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**The European Union, International Regimes and Effective
Multilateralism: Institutions, Norms and Negotiation**

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THE EUROPEAN UNION AND INTERNATIONAL REGIMES; EFFECTIVE MULTILATERALISM IN ACTION?

Ole Elgström and Michael Smith

Introduction

During the past ten years, the European Union (EU) has developed as a central part of its international role conception the concept of 'effective multilateralism'. Although this has been primarily focused recently on the area of security and defence policy, this development has come on the back of a long established and enduring EU commitment to multilateralism in the broader sense. EU external policies have embodied an awareness of multilateral engagements and commitments since the Treaty of Rome at least, and the increasing engagement of EU external activities with multilateral organisations and structures has been a prominent feature of the Union's international existence ever since. This engagement with and use of multilateral structures has been examined in the broad sense by a number of recent commentators (for example Bretherton and Vogler 2006, Ginsberg 2001, Jørgensen 2006, Laatikainen and Smith 2006, Ortega 2005). It also relates strongly to analytical frameworks that have been developed in the exploration of the European integration process more generally, such as those focused on multilevel governance (Hooghe and Marks 2001, Jachtenfuchs 2001, Jachtenfuchs and Kohler-Koch 2004, Sandholtz and Stone Sweet 1998,), new institutionalism (Armstrong and Bulmer 1998, Pollack 2004, Stone Sweet, Sandholtz and Fligstein 2001, Schneider and Aspinwall 2001,) and normative approaches (Manners 2002, 2006, Richardson 2002, Sjursen 2006). Finally, it has been inscribed prominently in many EU policy declarations such as the 'European Security Strategy' and related documents (European Union Institute for Security Studies 2003, 2005).

As a result of such approaches, a number of enduring issues and tensions have been uncovered: the tension between the EU's commitment to multilateralism and its development of 'European interests' or a 'European identity'; the variations in the salience of and the effectiveness of multilateral commitments in different issue areas; the potential for tensions and

contradictions between the EU's activities in a range of different multilateral, minilateral and bilateral arenas; and the extent to which the EU can sustain a commitment to 'effective multilateralism' in times of rapid change, challenge and crisis.

One way in which this set of tensions and issues can be subjected to more searching analysis and conceptualisation is through the exploration of the EU's responses to, engagement in and use of international regimes. International regimes are symptomatic of the commitment to multilateralism in a wide range of issue areas, and the establishment, evolution and impact of regimes has been a long standing feature of work in core areas of international political economy, diplomacy and security studies (Haggard and Simmons 1987, Hansenclever, Mayer and Rittberger 1996, 2000, Rittberger and Mayer 1993, Müller 1993). As a result, a number of central concerns have come to characterise the study (and the critique) of international regimes: these can be summarised in terms of three key elements: institutions, norms and negotiation. In turn, these central concerns can be related to a number of key research questions: How are regimes established? How do regimes evolve? How do regimes work? What are the key principles and norms of different regimes? How do regimes coexist and interact? What is the impact of prominent actors on regimes, and of regimes on those actors?

The last of these questions is at the core of this paper, providing a way into consideration of the interplay between agents and structures in a key area of international life. How do prominent actors develop and implement their policies towards international regimes? In particular, how do actor policies vary according to the state of development of regimes, their demands upon policy makers and their perceived costs and benefits? How is the framing of actor policies affected by institutional arrangements, norms and negotiation within regimes? How do actors exert influence within or over regimes? How do they manage or profit from the intersection or interaction of regimes in which they are involved?

The second core component of the paper is the EU, here seen in terms of its entanglement within a wide variety of international regimes. The intensification and extension of international regimes has in many respects gone alongside the EU's search for channels through which to exploit its

commitment to multilateralism, and the EU has made much of its engagement with major international regimes in trade (Young 2002, Kerremans and Switky 2000, de Burca, Woolcock 1993), the environment (Bretherton and Vogler 2006, Vogler 2005, Vogler and Bretherton 2006), security (Björkdahl 2002, Hänggi and Tanner 2005, Schmitt 2005, Stewart 2006), communications (Sandholtz 1998), human rights (K. Smith 2004, 2006, Manners 2002, 2006) and other areas. But as noted above, this engagement carries with it a series of potential contradictions which go to the core of the EU's international roles and influence. These issues can be expressed in terms of the three dimensions of regimes outlined above: institutions, norms and negotiation.

