of participation and the EU's own coordination mechanisms) and the member states' constellation of interests have to be taken into account as well.

1. Introduction: 'Patchwork Power' Europe in Global Governance

The European Union (EU) is the world's leading exporter of goods, largest trader of services and biggest donor of both development and humanitarian aid, the second largest foreign investor and the second destination for foreign migrants (behind the US).¹ The euro has become the second most important currency after the US dollar, and the EU's gross domestic product (GDP) equals that of the United States. The EU thus clearly constitutes an economic superpower, even though it represents only 7 percent of the world's population. Unlike the US, the Union's commitment to effective multilateralism is a defining principle of its external policy. The European Security Strategy aims at "[t]he development of a stronger international society, well functioning international institutions and a rule-based international order".² Moreover, "[t]aking international co-operation as a precondition for meeting numerous global challenges, the EU has a clear interest in supporting the continuous evolution and improvement of the tools of global governance".³ Today, Europe's weight in the global institutions (in terms of seats and/or votes) usually exceeds the relative share in population (and often also in GDP) which it represents.⁴

Yet, "Eurocrats seem unsure whether to be cocky or anxious about Europe's position in the world".⁵ Unlike nation-states, the European Union does not conduct its external relations according to a single pattern.⁶ Its representation in international fora varies strongly: from the Commission, for instance in the trade rounds of the World Trade Organisation (WTO), or the rotating EU presidency negotiating on behalf of the EU (e.g. in the climate change negotiations) and the tasks of the High Representative for the Common Foreign and Security Policy (CFSP) over the complicated *ad hoc* solutions in the Bretton Woods institutions (where the member states are dispersed over several voting groups that also include third countries) to the national, sometimes coordinated policies of the member states, such as in most bodies of the United Nations (UN) or in security-related organisations.

From a neofunctionalist perspective, the EU's 'single voice' should have steadily grown, in particular in areas of potential economies of scale and positive externalities (such as increased bargaining leverage in international fora), as a result of

¹ André Sapir (2007), "Europe and the Global Economy", in André Sapir (ed.), *Fragmented Power: Europe and the Global Economy*, Brussels, Bruegel, p. 1.

² European Council (2003), *European Security Strategy, "A Secure Europe in a Better World"*, Brussels, 12 December 2003, p. 9.

³ European Commission (2003), Communication from the Commission to the Council and the European Parliament, *The European Union and the United Nations: The Choice of Multilateralism*, COM(2003) 526 final, Brussels, 10 September 2003, p. 3.

⁴ See Alan Ahearn et al. (2006), "Global Governance: An Agenda for Europe", *Bruegel Policy Brief*, 7, Brussels, Bruegel, p. 3; and Table 2 below.

⁵ The Economist (2007), "Overweight but Underpowered", 6 September 2007.

⁶ For the sake of simplicity, the 'EU' will in many cases refer to either the European Community (EC) or the European Union, without prejudice to the debate on whether the EU is implicitly provided with a legal personality in addition to the express legal personality of the Community. The Lisbon Treaty would give the EU a single legal personality.

spillover effects from one sector to another.⁷ However, no major spillovers have occurred with regard to the EU's external representation in international institutions. The Commission has not been able to expand from its important role in trade policy to other areas, interest groups have not successfully lobbied for a unified representation, and member states have been blocking rather than demanding 'a single voice' for the Union.

The question of representation in international institutions constitutes a major issue in the debate on the reform of global governance.⁸ Since the early 1990s scholars and practitioners have increasingly called for the Union "to speak more with a single voice".⁹ In view of the creation of the Economic and Monetary Union (EMU) and the reinforcement of the second pillar since the late 1990s, these calls have become louder.¹⁰ As a contribution to the European Convention drafting the Constitutional Treaty, the Commission in 2002 proposed that external representation of the euro zone in the international economic and financial organisations "should be a matter for a single body" and, more generally, that a "coherent single representation of collective interests be ensured by the High Representative/Commissioner for external relations".¹¹ With regard to the United Nations, the Commission deplors that the EU's "real influence – and its ability to project European values – on the world stage still falls short of its economic and combined political weight, or indeed its contribution to the funding of UN organisations".¹² For the WTO on the other hand, Pascal Lamy, at the end of his mandate as Commissioner for trade, drew the lesson that "when it chooses to pursue a truly federal policy, the EU can play a decisive role on the world stage", and even set the international agenda, with "a far greater 'weight' than the sum of the Member States".¹³

The Union's (in)capability to 'speak with one voice' is likely to become more crucial in the future, given the expansion in the CFSP, the increased external dimension of

⁷ A functional spillover may result from the lobbying efforts of societal actors, a political spillover from the pressures exerted by national elites who realise that problems can no longer be satisfactorily solved at the domestic level, and a cultivated spillover may be engineered by the supranational EU institutions. See Jeppe Tranholm-Mikkelsen (1991), "Neo-functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC", *Millennium*, 20(1), pp. 4-6.

⁸ Global governance is generally defined as "the management of global problems and the pursuit of global objectives through the concerted efforts of states and other international actors". Martin Ortega (2007), "Building the Future: The EU's Contribution to Global Governance", *Chaillot Paper*, 100, Paris, European Union Institute for Security Studies, p. 46.

⁹ European Commission (2001), *European Governance: A White Paper*, COM(2001) 428 final, Brussels, 25 July 2001, p. 27.

¹⁰ See, for instance, C. Fred Bergsten (1997), "The Impact of the Euro on Exchange Rates and International Policy Cooperation", in Paul R. Masson, Thomas H. Krueger and Bart G. Turtelboom (eds.), *EMU and the International Monetary System*, Washington, D.C., International Monetary Fund, p. 19; or Lorenzo Bini Smaghi (2004), "A Single EU Seat in the IMF?", *Journal of Common Market Studies*, 42(2), pp. 229-248.

¹¹ European Commission (2002), Communication from the Commission, *A Project for the European Union*, COM(2002) 247 final, Brussels, 22 May 2002, pp. 8 and 16.

¹² European Commission (2003), *The European Union and the United Nations: The Choice of Multilateralism*, op.cit., p. 3.

¹³ Pascal Lamy (2004), *Trade Policy in the Prodi Commission 1999-2004: An Assessment*, Brussels, European Commission, 19 November 2004, p. 4.

traditionally internal policies (e.g. justice and home affairs, environmental or monetary issues), the enlargement rounds and the emergent global challenges. Yet, not only has the advent of the euro failed to trigger an overhaul in external financial arrangements, also the accession of twelve new members in 2004 and 2007 did not lead to reforms in external representation. Many observers "have seriously underestimated the barriers preventing Europe from speaking as a single voice, even in the relatively limited area of international monetary affairs".¹⁴ The Constitutional Treaty would have provided the Union with a full-time president of the European Council and a Union Minister for Foreign Affairs, assisted by a European External Action Service, but it would not have put an end to this patchwork of international representation. Nor would its successor, the Lisbon Treaty.¹⁵ In other words, the proposed changes "relate to the 'wrapping' rather than 'the content'" and "the problems of representation remain unaltered".¹⁶

This continuing fragmentation is far from maximising Europe's clout in world politics – it is instead rather likely to impair the coherence and effectiveness of the EU's policies and to undermine its commitment to multilateralism and global governance. As Cœuré and Pisani-Ferry argue, "the current arrangements involve significant deficiencies that weaken the European position in international negotiations and thus involve welfare costs".¹⁷ Europe risks punching below its weight in global affairs because "the EU is a 'fragmented power' in which institutions, member governments and citizens do not agree on how to exploit or defend Europe's economic strengths".¹⁸ This situation has led to an "over-representation and under-effectiveness" which some consider as "increasingly unsustainable".¹⁹

¹⁴ Kathleen R. McNamara and Sophie Meunier (2002), "Between National Sovereignty and International Power: What External Voice for the Euro?", *International Affairs*, 78(4), p. 850.

