

Department of World Economics

THESIS SUMMARY

to the Ph.D. dissertation by

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titled

The unified international actorness of the European Union

Reality of today or challenge for tomorrow?

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I. Definition and explanation of the research problem

During its more than 50-years-long history, the European Union has achieved significant successes, especially by the introduction of common commercial policy, common agricultural policy, a single currency, and by other results of integration. On the other hand the dream of creating a functioning common foreign and security policy has been restricted to come true for long decades by national sovereignty of the member states. Actually, the 21st century has brought the winds of change and with it the European Union has made a big step towards the fulfillment of the dream of a more active and effective common foreign policy.

The European Union itself is one of the most influential economic and commercial superpowers, the largest financial contributor of official development assistance in the world. The dissertation, therefore builds on the hypothesis, that the European Union, by its size, economic power, by its declared engagement towards global peace and security, protection of human rights and the environment, seems to be a proper entity to play the role of a global leading actor in international relations.

Since the fulfillment of such a global role is preconditioned by a unified international actorness of the European Union, the dissertation firstly tries to find the answer to the question, whether there is a unified European international actorness, and if the answer is positive, how can its degree be assessed and defined and what kind of obstacles are present to endanger its effectiveness? How does international organizations and third states react to the evolving actorness and active participating need of such a postmodern entity as the EU?

Since the United Nations (UN) still functions as the most important universal organization of the world, the engagement of the European Union in the UN lead fields of international cooperation is of key importance. Accepting this fact, the dissertation analyses the degree of EU's unified international actorness through its activities and presence in the chosen organs, bodies and organizations of the UN family.

The EU's commitment to multilateralism lies at the heart of the EU external policy, with UN lead, effective multilateralism as its center point. As declared in the European Security

Strategy¹, „In a world of global threats, global markets and global media or security and prosperity increasingly depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule-based international order is our objective. We are committed to upholding and developing International Law. The fundamental framework for international relations is the United Nations Charter. The United Nations Security Council has the primary responsibility for the maintenance of international peace and security. Strengthening the United Nations, equipping it to fulfill its responsibilities and to act effectively, is a European priority.“

Are these words of high value declared as priorities in the European Security Strategy just nice ideas written down, or is their implementation proven in practice as well? How does the European Union, as the unity of its member states contribute to solving global problems of the international community and to the effectiveness of the UN system?

Many questions can be raised in this context, since we are talking of an entity which does not even have a formal status of membership in the main bodies of the UN. Considering this fact, should we look at the EU's activities in the UN as of a leading actor, or only as of a diplomatic forum of its member states?

Many think, that the European Union is the most suitable entity to fill the gap left behind by the United States in today's international system. Is the European Union ready to fulfill such a role in order to take a lead towards a more secure and better world? How can the unity and the global role of the EU and the effectiveness of its cooperation with the UN be strengthened?

These were the starting points and main questions leading to the completion of the dissertation. Its main aim is therefore, building on the results of the research, to draw a line towards and give advices, how, by what kind of internal or external means could the EU unity on the international scene be enforced, how can the EU become the leading and influential force in the 21st century's international politics?

¹ European Council [2003] p.38.

The Hungarian literature in this research field is quite deficient, therefore the dissertation tried to fill this gap. The analysis of the EU's unified international actorness in the framework of the UN system gives us an opportunity as well to get an inside look and explore the activities and achievements of the main organs and organizations of the UN family, and especially the European Union's role in these activities and the scope of cooperation between the EU and UN.

II. Research methods

The dissertation is comparative and analytical- evaluatory in its nature, aiming to explore and analyze the unified international actorness of the EU by comparing its status, actions and achievements in the chosen bodies and organizations of the UN system, while being aware of the institutional and procedural differences and peculiarities of each analyzed organization.