Comment [P1]: Krasner, Stephen (1993) 'Sovereignty, regimes and human rights', in: Rittberger, Volker/Mayer, Peter (eds.): *Regime Theory and International Relations*, New York: Oxford University Press

- First, how does the EU's engagement with international regimes lend itself to analysis through institutional approaches? How does the development of institutions within the EU itself interact with the EU's activities within international regimes, and to what extent is the EU able to influence the institutional characteristics of those regimes?
- Second, how has the notion of the EU as a 'normative' or 'civilian' entity been expressed in the EU's approach to international regimes in general or to particular regimes? In particular, how has the EU approached problems connected with the establishment, maintenance or modification of regimes?
- Third, how does the EU's engagement with international regimes lend itself to analysis in terms of negotiation and the commitment to or development of a 'negotiated order' either in general or in specific issue areas? Is the EU's engagement with regimes best analysed in terms of bargaining (and thus of power relations) or of problem-solving (and thus of processes of communication and social learning)?
- Finally, what does the EU's engagement with international regimes tell us about the nature and practices of 'effective multilateralism'? Is the word 'effective' more than a rhetorical device, and if so what can we conclude about the key elements of 'effectiveness' as pursued by the EU? Does 'effectiveness' for the EU mean effectiveness for a regime in general, or is it cast in terms of the collective interests of the EU alone?

These four sets of questions broadly frame the purposes of this paper and the types of discussion we would wish to encourage. The aim is to undertake a stock-taking of where we are with the pursuit of 'effective multilateralism', to relate this in outline to the EU's activities in a variety of regimes, and to try to identify an agenda for further research and conceptual development. The paper goes on to present three perspectives on the EU's relationship to and engagement with international regimes. First, it presents institutionalist approaches; second, norm-centred approaches; third, negotiation-centred approaches. Whilst the first two of these are more concerned with tracing the broad links between the EU and international regimes, the third focuses more directly on the dynamics of the EU's engagement with specific regimes. In the concluding part of the paper, we attempt to express the results of our investigation in a set of propositions for further exploration.

The EU and regimes (1): institutions

Institutionalist approaches are inevitably key to the study of international regimes, since they are widely understood as sets of rules and regulatory frameworks that both respond to and act upon the needs of actors within the world arena (Ruggie 1998; Krasner 1983). Regimes are thus significant institutions of what might broadly be understood as world order, but they are also central to the framing of policies and actions by a wide range of internationally-acting bodies, among them the EU. They are enabling, but they are also regulatory in their impact, which can be formal and legalised but will often be informal and 'social'.

In order to understand some of the questions that arise from an institutionalist focus on the EU and international regimes, it is important to explore the range of institutionalist approaches that might be taken. Each of them has a distinctive take on the problems and raises a specific set of questions relating to the EU. In this section, we will briefly examine rational choice institutionalism, historical institutionalism, sociological institutionalism, and the tension in institutionalist approaches between a state-centric and a liberal version of institutionalist theories. We will then look at some of the questions they raise about the role of the EU, which in itself is a particularly

dense regional set of institutions, and which has at times been presented as a set of multiple and overlapping regimes (Breckinridge JCMS; Pollack 2004).

Rational choice institutionalism can be seen as relating to international regimes in two ways. First, it can lead to an interpretation of institutions as reflecting the preferences of those engaged in them, and therefore as the dependent variable in an actor-centred version of the world. Here, regimes can be viewed as a reflection of actors' needs for information, for uncertainty reduction and for a channel through which to mediate their competing preferences; in consequence, regimes establish standards to which members are expected to conform (Keohane 1984). Adherence to particular regimes becomes a product of a utilitarian calculus, and leads to adherence to more specific rules that are one of the key products of the regimes in action. These rules themselves are the reflection of power within the regime and of bargaining among its adherents, raising important questions about how actors extract and deploy resources in the regime setting, and thus about (broadly defined) the power that they bring to the regime and the power that they derive from it (Barnett and Duvall 2005; Barnett and Finnemore 1999; Keohane and Nye 2001). But there is always the possibility of defection if the calculus shifts, or if conditions in the broader global arena make this apparently profitable. The second version of rational choice regime analysis relates much more directly to the actors engaged in the regime(s), and in particular to the ways in which tasks are delegated to agents acting on behalf of the 'principals' to whom they are responsible. Such principal-agent analysis can throw considerable light on what happens to preferences once they are projected into the regime itself, and the ways in which such phenomena as 'agency drift' can take place (Kerremans 2006; Elgström and Frennhoff Larsén 2008).