¹⁵ The Lisbon Treaty foresees that the president of the European Council, elected for a term of two and a half years, shall ensure the Union's external representation concerning the CFSP at his or her level, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy. The High Representative will be one of the vice-presidents of the Commission, preside over the Foreign Affairs Council, represent the Union for CFSP matters and in this regard also express the EU's position in international institutions. Except for Foreign Affairs, the presidency of Council configurations will continue to be held by member states on the basis of equal rotation. Apart from the CFSP (or other cases provided for in the Treaties), the Commission shall ensure the Union's external representation.

¹⁶ Inge Govaere, Jeroen Capiiau and An Vermeersch (2004), "In-Between States: The Participation of the European Union in International Organizations", *European Foreign Affairs Review*, 9(2), p. 186.

¹⁷ Benoit Cœuré and Jean Pisani-Ferry (2003), "One Market, One Voice? European Arrangements in International Economic Relations", Paper prepared for the conference on 'New Institutions for a New Europe', Vienna, 10-11 October 2003, p. 19.

¹⁸ The Economist (2007), op.cit.

¹⁹ Jean Pisani-Ferry (2005), "The Accidental Player: The EU and the Global Economy", Paper prepared for the Indian Council for Research on International Economic Relations, Delhi, 25 November 2005, p. 13.

In view of such drawbacks of the current situation, this paper examines why the Union's representation in international institutions²⁰ still varies so widely, turning the EU into a 'patchwork power'. This question has so far not attracted much scholarly attention in political science; most studies focus on the legal status of the EU in international organisations, in particular in UN bodies, or empirically investigate specific cases of the EU's autonomy in multilateral fora.²¹ As a 'patchwork power', the EU does not consistently 'speak with one voice' and display 'international actorness',²² but its external representation varies across international fora and its role in global governance fluctuates. Pisani-Ferry characterises the EU as an 'accidental player' – "one which, depending on its internal arrangements or the lack of them, is sometimes at the table and sometimes off the table",²³ and Sapir sees the EU as a 'fragmented power' whose responsibility is shared or split between different actors, which impedes it from taking a more active stance in global governance.²⁴

In search for an answer to the puzzle of this 'patchwork power' Europe, the paper draws on case studies from the literature and on integration theories. Different approaches suggest four explanatory factors: issue areas, institutions, interests and identities. These 'four i's' are further unpacked in the following sections. The paper argues that a focus on the distribution of legal competences in the EU (issue areas) alone is not sufficient. Institutional factors and the member states' constellation of interests (and collective identity) in an international institution have to be taken into account as well. The EU is less likely to 'speak with one voice', the more national (or shared) competence in an issue area, the stricter an international institution's rules of participation and the weaker the EU's coordination mechanisms, the more heterogeneous the EU member states' preferences, and the weaker their collective identity.

The next section introduces the legal competences as a cause for the European Union's varying representation across issue areas. The paper then 'brings integration theory back in' and discusses explanatory factors beyond competence. Section 3 explores in detail the institutional aspects of the EU's patchwork position in international fora. Section 4 adds member states' interests as a reason for the fragmentation, and section 5 considers the role of identity. The final section draws some conclusions from the findings.

²⁰ Both international regimes and international organisations qualify as international institutions. Keohane defines them as "persistent and connected sets of rules (formal and informal) that prescribe behavioral roles, constrain activity, and shape expectations". Robert O. Keohane (1989), *International Institutions and State Power: Essays in International Relations Theory*, Boulder, Westview Press, p. 3.

²¹ See Sue Basu and Simon Schunz (2008), "Pathways for an Interdisciplinary Analysis: Legal and Political Dimensions of the European Union's Position in Global Multilateral Governance", *Working Paper*, 11, Katholieke Universiteit Leuven, Leuven Centre for Global Governance Studies, pp. 6-14.

²² International actorness can be defined as "the EU's ability to function actively and deliberately in relation to other actors in the international system". Martijn L.P. Groenleer and Louise G. van Schaik (2007), "United We Stand? The European Union's International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol", *Journal of Common Market Studies*, 45(5), p. 972.

²³ Pisani-Ferry (2005), *op.cit.*, pp. 14-15.

²⁴ Sapir (2007), *op.cit.*, p. 19.

2. The Legal Approach: 'Issue Areas Matter'

The EU's external representation has been evolving as a result of both Treaty amendments and case law. In fact, the Treaties explicitly define the external competence in only a few instances; in particular, the Treaty establishing the European Community expressly grants the EC competence to conclude international agreements in the fields of trade policy (Art. 133 TEC), international monetary and exchange-rate matters (Art. 111 TEC) and development cooperation (Art. 177 TEC). In a cursory manner, external competences are mentioned for migration (Art. 61 TEC), competition (Art. 81f TEC) and environment (Art. 174 TEC).²⁵ Following the European Court of Justice's landmark ruling in the *ERTA case* of 1971 and subsequent case law, external competence can in addition be derived implicitly from internal competence.²⁶ This 'doctrine of implied powers' allows the Community to act externally in matters which it may regulate internally if the internal competence has been exercised effectively and the international agreement is conducive to achieving the Treaty objectives. The Lisbon Treaty captures this in the provision that "[t]he Union shall also have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union or is necessary to enable the Union to exercise its internal competence, or in so far as its conclusion may affect common rules or alter their scope".

The procedure for the conclusion of external agreements in first pillar matters is generally set out in Art. 300 TEC (plus Art. 133 for trade negotiations and Art. 310 for association agreements). The Council decides on the opening and conclusion of negotiations, while the Commission is responsible for conducting them.²⁷ Through the appointment of special committees overseeing the negotiations, the Council is granted supervisory powers. In the case of shared competence, the member states may also act as agents of the Community, and the EMU introduced the European Central Bank (ECB) as another potential agent.²⁸

The current situation of external representation can more or less be summarised as follows: In cases where the EC itself is a member of the international institution and the issue addressed lies within its exclusive competence, the Community acts through the European Commission, which is assisted by a committee of representatives of the member states (e.g. the 'Art. 133 committee' for trade policy). In cases of shared competence (or of exclusive competence without formal EC membership in

²⁵ The EU has exclusive competence in the areas of the common commercial policy, competition rules, monetary policy for the euro zone, and the conservation of marine biological resources. Agriculture and fisheries, development cooperation and humanitarian aid, environment, transport or energy are among the areas of shared competence.

²⁶ See Piet Eeckhout (2004), *External Relations of the European Union: Legal and Constitutional Foundations*, Oxford, Oxford University Press, pp. 58-100.

²⁷ For the conclusion of international agreements on second and third pillar matters, Art. 24 TEU foresees that the Council may authorise the presidency, assisted by the Commission as appropriate, to conduct negotiations.

²⁸ On the procedure for a status request in an international organisation see Frank Hoffmeister (2007), "Outsider or Frontrunner? Recent Developments under International and European Law on the Status of the European Union in International Organizations and Treaty Bodies", *Common Market Law Review*, 44(1), pp. 58-65.

the international institution), the presidency usually represents the EU on the basis of a position coordinated within a committee composed of the member states and the Commission. For example, Article 174:4 TEC gives the EU member states the option to negotiate by themselves in international environmental bodies, while taking into account the general duty to cooperate. In areas of national competence, member states may in principle speak for themselves, but they often coordinate their positions. Under the CFSP and the European Security and Defence Policy (ESDP), the EU is represented by the presidency, assisted by the High Representative for the CFSP, while the Commission is fully associated (Art. 18 TEU).