The comparative research method utilizes a model, based on an assumption that international actorness is mostly influenced by the internal coherence of the entity, by its authority to act and its external recognition by other partners. Therefore the model of criteria is built on the following three dimensions of EU international actorness: cohesion, authority and recognition, where:

- *Cohesion* is the result of similarity or compatibility of Member State's preferences on basic goals and interests, it denotes the ability of the EU to form and represent a consistent common opinion and position internally.
- *Authority* refers the degree of formal-legal competences. Since the European Union was created by the will of its Member States, talking about the EU's authority corresponds to the authority delegated by the Member States to the institutions of the Union. We thus extend the concept of authority to comprise all cases in which EU external representation is delegated to a single European actor on the basis of Treaty provision or agreement in the Council.
- The concept of *recognition* means the recognition of the EU by the other entities of the international community. Recognition in this sense denotes both the formal

recognition, that is a membership in international organization, the ability to negotiate international treaty on behalf of the EU, and denotes the informal, or de facto recognition as well, which is satisfied whenever a third party interacts with the EU (with the High Representative, the Commission, the president of the Council, with the member state presiding the EU, etc.), rather than, or in addition to going to one or more of its member states. The criterion of recognition should be seen as a minimum condition, since recognition by others allows for presence in global politics.

The dissertation verifies the hypotheses, answers the questions, draws up conclusions and recommendations by evaluating the results of the comparative research, and by analyzing primary and secondary sources of literature.

Since the topic of the dissertation is not adequately elaborated in the Hungarian literature, I have utilized mainly English and partly French secondary sources of literature to work with. Primary sources of literature, such as the official documents of the European Union, and of the United Nations, case law of the European Court of Justice and of the International Court of Justice, international agreements, exchanges of letters and cooperation agreements between the EU and third parties, served as a basis for the research, as well as the interviews and dialogues with diplomats and officials in Geneva and Brussels.

During the creation of the dissertation, by utilizing the results and outcomes of international political theory, International Law, EU Law and European Studies, I regarded the multidisciplinary approach as determinative.

The Ph.D. dissertation is divided into three chapters:

The first chapter tries to give legal and theoretical basis for the understanding of the next chapters, by analysing the problem and theories of the legal personality of the EU, the different kinds of statuses of the EU in international organization as well as the authority and tasks of the institutions of the Union responsible for international action and representation.

The second, and most important part of the dissertation elaborates the degree of EU's unified international actorness, its status and the internal and external factors influencing its international action by analyzing its action and achievements in the chosen bodies, organs and

organizations of the UN system - divided into three thematic fields: protection of human rights, peace, security and humanitarian affairs and environmental protection. The following organizations and bodies of the UN family have been elaborated and analyzed: UN General Assembly, UN Commission on Human Rights, UN Human Rights Council, Food and Agriculture Organization of the UN, International Labour Organization, United Nations Educational, Scientific and Cultural Organization, World Health Organization, United Nations Security Council, United Nations Peacebuilding Commission, International Criminal Court, United Nations High Commission for Refugees, United Nations Commission for Sustainable Development, United Nations Environmental Programme.

As a result of an extensive and difficult process of ratification, the Treaty of Lisbon came into force on 1st of December 2009. One of the main institutional novelties of the new Treaty is aiming to enforce the common foreign and security policy and with it the unified international actorness of the EU. Since the procedural and functional rules of the new institutional system are not worked out in detail, the third chapter of the dissertation tries to give advices how should the effectiveness of the new system and institutions be enhanced to really serve international action of the EU, to make it able to speak with one voice on the international scene and to be a global international player.

III. The results of the research

Theoretical basis and questions

*„An active commitment to an effective multilateralism means more than a rhetoric profession of faith. It means taking global rules seriously, whether they concern the preservation of peace or the limitation of carbon emissions; it means helping other countries to implement and abide by these rules; it means engaging actively in multilateral forums, and promoting a forward-looking agenda that is not limited to a narrow defence of national interests.”*² The European Union committed itself towards the effective multilateralism with these words in 2003. Has the external action and international actorness of the EU followed the line drawn by this declaration?

² European Commission [2003] p. 3.