Historical institutionalism takes an evolutionary perspective on the establishment and development of regimes. Its key underlying propositions are (1) that it focuses on the evolution of institutions as a result of interactions and bargains over time; and (2) that the contemporary implications of these processes are embedded in institutions that reflect those evolving bargains (Pierson 1998). In a broader sense, historical institutionalism focuses on patterns of exchange, organization and rules (Sandholtz and Stone Sweet

1998: Introduction) that themselves become part of the baseline from which further development takes place. Thus, phenomena such as 'path dependency' and 'lock-in' can occur and become social facts within which actors have to operate. Some of the most important studies in historical institutionalism have taken place in respect of the EU itself (Pierson 1998 for example), using the complex interactions between a range of actors and the possibility of legalised institutional resultants as key dimensions of the analysis; but in principle, these can be applied to any continuous process of regime development at the international level, providing powerful insights into the ways in which developments can escape the control of state actors.

Sociological institutionalism provides a further dimension to the study of international regimes, since it focuses on the problem of social action within specific institutional contexts. In doing so, it challenges the assumption of rational choice institutionalism that preferences are exogenous and fixed; rather, it focuses on the ways in which preferences become shaped by the process of interaction within a regime itself, and thus the ways in which a 'logic of appropriateness' rather than a 'logic of consequences' operates to shape actor behaviour (March and Olsen 1989). Preferences thus become endogenous and plastic, and not only can but will evolve in a given institutional context, as the result of processes of social exchange and learning. As a result, factors that can be broadly described as 'cultural' or even 'ideological' can be central to the performance of actors with the institutional setting, making it impossible to deduce outcomes from statements about the intensity of preferences or the distribution of power. Likewise, the positions and actions of 'agents' within institutions both reflect and raise considerations of legitimacy and appropriateness, as opposed to rather mechanical considerations of delegation and 'contracting'.

There is clearly (as many have pointed out) thus a spectrum of institutionalist approaches to the development both of the EU itself and of the international regimes which are the main focus here. It is important to underline the fact that the EU itself can be seen as the product of processes of preference-formation, institutional evolution and exchange akin to those that are characteristic of the formation, maintenance and development of international regimes. The EU is thus at least partly, as noted above, an

extremely dense and legalised set of international regime arrangements – but one which is of variable density and ‘thickness’ (think for example of the contrast between ‘pillar one’ and ‘pillar two’ in the EU’s institutional architecture). This gives a distinctive flavour to the ways in which the Union engages with international regimes at the broader global level, since it means that many of the questions raised above about delegation, agency, path dependency, lock-in and other problems are matters of active debate and contestation at the European level (Guigner 2006). So one of the most important initial questions that should be addressed is: what effect does this ‘regime-ness’ of the EU have on the institutional characteristics of its engagement with broader international regimes?

Quite apart from this fundamental issue, each of the institutionalist approaches noted above produces characteristic questions about the EU’s position in international regimes. For rational choice institutionalism, key issues are those of preference formation, power and commitment: does the EU’s engagement in international regimes reflect the aggregation of national positions in the EU to such an extent that we can point to a collective ‘European’ position even where the questions that arise are contentious at the EU level? How does the EU derive resources both from its own members and from the regime itself, and how effectively does it deploy them? Does defection take place, how often and under what conditions? Another question arising from rational choice approaches is that of delegation and agency: does the EU’s engagement in international regimes create problems of ‘agency drift’ in which the control of principals over agents becomes complicated and efficiency or effectiveness suffers? Recent work in the area of commercial policy seems to indicate that this is possible (Kerremans 2006), but the implications remain fully to be explored.

Other institutionalist approaches equally throw up important questions about the EU and international regimes. Historical institutionalism emphasises the importance of sequential bargains at the EU level; but what happens when the bargaining process at the EU level and that within an international regime or regimes overlap and create tensions? What about the situation where an ‘internal’ EU bargain then has important resonances at the broader international level? Equally, to what extent does the evolution of cooperation

at the international level feed back into the process of what might be termed regime formation within the EU itself? The interaction of EU environmental policies with the developing global environmental regime seems on the face of it to raise significant questions here (Sbragia 1998, Vogler 2005, Vogler and Bretherton 2006, Damro 2006a), as do EU interactions with international frameworks for the framing of competition policy (Damro 2006b). Sociological institutionalism adds a further dimension through its focus on social processes, since many of the participants in specific regimes are fulfilling roles both in the EU social context and within the broader international context. What happens when the 'logics of appropriateness' at these different levels come into collision and roles are subject to conflict? The question of legitimacy is also central here: do EU representatives in international regimes gain legitimacy through that status that can then affect internal debates in the EU itself over contentious areas of policy? This coexistence of arenas, and often their intersection, creates potential issues that a sociological institutionalist approach should be well suited to exploring.