Table 1 illustrates how the external representation varies across issue areas. For exclusive competences, representation generally follows the principle of delegation to an EU institution, whereas in the fields of shared (or national) competences, coordination processes among the member states and representation by the presidency prevail. Cœuré and Pisani-Ferry thereby distinguish three models of governance: unconditional delegation, supervised delegation and coordination with other member states and EU institutions.²⁹

Table 1: EU external representation in selected issue areas

	Competi- tion	Trade	Intl macro- economics/ money	Develop- ment	Environ- ment	Foreign policy
Compe- tence	<i>exclusive</i> (national below the threshold)	<i>exclusive</i> for goods & most services; <i>shared</i> for audiovisual, educational, cultural, social & human health services	<i>exclusive</i> for money & ex- change rates (euro area); <i>national</i> in other fields	<i>shared</i> (EU policy alongside member states' policies)	<i>shared</i> (exclusive for marine biological resources)	<i>national</i>
Govern- ance model	unconditio- nal delega- tion to Commission	supervised delegation to Commission	mix of uncon- ditional dele- gation to ECB & supervised delegation to Eurogroup/ ECOFIN presi- dency & co- ordination	mix of su- pervised delegation to Commis- sion & coor- dination	mix of su- pervised delegation to EU presi- dency or Commission & coordi- nation	coordina- tion
External represent- ation	Commission	Commission (based on a Council autho- risation)	mostly mem- ber states, but also ECB, Eurogroup/ ECOFIN presidency & Commission	Commission & member states	member states/EU presidency with Com- mission	member states (with presidency, assisted by Commission & High Rep- resentative for CFSP)

Source: based on Cœuré and Pisani-Ferry (2007), op.cit., pp. 34-35.

²⁹ Benoit Cœuré and Jean Pisani-Ferry (2007), "The Governance of the European Union's International Economic Relations: How Many Voices?", in André Sapir (ed.), *Fragmented Power: Europe and the Global Economy*, Brussels, Bruegel, pp. 29-31.

As a result, the more national competence in an issue area, the less likely the EU is 'speaking with one voice'. However, there is considerable variation in external representation not only across, but sometimes also within issue areas. For example, financial markets, energy and the environment are aggregations of heterogeneous subfields with differing degrees of competence and various governance arrangements. In external monetary relations, "[t]he president of the ECB is empowered to speak to questions of monetary and exchange rate policy, but shares authority with the Euro-group on exchange rate matters, has little authority on financial regulation, and no authority on fiscal matters".³⁰ Moreover, internal competence alone falls short of explaining variation in EU actorness between areas of shared competence: for example, why does the Union speak with one voice in international environmental negotiations but not in finance? Even within an issue area, external representation may vary. In trade policy, for instance, the Commission acts as sole negotiator and spokesperson for the EU in the WTO, whereas both the Commission and the member states speak when the same trade issues are discussed in the OECD, and in UNCTAD the EU presidency speaks on behalf of the EU as does the Commission.³¹ The legal competence is thus not necessarily the best indicator for the EU's role in an institution.³² Additional explanatory factors derived from institutionalist approaches are needed.

3. The Institutional Approach: 'Institutions Matter'

Historical institutionalism points to the importance of both internal and external institutional factors. It claims that national preferences are (partly) endogenous to the institutional setting and that the entrenchment of institutional arrangements may obstruct an easy reversal of initial choices and involve high costs. As Pierson argues, "actors may be in a strong initial position, seek to maximize their interests, and nevertheless carry out institutional and policy reforms that fundamentally transform their own positions (or those of their successors) in ways that are unanticipated".³³ In spite of potential gains from a common representation, institutional constraints emanating from either the EU or an international organisation may thus prevent reform. Institutions tend to be 'sticky' and rather resistant to change. Moreover, EU member states may 'lose control' over the integration process due to their short-sightedness, unintended consequences or autonomous actions of EU institutions. Coëuré and Pisani-Ferry thus find that the choice of Europe's governance models for its external representation "is inherited from history rather than being based on efficiency

³⁰ C. Randall Henning and Sophie Meunier (2005), "United Against the United States? The EU's Role in Global Trade and Finance", in Nicolas Jabko and Craig Parsons (eds.), *The State of the European Union, Vol. 7: With US or Against US? European Trends in American Perspective*, Oxford, Oxford University Press, p. 87.

³¹ Joakim Reiter (2005), "The European Union as Actor in International Relations: The Role of the External Environment for EU Institutional Design", in Ole Elgström and Christer Jönsson (eds.), *European Union Negotiations: Processes, Networks and Institutions*, London, Routledge, p.151.

³² Basu and Schunz (2008), op.cit., p. 39.

³³ Paul Pierson (1996). "The Path to European Integration: A Historical Institutional Analysis". *Comparative Political Studies*, 29(2), p. 126.

criteria".³⁴ In other words, path dependence matters more than rational criteria regarding the design of external arrangements.

In the same vein, Reiter argues that EU actorness is shaped not only by internal competences, but also by the external environment, especially the issue-specific international institutional settings.³⁵ The extent of common representation is likely to be higher in case of consensus-based decision-making, a narrow scope and binding rules of international cooperation as well as in case of an inclusive membership of (almost) all EU member states in the institution. In other words, EU member states are more reluctant to create a 'single voice' if the institution deals with a broadly defined area of cooperation and an exchange of information and best practices rather than binding agreements, and if only a few of them actually are members of the institution. For example, Reiter claims that the EU member states in the OECD are reluctant to agree to 'speak with one voice' in view of the "broad scope of the OECD, the organization's focus on best practices and soft law, as well as the dominance of EU countries in the total membership and the fact that not all EU members are part of the organization".³⁶ In comparison, in the negotiation-oriented WTO, "the EU member states have a shared interest to agree to act as a single entity" and the well-defined scope of the organisation means "that intense coordination poses less of a threat to the EU member states".³⁷

The stricter the international institution's rules of participation, the broader and less binding its cooperation and the weaker the EU's own coordination, the less likely the EU is 'speaking with one voice'. The rules of participation embrace an institution's provisions and practices regarding membership, procedure and decision-making: can only states or also other actors become members, what other forms of involvement (e.g. observer status) are possible and how are decisions taken (constituencies, voting or consensus, weighted voting or 'one state, one vote')?

Art. 302 TEC instructs "the Commission to ensure the maintenance of all appropriate relations with the organs of the United Nations and of its specialised agencies" as well as to "maintain such relations as are appropriate with all international organisations". In the framework of the UN system, three different legal statuses are available: member, full participant and observer.³⁸ Observer status generally involves a right to speak, but not to vote, to propose amendments, to preside over meetings or to serve as rapporteur. Presence is limited to formal meetings, and interventions take place after those of all state parties. Full participation corresponds to an enhanced observer status with all the rights, except for voting. Moreover, for the negotiation of conventions under UN auspices and for world conferences, it has become practice to include formulations in the procedural rules that allow the Community to become

³⁴ Coëuré and Pisani-Ferry (2007), op.cit., p. 50.

³⁵ Reiter (2005), op.cit., pp. 148-163.

³⁶ Ibid., p. 158.

³⁷ Ibid.

³⁸ See Frank Hoffmeister and Pieter-Jan Kuijper (2006), "The Status of the European Union at the United Nations: Institutional Ambiguities and Political Realities", in Jan Wouters, Frank Hoffmeister and Tom Ruis (eds.), *The United Nations and the European Union: An Ever Stronger Partnership*, The Hague, T.M.C. Asser Press, pp. 14-15.

a full participant. A 'regional integration organisation' clause may be inserted in international agreements to allow such organisations to sign and accede to the protocols or conventions (e.g. Cartagena Protocol on Biosafety or Kyoto Protocol).

The European Community is currently a full member of the WTO, the Food and Agriculture Organisation (FAO), the Codex Alimentarius Commission and the European Bank for Reconstruction and Development (EBRD).³⁹ It enjoys the status of a full participant at the Commission on Sustainable Development (CSD), the International Civil Aviation Organisation (ICAO) as well as several UN world summits and conferences. The EC is an observer at the UN General Assembly, the UN Economic and Social Council (ECOSOC), the UN Economic Commission for Europe (UN-ECE), the International Labour Organisation (ILO), the World Health Organisation (WHO), the World Intellectual Property Organisation (WIPO), the International Atomic Energy Agency⁴⁰ (IAEA), the International Maritime Organisation (IMO), the UN Educational, Scientific and Cultural Organisation (UNESCO), the United Nations Conference on Trade and Development (UNCTAD), the UN Environment Programme (UNEP), the UN Development Programme (UNDP), the UN High Commissioner for Refugees (UNHCR), the UN International Children's Emergency Fund (UNICEF), the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), UN-Habitat, the World Customs Organisation and the World Food Programme (WFP). The remainder of this section studies the most important political, economic, financial, environmental and security institutions in more detail.