The dissertation firstly tried to find the answer to the question, whether the unified international actorness is or isn't a reality? Do the Member States of the Union force themselves to coordinate their actions in international forums and speak with one voice on behalf of the EU? How can we measure the degree of unified international actorness and how can we enhance its effectiveness? Is the commitment of the European Union to participate actively in effective multilateralism only nice phrase written down, or is it implemented in practice as well? If the later, how and how effectively does the EU, as the unity of its member states contribute to solving the global problems of the international community and to the effectiveness of the United Nations? Is the EU a leading global force on the international scene? How can its global role be enforced?

The criteria influencing the unified international actorness of the EU

The dissertation analyzed the degree of the unified international actorness of the EU in the UN system by using the criteria of cohesion, authority and recognition.

According to the empirical evidence presented in the research, we have come to a conclusion, that after overcoming and learning from the internal and external difficulties, problems of competence, lack of commitment towards cooperation and consensus-seeking, and the difficulties arisen from the different procedural rules of the international organizations by which the period between the 70's and 90's could be described, the dawn of the new century brought with itself a dynamic development of the EU's external action and unified actorness. The Laeken declaration signed in December 2001, the European Convention about the future of the EU, the extension of the scope of activities of the common foreign and security policy, the European Security Strategy adopted by the heads of states in 2003, all were important driving forces which strengthened the consensus-seeking ability and will of the Member States, as well as their commitment to unify their external action, to try to speak with one voice. The Member States came to a conclusion, that together they are stronger, together they are able to be present on the international scene much more effectively and influentially. To enhance and maintain cohesion on policy positions still requires intensive and time consuming daily coordination meetings in New York and Geneva - more than thousand per year - as well as in Brussels. These ensure the cohesion and adoption of common positions,

but because of their time consuming character, there is no proper time left for external communication, lobbying, being in contact with third parties.

According to the outcomes of our analyses, we can say, that the criteria of authority in the first period of international actorness was endangered by different obstacles. The problems concerned first of all the issues of mixed competence, where conflicts between the Member States and the Commission quite often lead to the European Court of Justice's opinion or decision (see e.g. opinion 1/78, 2/94 or 25/94 of the ECJ). As such, internal conflicts of the 70's and 90's, seem to have had a learning effect. We believe that this process of socialization was a natural part of the creation and development of the cooperation and unified actorness, and sure, it made difficult in the first period to speak in a single voice, but on the other hand was a very effective method to gain best practices and experiences, as well as to enforce the compromise-seeking ability of the Member States. Member States learned that they would be stronger as a collective actor.

The next criteria analyzed was the recognition of the Union by third parties. Recognition by others can be viewed as a minimum precondition of international actorhood. We have come to an agreement, that the UN system, based on the membership of sovereign states hampers quite difficult obstacles for regional integrations such as the EU to gain formal recognition in its bodies and organizations. This fact limits the possibility of the EU to become a member of international organizations. That is the reason why the EU is the full member only of three international organizations.³ It could be noted, that full membership presents complicated rules of procedure, which, especially in the field of mixed competences, require high coordination and consensus seeking ability from the Member States and the Commission as well.

Issues requiring mixed competences present even more complicated problems in cases when the EU/EC does not have adequate competence because of the membership rules of a given international organization and so, cannot utilize its power declared in EU Treaties to represent the EU member states.

The conflict between authority and formal recognition is the most significant obstacle before EU's effective international actorness. The Member States and the EU tried to overcome this

³ Food and Agriculture organization of the United Nations, World Trade Organization and European Bank for Reconstruction and Development

difficulty in many different ways, especially by trying to win a full participant or enhanced observer status for the EC/EU, but the only long-term solution would be the formal status, especially in international organizations dealing with issues of mixed or community competence. The practice and experiences unfortunately show, that a unified solution for all UN organizations is impossible in medium term, so the status of the EU will depend and be influenced by the procedural rules, flexibility of each organization, as well as the EU's ability to defend its interests and be united. The conflict of authority vs. formal recognition according to the results and best practices described in the dissertation can be overcome by Member States and EU institutions by ensuring vertical (between Member States) and horizontal (between Member States and EU institutions, as well as between EU institutions) coherence as well. Besides, alternative forms of cooperation, such as enhanced observer status, or full participant status are essential, both preconditioned by the coherence of member states.