The EU and regimes (2): norms

A second area to be addressed in discussion of the EU's relationship to international regimes is that of norms. As can be seen from the discussion above, there are areas in which institutionalist and norm-centred approaches to both the European Union and international regimes overlap, and that is one of the key areas for exploration here. But there are also other areas in which norm-centred perspectives can make a distinctive contribution and generate distinctive questions for discussion and investigation.

One of the key relationships identified by investigations of international regimes is about the ways in which institutions, material forces and norms interact to produce patterns of development and of strength and weakness. The distinction between regimes as material sets of rules, injunctions and standards and as less tangible but powerful sets of understandings, conventions and 'cultures' is clearly important (Ruggie 1998: chapter 3). As Ruggie points out, '[r]egimes...are constituted by convergent expectations, shared principles and norms – that is, they are inherently intersubjective in nature.' (1998: 85). He goes on to point out that this ontological position is at

odds with much of the scholarship about regimes, which was at the time of his writing mainly based on what he describes as a 'soft version of logical positivism' (1998: 85). As a result, such scholarship missed out on key areas of the establishment and functioning of regimes, which are centred on the understandings that those involved have of them, on their 'learning' of appropriate behaviour within them and on their generation of norms that identify acceptable and unacceptable behaviours within them.

This means that norms are central to any international regime, alongside the positive forms of regulation that are drawn to our attention by more materialist approaches. And because of the centrality of norms, there is a need to study the kinds of communicative and constitutive processes that take place within regimes, so that we can get a handle on the ways in which they are interpreted – and re-interpreted - by those acting within them. The focus is thus not only on the efficiency of regimes in providing means for the management of concrete issues, but also on their effects in terms of social learning, expectations and understandings.

One of the key areas that has been subjected to analysis in terms of norms and 'social principles', and which is key to the existence and development of international regimes, is that of multilateralism. Conceived of not only as a specific organisational form, but also as a set of principles to which actors subscribe but also which are modified by their mutual entanglement, multilateralism engages with such norms as reciprocity and with underpinning ideas of trust, legitimacy and 'appropriateness' (which means that sociological institutionalist approaches have a lot to say about this area) (Ruggie 1998). Not only this, but approaches that deal more broadly with issues of agency and structure, specifically social constructivism, come into play because of this focus on the normative underpinnings of regimes. To coin a phrase, regimes are what the participants make of them. This in turn creates a wide range of lines of enquiry about the terms on which actors enter into regimes, the ways in which they 'construct them' or construct themselves within them, and the ways in which regimes may lose their strength because of an erosion of underlying principles such as trust, legitimacy and shared expectations among their members. There is also a parallel set of questions

about the transformative effects on actors of their participation in international regimes, and about effects on their behaviour (Checkel 2001a).

Seen in this way, regimes cease to be (only) sets of injunctions and regulations judged in terms of their concordance with material preferences or their instrumental utility. Rather than being management devices, they become arenas within which 'voice' and advocacy become as important as material resources and status (Keck and Sikkink 1998). Rather than being passive channels for the knowledge and preferences of their members, they can themselves achieve status that in turn creates 'social knowledge' and defines norms (Barnett and Finnemore 1999). And these effects can be created not only through formal institutions but also through the communicative processes and exchange of ideas that surround participants in any given regime. Having been generated by participation in a regime, norms in turn can be diffused more broadly, not only among regime members but also through the global arena in general; whilst there may be a 'hard' edge to the ways in which this process of diffusion may take place, it can also be the result of adoption and emulation of established norms on the part of those outside formal regime arrangements. In this way, normative power and associated legitimacy can come to function as major resources for those involved in regimes.