Political Institutions

In addition to the Treaty provisions dealing with the United Nations, Art. 303 TEC foresees that "[t]he Community shall establish all appropriate forms of cooperation with the Council of Europe". The Council of Europe and the EC have close contacts (e.g. quadripartite meetings between the EU presidency, the Commission, the Council of Europe chairmanship and Secretary General as well as officials from the Commission and the Council Secretariat attending each other's expert meetings). Their broad cooperation (e.g. education, human rights, rule of law, democracy and good governance) is based on the exchange of letters, a Joint Declaration on Cooperation and Partnership between the Council of Europe and the Commission as well as a Memorandum of Understanding. An increasing number of Council of Europe conventions is also open to accession by the European Community, and the Lisbon Treaty would contain the legal basis for the accession of the EU to the European Convention on Human Rights. Yet, the EC has no formal observer status at the Council of Europe. Currently "the meetings and activities of the Committee of Ministers, Minister's Deputies, rapporteur groups of the deputies and any other working party convened will be open to the Commission at the invitation of the competent Council of Europe authorities".⁴¹

³⁹ In addition, the EC is a member of several regional fisheries organisations. See also Hoffmeister (2007), *op.cit.*, pp. 43-52.

⁴⁰ In the IAEA, Euratom holds the observer status.

⁴¹ Hoffmeister (2007), *op.cit.*, p. 51.

Membership in the United Nations remains impossible for the EU as the UN Charter (Article 4) provides that membership is open to states only.⁴² The 27 EU member states do not constitute an own regional group with regard to the election of states to UN bodies and organs: some are in the Western Europe and Other Group (WEOG), some in the Eastern Europe Group (EEG), and Cyprus is in the Asian Group. There are two non-permanent seats on the Security Council filled by the WEOG and one by the EEG. Hence, besides France and the United Kingdom, two other EU member states are on average represented on the Security Council.

The rules of procedure of several subsidiary bodies of the General Assembly (such as UNICEF, UNDP, UNEP) allow for an invitation of the Community, and the UN Security Council may invite any UN member state (e.g. the EU presidency which is not a member of the Council) or competent person (e.g. a Commissioner) to participate in its discussions. A more recent example of the impact of institutional rules is the UN Peacebuilding Commission which comprises several EU member states and the EC. Its creation has generated controversial discussions about who – the presidency, the High Representative and/or the European Commission – should represent the EU in this cross-pillar field and behind which nameplate (European Community or European Union).⁴³ A nameplate reading 'European Union', as desired by the EU, was rejected by the UN Office for Legal Affairs, *inter alia*, because it did not reflect the list of recognised missions to the UN.⁴⁴

EU coordination on UN matters has increased significantly over time.⁴⁵ Coordination between the EU member states, the Council and the Commission encompasses the six main committees of the General Assembly and its subordinate bodies, including ECOSOC and its functional commissions. More than 1'000 internal EU coordination meetings are conducted each year in both New York and Geneva.⁴⁶ Besides thematic working groups, a horizontal working group on UN matters (CONUN – Correspondence United Nations) meets on a monthly basis in Brussels to coordinate EU positions. To ensure continuity from one presidency to the next, the EU sometimes

⁴² The FAO had to modify its statutes in order to allow the Community to become a member alongside the EU member states, and they vote on matters within their respective competence. See Joni Heliskoski (2000), "Internal Struggle for International Presence: The Exercise of Voting Rights within the FAO", in Alan Dashwood and Christophe Hillion (eds.), *The General Law of E.C. External Relations*, London, Sweet & Maxwell, pp. 79-99.

⁴³ See Martina Spornbauer (2008), "Illustrating EU Representation and Coordination in Post-conflict Peace-building: The UN Peace Building Commission", Paper presented at the GARNET conference 'The European Union in International Affairs', Egmont Palace, Brussels, 24-26 April 2008.

⁴⁴ The European Union has a 'cross-pillar' observer status at the South Asian Association for Regional Cooperation (SAARC): the Commission represents the EU for matters falling under Community competence, while the presidency represents the EU in CFSP areas.

⁴⁵ See Esa Paasivirta and Dominic Porter (2006), "EU Coordination at the UN General Assembly and ECOSOC: A View from Brussels, a View from New York", in Jan Wouters, Frank Hoffmeister and Tom Ruys (eds.), *The United Nations and the European Union: An Ever Stronger Partnership*, The Hague, T.M.C. Asser, pp. 35-48; and Johan Verbeke (2006), "EU Coordination on UN Security Council Matters", in Jan Wouters, Frank Hoffmeister and Tom Ruys (eds.), *The United Nations and the European Union: An Ever Stronger Partnership*, The Hague, T.M.C. Asser, pp. 49-60.

⁴⁶ www.europa-eu-un.org/articles/articleslist_s30_en.htm (6 March 2008).

meets partners in the UN represented in the format of a troika, which is composed of the current and future presidencies, the Commission and the Council Secretariat. Since each member state will have a presidency semester, there is a shared interest in making the coordination process effective. Analysis of the voting pattern of EU member states in the UN General Assembly shows an increasing cohesion.⁴⁷ If united, the Union constitutes a powerful voting bloc, and many candidate and neighbouring states often associate themselves with EU statements and resolutions in the General Assembly.

The permanent representations of the member states work together with the Council and the Commission to prepare and finalise an EU position. The Council Secretariat has a New York liaison office and a Geneva secretariat, and the European Commission has delegations accredited to UN bodies in Geneva, Paris, Nairobi, New York, Rome and Vienna. In areas of exclusive Community competence, the Commission pushes for a common position and may then represent the EC in the UN. In areas of the first pillar where the Community has no exclusive competence, the Commission attempts to reinforce the coordination process and support the presidency. However, the Commission rarely delivers common statements in the General Assembly, even in areas for which it is responsible, but the presidency presents them. This is partially due to the fact that as an observer, the Commission can only speak after all UN member states. In the UN Security Council, the EU may only act under the condition that common positions can be reached between the member states. Farrell rightly observes that "effective participation by the EU in the UN multilateral system remains restricted by the peculiarities of the EU system, its mix of intergovernmentalism and supranationality that variously enhances the power and influence of individual member states and at other times places limitations on the supranational institutions, including the European Commission".⁴⁸

In the second pillar, member states shall coordinate their action in international organisations and at international conferences and uphold common positions (Art. 19 TEU).⁴⁹ This applies as well to international fora where not all member states participate, in which case those present shall keep the latter informed of any matter of common interest. More precisely, those EU member states represented on the UN Security Council – where the Community has no status – will concert with the others, and especially the permanent members will "ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter" (Art. 19:2 TEU).⁵⁰ France and the United Kingdom should thus uphold the EU position, if there is one, but also take into

⁴⁷ Helen Young and Nicholas Rees (2005), "EU Voting Behaviour in the UN General Assembly, 1990-2002: The EU's Europeanising Tendencies", *Irish Studies in International Affairs*, 19, pp. 193-207; Paul Luif (2003), "EU Cohesion in the UN General Assembly", *Occasional Paper*, 49, Paris, European Union Institute for Security Studies.

⁴⁸ Mary Farrell (2006), "EU Representation and Coordination within the United Nations", in Karen E. Smith and Katie Verlin Laatikainen (eds.), *The European Union at the United Nations: Intersecting Multilateralisms*, Basingstoke, Palgrave Macmillan, p. 45.

⁴⁹ There are also other Treaty provisions related to coordination such as Art. 180 TEC on development cooperation.