Informal recognition of the EU is another story, it can result from its instrumentality for third states and from the sociality of global politics. Third parties that decide to interact with the EU implicitly confer recognition upon it. With the growing influence of the EU in world economy, with its commitment towards the international community, and growing development assistance, the world recognized the EU as a potential global leader. Recognition therefore cannot be conceived as an all-or-nothing criterion. Rather, as the EU comes to interact with third states bilaterally, regionally or globally, and as the number and frequency of these contacts increase, a process of socialization occurs according to which EU activity comes to be accepted and expected, and indeed, according to which its very identity is formed. Therefore, in our opinion, the EU needs to be more active in its external communication, in enforcing its diplomatic relations, as we describe in details below.

There is another important assumption arisen from the outcomes of our analyses. Although many have seen important matching points between the legal personality of the EU and the growing unity in its international actorness, we come to conclusions that this factor has played only a minor role, and the lack of legal personality did not create obstacles for the EU to be active in the analyzed international organizations. The rejection of the EU's request to become full member of an organization wasn't the effect of EU's lack of legal personality it was caused by the fact, that the majority of international organizations are open only for the membership of sovereign states.

The opportunities for the EU to become a global leader

In its Security Strategy the EU has committed itself not only to be unified on the international scene, but also to ensure the UN lead global multilateralism to be more effective. The economic power, the size and its commitment all precondition the EU to become the global leader of the upcoming era. To make the dreams come true, the EU needs to be empowered in many ways. The dissertation has aimed to explore, whether the EU is or could become a leading actor on the international scene, to make effective multilateralism a matter and to be able to influence the other parties of the international community for the protection of human rights, maintenance of peace and security and to be active in the protection of environment and sustainable development?

According to our analyses we can declare that the EU has proved its ability to be a global and influential leader in many cases. We would like to highlight three exceptional cases:

- The proactive and successful actorness of the EU concerning the UN reform launched by the UN Secretary General Kofi Annan in 2005, especially EU's achievements in the preparatory works for the creation of the Peacebuilding Commission and the Human Rights Council;
- The EU's active engagement in shaping, elaborating and implementing the Kyoto Protocol on climate change and the assistance it had given to third parties during the ratification process and implementation of the Protocol;
- The EU's demonstrated commitment to the International Criminal Court, its support during the ratification procedure and its assistance for third parties during the implementation phase.

We shouldn't forget to mention the financial commitment of the EU and its member states. Member States of the Union support all three pillars of the UN's work, namely peace and security, human rights and development. EU Member States together are the largest financial contributor to the UN system, paying 38 percent of the UN's regular budget, more than two fifths of UN peacekeeping operations and around half of all UN Member States' contributions to voluntarily funded UN funds and programmes. A total of more than 1 billion euros was

approved by the EC to be channeled to the UN in 2008 for the implementation of projects and programmes.⁴

The above mentioned facts prove, that the EU is eligible to be a global leader. All the three cases have in common, that coherence, authority and recognition (formal or informal), as minimum criteria were fulfilled, besides, the EU utilized external communication and lobbying effectively, as well as its economic and political influence by the phenomenon of policy linkage. We understand policy linkage in this context as the ability of the EU to influence other parties of the international community by forcing them to adhere to its values, by linking e.g. its contribution in one field in asking for support of the party in an other field (e.g. policy linkage utilised in the case of Russia – tying its support for Russia's WTO membership to the ratification of the Kyoto Protocol by the country)

The empirical evidence of the above mentioned positive cases demonstrates the EU's ability to function both actively and deliberately in the international arena. It managed to enhance and maintain cohesion on policy positions, to delegate the authority to represent the EU as a single actor, and perhaps most importantly, to become recognized as a single actor by third states and non-state actors. In order to empower the EU with the ability to become a real leading power generally - not only in exceptional cases, some recommendations were formulated according to the outcomes of our research:

a) Enhancing external communication and lobbying

As we have proven in the dissertation many times, the EU has made extraordinary steps towards enhancing its internal coherence in the last years. We may declare, that except of some extra cases, the unity of the EU in the UN General Assembly and in other organizations and organs of the UN family is ensured, thanks to its diplomatic will and to thousands of coordination meetings held annually. The big challenge for the EU therefore is to be open for dialogue and cooperation with third countries as well.