Such norm-centred insights are important not only to a full understanding of the origins and impact of international regimes, but also to the involvement of the European Union in them. Crucially, much recent scholarship on the EU has taken a norm-centred approach, attempting to understand the Union itself as a normative entity, and thus engaging with issues such as identity and culture both within the Union and between the union and the global arena (Lucarelli and Manners 2006). There has been much attention to the role of norms in shaping negotiations and political practices within the EU (Checkel 1997, 1999, 2001b, Risse 2004), to the ways in which they contribute to definition of a 'European identity' and to the ways in which they shape the EU's practices in the global arena, both in the context of 'neighbourhood policies' and in the context of global negotiations (Elgström and Jönsson 2000, O'Brennan 2005). Not only this, but the work of Manners and others has drawn attention to the notion of 'normative power Europe' in

which the nature of the EU as a 'community of norms' becomes central to the ways in which the Union approaches the outside world and is received by it (Manners 2002, 2006, Lucarelli and Manners 2006, Mayer and Vogt 2006, Sjursen 2006).

Such studies have clear relevance to the ways in which the EU enters, participates in and attempts to shape international regimes. There are essentially two dimensions to this relevance, each of which produces a set of characteristic questions. First, there are 'inside out' questions about the ways in which normative factors shape the EU's approach to international regimes. Is the EU more likely to accept international regimes because they embody principles such as multilateralism on which the EU itself has been formed? On the other hand, are regimes seen by key actors in the EU as ways in which to further a European identity, to establish the EU's legitimacy and its 'voice' and to project a specific normative 'model' onto particular areas of international policy formation? What happens when the EU as a 'normative power' is confronted in regimes with demands that run counter to this self-understanding and that require the modification or the sacrifice of key normative positions? These questions all arise from the self-understanding of the EU as a community shaped strongly by normative considerations, and thus from what might be described as a form of 'European exceptionalism'.

A second set of questions might be described as 'outside in' questions (although this distinction has decidedly fuzzy edges). They relate to what happens to the EU because of its participation in international regimes. One thing that is important to remember in this context is that 'participation' is never an entirely uncontested question in the EU, and that in a large number of regimes, the EU exists alongside national positions and memberships held by the Member States. So there is a possibility if not a probability in many situations of tension between the EU collective position and those of at least some Member States, with consequential issues arising about the normative consensus within the Union itself. This said, questions that arise about the EU's participation and its impact on the EU itself include those about the diffusion of international norms via the EU institutions into the Union more broadly: what are the ways in which this diffusion might take place, and with what effects? This links to questions about the ways in which participation in

international regimes generates patterns of communication and understanding that are distinct from those that have emerged within the EU 'space' and which contribute to a new discourse or set of understandings within the EU policy processes. How do EU agents operate within international regimes, how does their experience re-shape their assumptions about the ways in which the EU might act, and with what effects?

In this and the preceding section, the focus has been on the ways in which we might conceptualise not only international regimes but also the EU's involvement in them. To the questions raised so far, we can now add some more specific questions about how the EU participates and with what effects, through the conceptual lens of negotiation. As we shall see, this raises a different set of implications about how and with what effects the EU is involved in international regimes.

The European Union and regimes (3): Negotiation and 'negotiated orders'

The EU's engagement with international regimes lends itself to analysis in terms of negotiation and the development of 'negotiated orders' (Smith 2001) in various issue areas. As indicated in the discussion on regimes and institutions, negotiations may be analysed both from a rational and from a sociological or constructivist perspective. Regime negotiations can thus be interpreted as exchanges of strategic moves by calculating actors, but also as processes of framing where actors try to construct their ideas and solutions as appropriate in the given context.

Two different analytical themes come to mind. The first focuses squarely on the negotiation mode of the Union, and raises, *inter alia*, the question whether the EU's engagement is best understood as bargaining (and thus linked to hard power and a logic of consequences as outlined above) or problem-solving (and thus linked to soft power and a logic of appropriateness). The second concerns what roles the EU plays, and is perceived to enact, in different regime contexts, and is connected to an analysis of leadership and brokerage, but also to aspects of EU negotiation behaviour that create obstacles to coherent and consistent role performance.

The negotiation mode of the EU: bargainer or problem-solver?