⁵⁰ One of the objectives of the CFSP is "to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter" (Art. 11:1 TEU).

account the interests of the broader UN membership. 'Article 19 consultations' take place in New York once a week at the level of ambassadors and of collaborators in charge of Security Council matters. As a result, "[w]hen the Presidency takes the floor on the international scene, it can do so in three different capacities: as the EU representative in CFSP matters; the representative of its own state, in particular in the event no common position (under the second pillar provisions) was reached; or representing both the EC and the EU in cross-pillar (first and second pillar) matters whereby the thrust of the issue lies within EU competence".⁵¹

Economic Institutions

In contrast to the United Nations, both the European Community and the EU member states are members of the WTO. According to Art. XII WTO Agreement, any state or customs territory having full autonomy in the conduct of its trade policies can become a member of the WTO. Authorised by the Council, the Commission negotiates on behalf of the EC, even at the ministerial conferences.⁵² EU member states may attend (formal) WTO meetings but the Commission 'speaks with one voice'.⁵³ In practice, decisions are reached by consensus, but in case of voting, the Community's number of votes is equal to the number of EU member states in the WTO (Art. IX WTO Agreement). EU positions are agreed upon through continued consultations in the 'Art. 133 committee', which is technically an advisory working group of the Council covering the full range of trade negotiations. The deputies meet every week, the full members once a month, and there are specific formations for services, textiles and steel. The committee functions as a 'sounding board', a means of aggregating interests and as a 'watchdog' for the member states supervising the Commission.

The scope of the OECD is not limited to trade issues, and its focus is not on binding rules but rather on the exchange of information, best practices and soft law. Art. 304 TEC states that "[t]he Community shall establish close cooperation with the Organisation for Economic Cooperation and Development, the details of which shall be determined by common accord". In fact, Art. 13 of the OECD Convention in conjunction with a supplementary protocol provides for the Commission's participation in the organisation's work. This status goes beyond that of a mere observer and is similar to a 'full participant' in the UN system. Like the EU member states, the

⁵¹ Govaere, Capiu and Vermeersch (2004), *op.cit.*, p. 162.

⁵² The Treaty requires an authorisation, but not a formal mandate or negotiating directives. If directives are issued, they may be adapted in the bargaining process. The Commission also plays a crucial role in the pursuit of trade disputes. See Antonis Antoniadis (2004), "The Participation of the European Community in the World Trade Organization: an External Look at European Union Constitution-Building", in Takis Tridimas and Paola Nebbia (eds.), *European Union Law for the Twenty-First Century: Rethinking the New Legal Order*, Oxford, Hart, vol. I, pp. 330-336.

⁵³ Bart Kerremans (2004), "The European Commission and the EU Member States as Actors in the WTO Negotiating Process: Decision Making between Scylla and Charibdis?", in Bob Reinalda and Bertjan Verbeek (eds.), *Decision Making Within International Organizations*, London, Routledge, pp. 52-55.

Commission maintains a Permanent Delegation to the OECD in Paris.⁵⁴ Its ambassador is a member of the OECD Council but without a right to vote when legal acts are being adopted.⁵⁵ Other Commission representatives sit on the various specialised committees alongside the national representatives. Even though the Commission often takes a leading role, EU member states retain the right to engage in the deliberations in most OECD meetings.

International Financial Institutions (IFIs)

The Bretton Woods institutions confine membership to countries and apply a system of weighted voting based on the members' contributions (quotas). Formal voting rarely takes place as decisions are generally made on a consensus basis, taking the underlying power distribution into account. In both the IMF and the World Bank, the EU member states are spread across ten constituencies: Germany, France and the UK hold single seats,⁵⁶ while the other 24 countries are part of seven different voting groups that also include non-EU members. Some EU member states chair their constituencies on a permanent (Belgium, Italy, the Netherlands) or rotating basis (Spain, Nordic-Baltic states), whereas others have an alternate (deputy) executive director or no role at all (Ireland, Poland), depending on the internal rules of the constituency.⁵⁷ As a result, even though the EU member states combined hold over 30 percent of the votes, the Union's influence is rather limited compared to the United States (with a quota share of 17 percent).⁵⁸ On the one hand, the inclusion of non-EU countries in constituencies led by an EU member states can bring additional voting power for the EU. On the other hand, even if all EU countries agree on a common view, some EU members may not be able to support it, if it differs from the position of the other constituency members.⁵⁹

At both Bretton Woods institutions EU coordination is rather recent, informal and not very far-reaching.⁶⁰ EU member states participating in EMU have lost their monetary sovereignty, and external representation in this field is the exclusive responsibility of the ECB. For exchange-rate policies, competences in the euro area are shared

⁵⁴ The ECB is a member of the EC delegation to the OECD and is allowed to participate in the work of the relevant committees and working groups alongside the Commission.

⁵⁵ The Commission may only exercise a right to vote in the OECD development committee, where the EC acts as an additional donor. In the case of the FAO-WHO Codex Alimentarius Commission, where the EC is a member, the rules of procedure foresee that the voting power of the Community depends on the presence of the EU member states. Hoffmeister (2007), *op.cit.*, pp. 44, 49.

⁵⁶ So do the US, Japan, Russia, China and Saudia Arabia.

⁵⁷ In the G10, which groups together the major creditor countries, France, Germany, the UK, Belgium, Italy, the Netherlands and Sweden are represented besides the US, Canada, Japan and Switzerland. The president of the ECB attends as an observer.

⁵⁸ Bini Smaghi (2004), *op.cit.*, p. 230.

⁵⁹ Carole Garnier, Daniel Daco and Francesca Di Mauro (2006), "UN-EU Cooperation on Financial Issues: The Role of the European Union at the International Monetary Fund and the World Bank", in Jan Wouters, Frank Hoffmeister and Toms Ruys (eds.), *The United Nations and the European Union: An Ever Stronger Partnership*, The Hague, T.M.C. Asser, p. 123.

⁶⁰ For details, see Eurodad (2006), *European Coordination at the World Bank and International Monetary Fund: A Question of Harmony?*, Brussels, ADS Insight.

between the ECB and the Eurogroup.⁶¹ Yet, the European Central Bank only enjoys observer status at the IMF Executive Board. When issues related to the euro are discussed, the countries of the euro area 'speak with one voice', with statements delivered either by the ECB observer and/or the ECOFIN presidency (in case the ECOFIN presidency is held by a country outside the euro area, the task falls upon the representative of the euro area country next in line to hold the presidency). Coordination takes place both in Brussels, in the Sub-Committee on IMF (SCIMF) under the Council of Economic and Finance Ministers,⁶² and in Washington in the EURIMF group, composed of European Executive Directors and other representatives of EU member states as well as an observer from the Commission delegation and from the European Central Bank. EURIMF covers the day-to-day coordination and meets once to three times a week. If a common position has been agreed upon, it is presented by the EU presidency (respectively the ECB in case of Eurosystem issues), but the other member states can also participate in the discussion. The SCIMF meets 8 to 10 times a year to monitor IMF activities and consists of two representatives from each member state (ministry of finance and central bank) as well as two representatives each from the European Commission and from the ECB. The EU presidency is in charge of liaising between the two committees. It also gives a speech at the bi-annual meetings of the ministerial-level International Monetary and Financial Committee (IMFC). The ECB participates in the IMFC as an observer, whereas the Eurogroup president does not participate, unless one of the members from the euro area cedes the seat. In sum, the EU's representation at the IMF is characterised by increasing cooperation on an *ad hoc*, informal basis.

EU coordination at the World Bank is less structured. European representatives (plus the Commission as an observer) meet at least once a week to exchange information and to reach coordinated or joint statements that are prepared by the EU presidency.⁶³ At the bi-annual meetings of the Joint IMF/World Bank Development Committee, where the Commission holds observer status, the Commissioner for development submits a speech on behalf of the Community. However, the EC and the member states may have different donor interests. In addition, several ministries may be responsible for World Bank matters at national level, and "coordination may be difficult both between and within ministries".⁶⁴ The creation of an EU-level committee for World Bank issues – similar to the SCIMF – has therefore lacked consensus so far.⁶⁵ Beyond the issue of representation, the Commission and the World Bank are linked through various forms of policy, financial and operational cooperation.