Diplomats in Geneva interviewed during the period of the research have made critical remarks about the time-consuming character of the coordination meetings, and about EU's lack of capacity for external communication. We believe that external communication with third

⁴ Source: United Nations [2007], p. 8.; European Commission [2008] p.5.

parties, states, organizations and non-state actors, as well as lobbying would be crucial to strengthen EU's role as a global leader.

In order to be visible on the international scene, to present its views on different issues of international cooperation and to be able to influence other parties, the EU should spend much more time for coordination and cooperation with third parties, for presentation and marketing its positions, proposals, its values and international norms. Informative meetings with the participation of as many parties and partner as possible, would be a very effective way to present EU's positions on issues dealt within the agenda of international organizations, to be able to be influential, to prove its unity and ability to speak with one voice, as well as to act deliberately. What is even more important, is lobbying in order to gain allies, the preparation of a proper strategy and system of argumentation, with the help of which the EU would be able to win third parties' vote and support even in controversial issues.

More effective interaction with non-state actors would also be crucial, since non-governmental organizations dealing with special issues like human rights, humanitarian affairs, environmental protection, peace and security, etc. gather important practical information and knowledge in filed and so they can be effective partners for the EU in convincing third states for their support on important issues of the international community, as well as to build proper strategies for dealing with issues of shared responsibility. In the cooperation with non-state actors, the European Parliament seems to be a proper institution.

Reinforcing public diplomacy, cooperation with third parties, developing awareness of the EU is necessary for EU to be influential global leader. Organizing bilateral meetings with states and regional groups is also an important and effective way to promote EU's values and gain support for controversial issues.

b) Utilizing the potentials of EU's economic power

The European Union is one of the leading economic and commercial superpowers, the biggest contributor of official development and humanitarian aid in the world. The outcomes of the dissertation on the other hand prove, that the EU does not utilizes its potential as an economic superpower effectively in order to influence other partners to support issues of shared responsibility. Therefore we recommend for the EU to be more active in this field, to utilize linkage policy more effectively. A positive example of an effective linkage policy was mentioned above, concerning Russia's accession to the Kyoto Protocol and its support for

WTO membership by the EU, a similar example is EU's practice to include ICC clauses in agreements with third countries in order to persuade these countries to be party to the Rome Statute. Linkage policy is then an effective way to influence, persuade (or force by sanctions) third states to respect international norms.

c) Utilizing the challenges of the institutional reform

The most striking shortcoming of the pre-Lisbon European foreign policy is the lack of leadership and continuity in Europe's external representation due to the system of rotating presidencies. As a consequence, the voice of the EU changed every six months and the lack of leadership made obstacles to provide strategic thinking and steer EU foreign policy in a continuous way. The Lisbon Treaty, in force from 1st of December 2009 seems to be a heal to this problem.

From the point of view of EU's united international actorness, the Lisbon Treaty - by establishing the function of the high representative for foreign affairs and security issues and the European External Action Service will bring about one of the biggest institutional reforms in the fifty-years-long history of European integration. Their creation may well lead to a new era of European diplomacy, to the enhancement of EU's ability to ensure coherent and efficient external action, but much will depend on member state's future political will.

The position of the High Representative will enable the EU foreign policy to overcome the problems of continuity, to build up long term foreign and security strategy and to conduct political dialogue with third parties and act on the Union's behalf in international organizations and at international conferences. The European External Action Service will serve as an institutional background and should be equipped with the necessary resources to help the High Representative to fulfill his/her functions.

The Lisbon Treaty itself leaves many questions open, therefore the effectiveness of the new institutional structure will much depend on the implementation process and its effectiveness.