A traditional message of negotiation theory is its emphasis on the existence of two different main modes of negotiation: bargaining (or competitive negotiation) and problem-solving (or integrative negotiation) (Hopmann 1996: ch.6; Walton & McKersie 1991). In bargaining negotiations, actors follow a logic of consequences (March & Olsen 1989), and try to maximize their self-interests ('claiming value', in the words of Lax & Sebenius 1986) through the use of threats, warnings, promises and manipulation (for a list of 'hard bargaining tactics', see Dür & Matteo 2008). Traditional power resources are an essential basis for influence. Negotiations are approached as a win-lose situation and are seen as competitions. In problem-solving negotiations, actors follow a logic of appropriateness, focus on reaching solutions that are 'good for everyone' ('creating value', according to Lax & Sebenius 1986) by identifying, enlarging and acting upon the parties' common interests (Walton & McKersie 1991). Negotiations are treated as win-win situations, and power is situated in information, expertise and good ideas. While bargaining is associated with a concern about relative advantages, problem solving is linked to the priority of absolute advantages (Elgström & Jönsson 2000: 685).

Arguments may be used in both types of negotiation, but while actors engaged in bargaining mainly refer to the consequences of the other party's actions and use norms only as strategic rhetoric or cheap talk, problem-solving actors refer to what is the appropriate action in the given situation and believe in the persuasive force of normative appeals (Kotzian 2007: 81). Problem-solving actors thus engage in something like what Habermas called 'communicative action', where the 'best argument' carries the way and actors may be persuaded by convincing and logical argumentation by the other party (cf. Risse 2000, 'the logic of arguing' and Müller 2004).

On a general level, problem solving may be associated with the images of the EU as a 'soft' (Nye 2004) or 'civilian' (Dûchene 1972; cf. Orbie 2006) power, while bargaining would be closely associated with traditional great power behaviour. The use of normative appeals is certainly a corner stone in efforts to portray the Union as a 'normative' power (Manners 2002; 2006). The willingness of the EU to act as a norm entrepreneur (Finnemore and Sikkink

1998), with the aim to 'extend its norms into the international system' (Manners 2002), is highlighted both in the enlargement process and in EU relations with less developed countries. Most attention has been given to its efforts to spread democracy norms and its fight for human rights (Panebianco 2006; Sedelmeier 2006), but its contribution to the campaign against the death penalty (Manners 2002) and its attempts to promote peaceful conflict resolution (Björkdahl 2005) have also been noted.

Images of the US, the current prototype of a traditional great power, tend to include the use of coercive diplomacy and material power as well as a confrontational approach, i.e. to refer to bargaining. If the EU is to be perceived as a 'different' great power, it should certainly engage in genuine persuasion and in joint problem-solving exercises, that is, in problem solving. But it seems yet to be an empirically unanswered question if the EU actually behaves systematically in a way that is different from the US (cf. Sjørnsen 2006). Neither do we know if the EU's mode of negotiation differs across issue areas. A comparative investigation of EU strategies in different regimes would have theoretical purchase in these respects.

The most effective way of exerting influence in regime negotiations is probably if you can induce other actors to consider your ideas and your preferred solutions as being 'normal', that is, if they come to see these ideas as a natural part of the regime's principles and norms. The efforts by the EU to promote itself as a role model are interesting in this respect. The attractiveness of the EU may result in other actors taking the EU as a model, imitating its policies and standards. At the same time, the EU itself, often led by the Commission (cf. Guigner 2006; Panebianco 2006), acts to push other actors to adopt policies chosen by the Union (cf. Orbie 2006; Princen and Knodt 2003; Sicurelli 2004). The EU has, for example, tried to spread its model of how to prevent and fight organized crime (Longo 2003) and its policies of conflict prevention (Björkdahl 2002; Petiteville 2003). Equally important is the tendency of other actors, states or regions, to look to the EU to find good examples and guidance in how to handle peaceful integration processes or on how to solve conflicts peacefully. Chris Hill (1990) speaks about the 'intellectual impact' the EU has had by acting as a 'civilian model', excluding violent means of conflict resolution, while Ginsberg (2001: 50)

asserts that the history of the EU offers a 'model of integration and reconciliation'. The frequent encouragement of regional integration schemes in other areas obviously has its origin in the Union's own experiences. What are exported are broad lessons from its own history: the importance of creating regional institutions, how such may be constructed, and the central role given to a legal framework.