⁶¹ The Eurogroup consists of the finance ministers of EU member states that have adopted the euro. They usually meet a day before a meeting of the Economic and Financial Affairs Council (ECOFIN).

⁶² The SCIMF is a subcommittee of the Economic and Financial Committee which was set up for the EMU and is composed of high-level officials of finance ministries and central banks.

⁶³ For coordinated statements the EU presidency prepares a text which is referred to by the other EU Board members, while for joint statements the EU presidency prepares a text which is issued in the name of those who endorse it.

⁶⁴ Garnier, Daco, and Di Mauro (2006), *op.cit.*, p. 124.

⁶⁵ *Ibid.* p. 126.

In contrast to the Bretton Woods institutions, several informal groupings of states that base their cooperation on non-binding decisions have been created. Whereas the G8 maintains a broad range of activities, the scope of the younger G20 and the Financial Stability Forum (FSF) is much narrower. The EU is a full participant (yet not a formal member) in the G8 summit process but does not chair or host a summit. It is represented by the president of the European Commission and the EU presidency. The EU does not bring a formal mandate to the summit meetings but attempts to present a coherent position. "The prevailing opinion is that there is no reason for co-ordination if the position of the relevant states does not interfere with co-ordinated EU positions or policies, or if the relevant states do not bind the EU in any way with their respective positions within the G7/8."⁶⁶ The Commission reports to the Committee of Permanent Representatives (COREPER) of the Council of Ministers prior to and following each G8 summit. In the meetings of the G7 finance ministers, the presidents of the ECB and of the Eurogroup attend meetings on the economic situation and exchange rates. In the first part of the G7 finance ministers' meetings, which deal with the surveillance of economic policies, including exchange-rate issues, the president of the ECB replaces the central bank governors of the three euro area countries (Germany, France and Italy). The second part of the meeting deals with other matters, such as the architecture of the international financial system and development policy, and is attended by all the finance ministers and central bank governors of the G7 countries.⁶⁷ In addition, the G8 foreign ministers usually meet twice a year, with the participation of the Commissioner for external relations.

The G20, established in 1999 as a response to the financial crises of the late 1990s, brings together systemically important industrial countries and emerging market economies from all regions of the world to discuss key issues of global economic stability. The members of the G20 are the finance ministers and central bank governors of 19 countries plus the European Union. The EU is represented by the four European G7 members, the ECOFIN presidency and the ECB. In contrast to the G7 meetings, the ECB participates fully, but the Eurogroup president does not. The European Commission participates at a technical level in the delegation.⁶⁸

The FSF, which was established by the G7 finance ministers in 1999, brings together representatives of governments, central banks and financial services regulators from twelve countries as well as several international institutions. Only five EU member states (Germany, France, Italy, the Netherlands and the UK) and the ECB participate. The Commission is not represented. Based on a consensual way of decision-making, the Forum addresses the vulnerabilities affecting the international financial system by improving coordination and promoting (non-binding) standards and guidelines. In the FSF the EU has not attempted to act as a single entity or to coordinate positions through common understandings.⁶⁹

⁶⁶ Klemens Fischer (2001), "The G7/8 and the European Union", in John J. Kirton, Joseph P. Daniels and Andreas Freytag (eds.), *Guiding Global Order: G8 Governance in the Twenty-First Century*, Aldershot, Ashgate, pp. 129-130.

⁶⁷ Lorenzo Bini Smaghi (2006), "Powerless Europe: Why is the Euro Area Still a Political Dwarf?", *International Finance*, 9(2), p. 264.

⁶⁸ Bini Smaghi, (2006), *op.cit.*, p. 266.

⁶⁹ Reiter (2005), *op.cit.*, p. 161.

Environmental Institutions

At the UN Conference on Environment and Development (Rio Earth Summit) in 1992, the Community requested and was granted full participant status, which gave it the same representation as the member states, except for the right to vote or submit procedural motions. The Council had agreed that on all questions within exclusive Community competences the Commission would present the EC position at the conference, negotiate on its behalf and express its views, while the presidency would generally express the common positions and negotiate in areas of shared competences (unless it had been agreed in coordination that the Commission would do so).⁷⁰ As a result of the 'regional integration organisation' clause, the EC is a signatory alongside the EU member states to the UN Framework Convention on Climate Change as well as the Convention on Biological Diversity. Moreover, the EC became a full participant in the Commission on Sustainable Development.⁷¹

Most international environmental agreements are mixed agreements. Hence, who speaks on behalf of the EU in multilateral environmental negotiations may vary considerably: the Commission, the presidency or the EU member states themselves. With regard to climate change, for instance, the Council of Ministers has not authorised the Commission to conduct the negotiations.⁷² Its lead negotiator is the presidency, which is assisted by the Commission and the incoming presidency in the troika. They operate with a consensus-based mandate from the Environment Council of Ministers. As an informal practice, member states act as leaders for certain issues to create more consistency in view of the bi-annually rotating presidency. In the negotiations on a biosafety protocol, by contrast, the Commission initially received a negotiating mandate with regard to matters within the Community's field of competence and it was required to conduct its negotiations 'in dialogue with' a committee of member state representatives.⁷³ Later on, a second mandate specified that the Commission would handle all trade and *acquis*-related issues, while the presidency would negotiate all other matters. In a final negotiating mandate, the Commission assumed the role of sole EU negotiator on most issues, albeit with input from member states during preparatory meetings.

⁷⁰ L.J. Brinkhorst (1994), "The European Community at UNCED: Lessons to Be Drawn for the Future", in Deirdre Curtin and Ton Heukels (eds.), *Institutional Dynamics of European Integration: Essays in Honour of Henry G. Schermers*, Dordrecht, Martinus Nijhoff Publishers, p. 613.

⁷¹ On issues within exclusive Community competence, EU member states in the CSD would exercise their vote on the basis of an EC position, while in areas of mixed competence coordination efforts would be made to secure a common position. On issues of national competence (or where coordination failed), EU members should vote bearing in mind the desirability of concerted action.

⁷² Groenleer and van Schaik (2007), *op.cit.*, p. 985.

⁷³ Mark Rhinard and Michael Kaeding (2006), "The International Bargaining Power of the European Union in 'Mixed' Competence Negotiations: The Case of the 2000 Cartagena Protocol on Biosafety", *Journal of Common Market Studies*, 44(5), pp. 1034-1035.

Security Institutions

Cooperation between the Organisation for Security and Cooperation in Europe (OSCE) and the EU has developed more closely since the 1990s with regard to conflict prevention, crisis management and democratisation (including election monitoring), as both sides' activities have grown in these fields.⁷⁴ Regular meetings take place from the EU-OSCE ministerial troika level to staff-to-staff meetings of the organisations, and also on the ground, there are regular contacts among the OSCE field missions and representatives of the EU and its members, including with the delegations of the Commission or EU special representatives. However, the status of the EU at the OSCE has never been formally defined. The Commission's participation was specified in the 2006 OSCE rules of procedure: it is regarded as being part of the delegation of the EU presidency, and as such the Commission can participate in all proceedings unless an issue clearly falls fully outside the scope of the EU (e.g. specific military issues). The Commission has its own ambassador accredited to the OSCE and its representative sits in all OSCE decision-making bodies next to the country holding the EU presidency.⁷⁵ In areas of Community competence, the Commission is intervening in the same way as an OSCE participating state and may speak on behalf of all EU member states.