There is of course a risk that the new institutional set-up will be deprived of oxygen at birth and become only a provisory institution. In our opinion, there are a number of ways by which this option should be avoided. First, evolution of the institution from something modest into a

more ambitious is important. The second recommendation would be to involve the member states more actively in the build-up of the new external service, to avoid a perception of the new institution as a threat to national diplomatic services. The active involvement of member states should serve for them to realize, that the new institution is a new opportunity for them to be influential in European foreign policy, to gain expertise in international diplomacy and it to make national diplomatic systems more effective. The European External Action Service which will be made up diplomats, experts of the Commission, the Council and of the Member States, is likely to develop into a strong analytical hub, and center for external expertise.

If we look at the new opportunity from a neo-institutionalist point of view, presupposing that institutions are able to condition and shape actors' interests, preferences, priorities and identities, as well as change the expectations of policy-makers, we can look at the new institutional set-up created by the Lisbon Treaty as of a 'process of social learning'. Officials and diplomats after 5-10 years of service in the 'European Foreign Ministry' will most certainly rotate back to their national foreign services, bringing with them a certain European mindset and familiarity with the EU's enhanced role as a global leader and surely will change their perception of EU's global role and so will positively influence their opinion on the future external institutional reform of the EU.

The next challenge concerning the EU's presence and visibility on international scene, will be the clarification of the competences and tasks between the EU's diplomatic delegations and the national diplomatic offices in third countries and at international organizations in order to create the most effective system possible, which is able to enhance the EU's ability for external communication, lobbying and effective, influencing cooperation with third states, and regional groupings.

At the end, we may declare, that the EU's unified international actorness is the reality of today, but it is a great challenge for tomorrow to make it more effective, as well as to enforce the EU's role as a global leader, as the most important partner of the United Nations in making effective multilateralism matter. We believe, that the institutional novelties brought by the Lisbon Treaty will create proper basis for this enforced international actorhood, surely only in case if there is the political will for enforcing it. The outcomes of the research prove, that the Union's international actorness is linked both by its legal powers and its actions.

If we take into consideration, that the common foreign and security policy of the EU has no more than ten-years-long history, we should talk of the successes and results achieved during this decade in admiration. Ten years is only a short period to change a centuries-long system, based on national sovereignty upside down into something very different, with active cooperation, coherence and common European and global interest as its central point. We therefore believe, that the hardest period is already behind us, and the upcoming years should bring a dynamic development in the external role of the EU.

The outcomes of this dissertation have proven, that the European Union, created upon Jean Monnet's and Robert Schumann's vision of peaceful understanding and cooperation as a unique entity of international relations, is predisposed to fulfill its role as a global leader on the international scene in order to fight for and influence others for the protection of human rights, international norms, to preserve peace and security as well as to be aware of every single country's responsibility in protecting the environment and the rule of law.

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International Criminal Court: <http://www.icc-cpi.int/Menus/ICC>

UN Commission on Sustainable Development: <http://www.un.org/esa/dsd/csd/>

UN Environmental Programme: <http://www.unep.org/>

International Labour Organization: <http://www.ilo.org/global/lang--en/index.htm>

World Health Organization: <http://www.who.int/en/>

United Nations Educational, Scientific and Cultural Organization: <http://www.unesco.org/>

United Nations High Commissioner for Refugees: <http://www.unhcr.org/>

V. Related publications

Rövid Éva [2005]: *A Közösségi Szabadalmi Rendszer kiépítése: egy nem teljesült Lisszaboni célkitűzés.* In: *Társadalom és Gazdaság*, 27. évf. 1-2.szám pp. 317-323.

Rövid Éva [2008]: *Az Európai Unió képviseleti joga és hatékony szerepvállalása az ENSZ család szerveiben. A FAO és az ENSZ Közgyűlés esete.* In: *3 éve az 50 éves EU-ban. A Budapesti Corvinus Egyetem Nemzetközi Kapcsolatok Multidiszciplináris Doktori Iskolájának konferenciakötete*, Budapest pp.216-229.