Another aspect of EU behaviour in multilateral negotiation processes that seems fruitful to pursue is patterns of coalition building. Does the EU actively try to build coalitions and, in that case, with whom? Are the coalitions the EU enters primarily based on interests, norms or power considerations? In some regime areas the Union has been claimed to be too absorbed in internal coordination to be able to devote any energy to making friends with others, to 'outreach activities' (K. Smith 2006). Ordinarily, however, it must be assumed that the EU has to ally with other countries in order to reach its objectives. A leader needs followers (see below), and to have followers you need to engage in cooperative behaviour. But is this done mainly with the US and other Western actors, or with developing countries (other more subtle combinations obviously being possible)? Are coalitions shifting or stable? Coalition behaviour may also be linked to the EU's role in a certain context. If its goal is to be considered 'a champion of Third World interests', it would certainly need to adapt its modes of cooperation accordingly. On the other hand, traditional power-based coalition theories would predict alliances that would enhance the possibility of reaching decisive majorities. Traditional EU-US (and at times Japan) coalitions in GATT and WTO-negotiations come to mind. Furthermore, the use of a power-based bargaining mode of negotiation may create 'coalitions' with countries that are dependent on the EU and therefore, for example, tend to follow the voting behaviour of the Union. Building broad coalitions, on the other hand, would seem to require the recourse to problem solving to be able to reach consensus.

Roles in regime negotiations

Without here going into a discussion about the strengths and weaknesses of role theory (Aggestam 2006; Elgström & Smith 2006), it is clear that efforts to

characterize EU behaviour in different issue areas frequently refer to what we may call roles and role performance. In sociological role theory, roles – defined as patterns of expected or appropriate behaviour - are often associated with specified issue areas or certain organizational fora. Roles are thus to a certain extent contextually determined: actors behave in the way they think is appropriate in the particular context at hand. On the other hand, it might be posited that an increasingly stronger European identity will be reflected in homogeneous role performance across issue areas. It is therefore interesting to investigate whether or not the roles the EU plays differ across regimes.

The role that has attracted most attention in the literature on the EU in multilateral negotiations is undoubtedly its potential leadership role. This is probably both because the EU has itself declared, and proudly emphasized, that it performs a leadership role in many issue areas ('It is now the EU that self-consciously claims the mantle of environmental leadership' (Bretherton and Vogler 2006: 2; on trade and sustainable development, see Elgström 2006: 17) and because the topic of leadership connects to current debates about 'the EU as a superpower' (Mc Cormick 2006; Reid 2004; Rifkin 2004). Some interesting questions are if a leadership role is part of the EU's self-image also in other regimes than environment, trade and aid; if 'outsiders' – non-EU members that participate in multilateral negotiations – share such perceptions and expectations; and what factors may serve as obstacles to leadership in various arenas?

According to one influential writer on multilateral negotiations, leadership may be defined as 'an asymmetrical relationship of influence in which one actor guides or directs the behaviour of others towards a certain goal over a certain period of time' (Underdal 1994: 178). This definition signifies that a leader must have a vision, and that it needs followers. This definition also assumes that leaders must try to push negotiations forward, to take initiatives and drive negotiations towards its vision (cf. Sjöstedt 1993). Are these signifying traits – or perhaps only some of them - present in EU behaviour across regimes?

Some existing research suggests, perhaps not very surprisingly, that the EU is far from being a leader in all multilateral contexts. In a recent

volume on the European Union at the United Nations (Laatikainen and Smith 2006), which explicitly addresses whether the EU is a 'leader or "frontrunner" at the UN' (ibid, p. 10), Karen Smith (2006: 167), for example, finds that the EU has not assumed a leadership position on human rights issues, and Paul Taylor (2006: 152) concludes that it has been reactive and responding to others' agendas rather than being a frontrunner in the UN economic and social arrangements in Geneva. Ole Elgström (2006), in an interview study of outsiders' perceptions of EU negotiation behaviour in three multilateral contexts (the World Trade Organization, the UN Forum on Forests and the Convention on International Trade in Endangered Species), discovered that the EU in all these cases was considered a great power, but not necessarily a leader. The reasons given were twofold: first, the EU's actions were seen as incoherent (across issues) and/or inconsistent (comparing words with deeds); second, the Union in all areas was claimed to devote too much time to internal co-ordination, instead of external compromise-making, resulting in slow decision-making and in inflexible joint positions. Incoherence (for a discussion of various uses of the term, see Nutall 2005) may be the result of the EU having conflicting interests in different issue-areas, reflecting the outcomes of negotiations among member states and their domestic pressure groups (according to rational institutionalism), of institutional fragmentation due to the historical evolution of the Union (historical institutionalism) (Elgström & Pilegaard 2008), or of a diffuse and incoherent European identity (sociological institutionalism).