The EU usually puts forward a single statement in the Permanent Council in Vienna, which is presented by the ambassador of the country holding the EU presidency. In the rare case of disagreement, a member state may express its reservations. The 27 member states distribute work among themselves with a *chef de file* drafting the respective common statements in an issue area. The OSCE working group of the EU Council in Brussels meets once a month and provides the general guidelines, but the actual work is carried out by the delegations in Vienna.⁷⁶ The EU also holds regular consultations with the candidate countries and a group of like-minded states (e.g. Norway, Switzerland, Canada). The OSCE members aligned with the EU position thus gain numerical prevalence. The EU troika also consults with the OSCE chairmanship. The president of the Commission participates in the summits and the Commissioner for external relations in the annual ministerial Councils of the OSCE. At ministerial or heads of state level, the Commission intervenes right after the EU presidency.

⁷⁴ The Lisbon Treaty explicitly adds the OSCE by stating that the Union shall establish "appropriate forms of cooperation with the organs of the United Nations and its specialised agencies, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development" as well as appropriate relations with other international organisations.

⁷⁵ The Commission is *de facto* treated as an individual OSCE participant concerning protocol issues or the circulation of documents.

⁷⁶ See Paul Luif and Mariyana Radeva (2007), "EU Co-ordination in International Organizations: The Case of the United Nations General Assembly and the Organization for Security and Co-operation in Europe", in Nicola Casarini and Constanza Musu (eds.), *European Foreign Policy in an Evolving International System: The Road towards Convergence*, Basingstoke, Palgrave Macmillan, pp. 34-38.

Finally, national security remains the responsibility of the member states, but 21 EU member states are also members of the North Atlantic Treaty Organisation (NATO).⁷⁷ Cooperation between the EU and NATO has significantly developed in recent years, in particular with the signing of the NATO-EU Declaration on ESDP. The latter paved the way for the 2003 'Berlin plus' arrangements, which allow the EU access to NATO's collective assets and capabilities for EU-led operations in crisis management in which NATO as a whole is not engaged. NATO and EU officials meet on a regular basis at the level of foreign ministers, ambassadors (the North Atlantic Council with the EU's Political and Security Committee), the Military Committees and at staff level.⁷⁸

Table 2 summarises the EU's representation in various international institutions of global importance. It shows that not only the issue area, but also the international institution in an issue area matter for the EU's external representation.

Nevertheless, the governance arrangement on which the external representation is based does not necessarily guarantee or prevent a high degree of international actorness. The common representation depends also on the extent to which the EU member states agree with each other. The constituencies in the international financial institutions, for example, are largely established through self-determination. The EU countries could decide to join the same constituency in the IMF; the Fund's statutes only indicate that the five largest shareholders should be represented individually. Hence, other factors must prevent them from pooling their voices.

⁷⁷ Two declarations annexed to the Lisbon Treaty underline that its provisions do not affect the responsibilities of the member states for the conduct of their foreign policy nor of their national representation in third countries and international organisations.

⁷⁸ See Johannes Varwick (2006), "European Union and NATO: Partnership, Competition or Rivalry?", *Kieler Analysen zur Sicherheitspolitik*, no. 18, Kiel, Institut für Sicherheitspolitik an der Christian-Albrechts-Universität zu Kiel.

Table 2: EU external representation in selected international institutions

Institution	Members	EU representation
<i>Political Institutions</i>		
Council of Europe	27 EU member states (out of 47)	member states, contacts of presidency and Commission with Council of Europe on various levels
UN General Assembly	27 EU member states (out of 192)	coordination, observer status for EC (Commission) but usually presidency speaks
UN Security Council	2 EU member states with permanent seats and usually 2 with temporary seats (out of 15)	member states, coordination
<i>Economic Institutions</i>		
WTO	27 EU member states (out of 151) and EC	Commission, supervised by 'Art. 133 committee'
OECD	19 EU member states (out of 30)	Commission is 'full participant' alongside member states, observer status for ECB
<i>International Financial Institutions</i>		
IMF	27 EU member states (out of 185)	coordination, mixed constituencies of EU member states and non-members; observer status for ECB in Executive Board and IMFC; one voice for euro area members on monetary issues (ECB or ECOFIN presidency); ECOFIN presidency speaks in IMFC
World Bank	27 EU member states (out of 185)	coordination, mixed constituencies of EU member states and non-members; EU presidency speaks; observer status for Commission in Joint IMF/World Bank Development Committee
G8 summits	4 EU member states (out of 8)	member states, EU 'full participant' (Commission president and EU presidency)
G7 Finance Ministers	4 EU member states (out of 7)	Eurogroup president and ECB president participate in discussions on surveillance and exchange rates; otherwise finance ministers and central bank governors of members
G20	4 EU member states (out of 19) and EU	ECOFIN presidency and ECB
FSF	5 EU member states (out of 12) and ECB	member states (national central banks) and ECB
<i>Environmental Institutions</i>		
CSD	10 EU member states (out of 53)	EC full participant; member states and Commission
Climate change negotiations	27 EU member states (out of 192)	EC full participant; presidency, assisted by Commission
Biodiversity negotiations	27 EU member states (out of 190)	EC full participant; Commission, supervised by committee, and/or presidency
<i>Security Institutions</i>		
OSCE	27 EU member states (out of 56)	Commission ('de facto participant') and presidency
NATO	21 EU member states (out of 26)	member states

4. The Intergovernmentalist Approach: 'Interests Matter'

Liberal intergovernmentalism, inspired by neorealist and liberal theory, argues that any international agreement requires that the interests of the dominant domestic groups in the participating countries converge.⁷⁹ From this perspective, there is an inherent tendency towards lowest common denominator outcomes, and new supra-national solutions in the EU are only put in place when necessary to make credible commitments (e.g. to constrain and control the other governments). The EU itself is regarded as an international institution (rather than as a global actor), the functioning of which reflects the underlying distribution of relative power among its members.

From such a perspective, especially the larger EU member states are considered reluctant to pool sovereignty in external representation. They are particularly concerned about their autonomy, influence and prestige and thus prefer national representation. This applies foremost in areas of 'high politics', for instance regarding a single EU seat on the UN Security Council. As a result, a common voice can only be envisaged where internal EU arrangements make a single external policy technically inevitable in the less crucial areas of 'low politics' such as trade. A joint representation would require a convergence of national preferences between small and big EU member states or between those with a privileged and a 'normal' position in an institution. The more uneven the underlying power distribution in an international institution and the more diverse the member states' preferences, the less likely the EU is 'speaking with one voice'.

Any changes in the EU's external representation are difficult because they would lead to a (re)distribution of power within the Union – some member states would win and others lose. A joint external representation is thus more likely in case of a rather equal power distribution; EU member states are more reluctant to 'speak with a single voice', if a few of them have retained a privileged position in an international institution.⁸⁰ Frieden argues that "adopting a common international EU policy is analogous to adopting a common internal EU policy: it requires that member states weigh the potential benefits of a common policy against the potential costs of a policy that is not to their liking", hence, "there is a clear trade-off between the advantages of scale and the disadvantages of overriding heterogeneous preferences".⁸¹ Countries whose policy positions are similar to those of their European partners are likely to be more in favour of common representatives. EU member states may also be more inclined to pool their representation, if it increases the EU's international bargaining power – which is more likely in institutions with a narrowly defined area of cooperation and binding decisions and where all EU member states are present. Pooling EU representation must have an 'added value' compared to mere voting coalitions. In some issue areas and international organisations, pooling is more likely to improve the EU's alternative options than in others. "Common EU positions on trade or financial regulation – where outside options, and thus

⁷⁹ See Andrew Moravcsik (1998), *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Ithaca, Cornell University Press, chapter 1.

⁸⁰ Reiter (2005), op.cit., pp. 148-163.

⁸¹ Jeffrey Frieden (2004), "One Europe, One Voice? The Political Economy of European Union Representation in International Organizations", *European Union Politics*, 5(2), p. 262.

bargaining power, are related to size – are likely to be greater than the sum of their parts, whereas a common EU position on Amazonian biodiversity may not be."⁸²

Hence, one of the main difficulties that "the EU has to solve is the internal redistribution of power that will follow a redefinition of its external representation".⁸³ In the field of international macroeconomics, for instance, "the bigger member states – those who belong to the G7 – hold a de facto monopoly of external representation", and delegating power to the EU would imply sharing supervision with the smaller member states.⁸⁴ Also in the Bretton Woods institutions, "the major losers in the adoption of a supervised delegation model would again be the bigger countries: Germany, the UK and France, whose current weights within the EU representation at the IMF significantly exceed their weights within the EU".⁸⁵ Also smaller countries, which currently have a representative on the boards, may hold strong views against institutional reforms. In recently created fora, "where the problem of national representatives having to leave their seats at the table does not exist", a European representation might be easier to achieve.⁸⁶

Beyond the interests of the EU member states themselves, those of other members of an international institution may at times stand in the way of a joint EU representation. For example, the US government had in the past opposed Community membership in the World Customs Organisation or the UN Informal Consultative Process on the Law of the Sea as well as an EC request for full participation in the UNHCR executive board.⁸⁷

Finally, the conditions created by other international institutions may affect the EU's willingness to proceed to joint representation; there might be competing interests, for example an overlap between ESDP functions and the tasks of the OSCE (or NATO). Member states might attempt to use the forum that suits their purposes best. And reforms such as the creation of a single EU chair at the IMF would not only affect the balance of power at the Fund but also the EU's representation in other IFIs.

5. The Constructivist Approach: 'Identities Matter'

Constructivism argues that agents and structures are mutually constitutive and that "power and interest have the effects they do in virtue of the ideas that make them up".⁸⁸ Actors follow socially defined norms, driven by the 'logic of appropriateness' and feelings of identity (rather than mere utility maximisation). From this point of view, the lack of a collective EU identity – in some areas more than in others – may prevent a joint external representation. Creating a single European voice takes time because

⁸² Ibid., p. 267.

⁸³ Jean Pisani-Ferry (2005), *op.cit.*, p. 14.

⁸⁴ Ibid., p. 12.

⁸⁵ Ibid.

⁸⁶ Bini Smaghi (2006), *op.cit.*, p. 262.

⁸⁷ Hoffmeister (2007), *op.cit.*, pp. 44-45, 50.

⁸⁸ See Alexander Wendt (1999), *Social Theory of International Politics*, Cambridge, Cambridge University Press, p. 135.

it involves processes of socialisation and the internalisation of norms. In the social interaction and deliberation between the EU institutions, the member states and the international institutions, a shared belief would have to be constructed about the appropriateness of a single EU seat or of EU membership.

Social learning is considered more likely among actors sharing values, facing crisis or policy failure, meeting repeatedly with a high density of interaction and being insulated from direct political pressure and exposure.⁸⁹ These conditions are not easily fulfilled in the EU's manifold and complex external relations. However, once EU member states start to coordinate their policies in an international forum, they may become increasingly 'Europeanised'. Groenleer and van Schaik, for instance, find with regard to the negotiations on climate change and the International Criminal Court of Justice that "Member State representatives appear to have been 'socialized' by the interaction during the frequent meetings taking place in Brussels and the EU co-ordination meetings at international conferences".⁹⁰ The internalisation of norms may thus contribute to the institutionalisation of the EU's joint external representation. Even in intergovernmental negotiations the EU may thus 'speak with a single voice' as a result of "the considerable congruence of EU Member States' initial preferences and the social interactions between EU Member States, third countries and non-state actors, through which preferences converged even further over time".⁹¹ In the long run, identity-building might erode concerns for national representation and prestige. Such change will, however, be slow.

The weaker the EU's collective identity in an international institution, the less likely the EU is 'speaking with one voice'. This identity tends to be weaker, the fewer EU member states are part of the institution, the more a 'rival' institution demands loyalty and the less similar the European and the international norms. The identity is likely to be stronger in case all EU countries are members of an institution.⁹² Rival institutions in the same field might play a role in case of competing norms (e.g. WTO and UNCTAD) or loyalties (e.g. NATO). EU member states in mixed groups such as the constituencies of the Bretton Woods institutions are often reluctant towards closer coordination, and among big members "loyalty has often proved to be stronger to G-7 positions than to EU positions".⁹³

⁸⁹ Jeffrey Checkel (1999), "Social Construction and Integration", *Journal of European Public Policy*, 6(4), p. 549.

⁹⁰ Groenleer and van Schaik (2007), *op.cit.*, p. 989.

⁹¹ *Ibid.*, p. 969.

⁹² However, if the EU countries clearly dominate an organisation, giving it *per se* already a 'European identity', there is less need to find a joint representation. For example, the norms propagated by the Council of Europe and the EU match very well and all 27 are members of the Council. They cooperate closely on human rights, yet the EU does not formally have a single voice.

⁹³ *Ibid.*, p. 161.

6. Conclusions: A Persistent Patchwork of External Representation

This paper has examined why the European Union's representation in international institutions still varies so widely. As a 'patchwork power', the EU is sometimes at the conference table and sometimes not, and it does not consistently 'speak with one voice' in global governance. Different theoretical approaches suggest issue areas, institutions, interests and identities as explanatory factors. The paper argues that a focus on issue areas, that is the distribution of legal competences in the EU, is important but not sufficient. Institutional factors and the member states' constellation of interests have to be taken into account as well. Identity may matter in a long-term perspective. The EU is less likely to 'speak with one voice', the more national (or shared) competence in an issue area, the stricter an international institution's rules of participation and the weaker the EU's coordination mechanisms, the more heterogeneous the member states' preferences, and the weaker their collective identity.

It seems that no single integration theory and no single variable explains the 'patchwork power' Europe. However, further research is required on the relative explanatory power of the four factors (issue areas, institutions, interests, identities), which may well vary from case to case. In addition to studying what prevents reform in the EU's external representation, the question of what triggers change needs to be addressed. Will external events set off outside pressures for a single voice, and under what conditions will demands arise from within the EU?

The most important political implication is how to address the factors that impede the European Union from taking a more active role in global governance. Putting an end to the EU's patchwork of external representation is a challenging task: if institutional factors are important and member states' preferences matter (and if collective identity formation is slow), the patchwork in the EU's representation in international institutions is – irrespective of the question of competences – likely to persist. Moreover, the ongoing enlargement process may hinder deeper policy coordination by increasing the heterogeneity of interests or the areas where not all EU member states participate. The European Commission is aware that "the impact of EU's policy is weakened by a lack of focus and continuity in its external representation" and therefore emphasises that *within* the existing Treaty framework "the Community and intergovernmental methods need to be combined on the basis of what best achieves the desired outcome, rather than [...] dogma".⁹⁴ In this respect, the Council "could improve up-stream co-ordination to promote the emergence of consensus on issues of EU relevance that are subject to discussions in multilateral organisations (UN, IFIs), informal bodies (G7/G8, G20) and other fora of global governance".⁹⁵

Finally, the overrepresentation of Europe in many international institutions (in terms of seats or votes) would further exacerbate if the European Union managed to increasingly 'speak with a single voice'. In order not to undermine global govern-

⁹⁴ European Commission (2006), Communication from the Commission to the European Council of June 2006, *Europe in the World – Some Practical Proposals for Greater Coherence, Effectiveness and Visibility*, COM(2006) 278 final, Brussels, 8 June 2006, p. 6.

⁹⁵ *Ibid.*, p. 8.

ance, many authors thus call for Europe, with its static or even shrinking population, to adjust to its declining importance in a new global order and to make room for the under-represented emerging market economies in Asia and Latin America.⁹⁶ Such a move would enhance the credibility and legitimacy of international institutions and avoid that they lose the support of the rising powers. Hence, reforms in favour of joint representation and single seats would, on the one hand, allow the Union to consolidate its political clout, while at the same time contributing to a more equitable system of global governance. In view of the obstacles discussed above, however, the fragmentation of the EU's representation in international fora is likely to endure. Yet, this patchwork pattern does not necessarily prevent the Union from playing a bigger role in international affairs in case it reaches common positions.

⁹⁶ For example, Sapir (2007), *op.cit.*, p. 19; and Bini Smaghi (2004), *op.cit.*, pp. 243-244.

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