The leadership role is obviously not the only role that the EU may assume. In this context, we will also briefly consider the role as a mediator, or broker. Mediation, defined as 'a mode of negotiation in which a third party helps the parties find a solution which they cannot find by themselves' (Zartman & Touval 1996: 446), is often presumed to be one of the most essential activities of multilateral negotiations, as the very complexity of these negotiations makes it even more necessary to have someone help out in offering compromises. The mediator role is ordinarily closely connected to impartiality and neutrality (Elgström 2003), as such characteristics are believed to enhance others' trust in the mediator, thereby increasing his or her effectiveness. The emphasis on these traits may indicate that brokerage might

be a difficult role for the EU to assume. As a major power, the Union is naturally a participant with its own interests to promote or defend in most international negotiations. Katie Verlin Laatikainen (2006: 88) also finds that the EU is not well suited to be a consensus-builder in the UN. Instead of seeking to mediate between antagonistic blocs, the EU 'negotiates only amongst itself and creates a common position which it presents to other blocks such as the G-77'. Still, it is empirically an open question whether or not the EU at times tries to be a bridge-builder and a mediator in some international regimes.

An approach based on negotiation and 'negotiated order' gives us a different set of questions about the EU's engagement with international regimes. These questions include: What roles has the EU set out to play in international regimes, and to what extent has it been capable of performing these roles, both within specific regimes and across regimes? In particular, has the EU established itself as a leader in international regime negotiations? How has the EU presented itself in regime negotiations: as a bargainer or a problem-solver? To what extent has the EU succeeded in reconciling the different demands of these negotiating modes? Finally, to what extent has EU engagement in regime negotiations promoted the kind of 'effective multilateralism' that the EU has committed itself to, at least rhetorically?

Conclusions

This paper has attempted to identify questions arising from different approaches to the EU's role in international regimes. These approaches are not, of course, mutually exclusive, as is shown by the intersection of approaches centred on institutions, norms and negotiation; many of the most important issues for investigation occur precisely where those intersections take place. All of them centre on a number of areas for discussion, which are open to different interpretations and evaluations. These are:

- The EU's general orientation towards the formation, evolution and functioning of international regimes, including those framed by ideas of multilateralism and 'negotiated order'.

- The EU's position, roles and activities in specific international regimes, either single regimes or a number of regimes that can be subjected to comparative study.
- The ways in which the EU's activities in international regimes are shaped by institutional factors, normative considerations, or negotiation strategies and processes.
- The ways in which the EU's activities in international regimes are shaped by interaction with other actors (for example, the USA, the G20, UN bodies) and the impact of these interactions.
- The ways in which EU policy-making is shaped by its entanglement in international regimes, and the impact the EU has on regimes.
- The ways in which the pursuit of 'effective multilateralism' is promoted or hindered by the EU's engagement with international regimes.

On the basis of our discussion, we can advance the following initial propositions for further investigation in each of these areas:

- *Institutions*: The EU's activities in an international regime will be shaped by the complex relationships between the EU's own 'regime-ness', the process of preference formation in the EU and the extent to which it can extract resources both from its own members and from the regime itself. There will be also be a fluctuating balance between internal bargains and the need for external commitment, and between the 'logics of appropriateness' at EU and regime levels.
- *Norms*: The EU's presence in a given regime will be shaped by a mixture of internal and external forces. On the one hand, the regime will be seen as an arena for projection of the EU 'voice' and consolidation of an EU identity, and as a vehicle for projection of EU norms. On the other hand, involvement in the regime may serve to accentuate normative tensions within the EU itself, and create frictions between discourses developed at the regime level and those within the EU.
- *Negotiations*: Involvement in international regimes will uncover tensions in the EU between its commitment to processes of bargaining

and its self-description as a problem-solving actor. This in turn will link to ideas about what is 'normal' for the EU and for the regime, to the projection of EU norms and to the EU's capacity to build relevant coalitions based on material or normative considerations. At the same time, and relatedly, involvement in regimes will raise questions about the EU's conception of its international role and especially about its capacity to supply leadership within international regimes on a consistent and continuing basis.

- *Multilateralism*: Consideration of the significance of institutions, norms and negotiation in the EU's involvement in international regimes will provide a guide to (a) how far the EU pursues and has achieved 'effective multilateralism' through such involvement and (b) how far the EU itself can be conceptualised as an 'effective multilateralist' on the basis of its regime-related activities. This in turn will raise issues about the concept of 'effectiveness' as viewed from a range of standpoints, and thus about regime effectiveness more generally.

In principle, these propositions are capable of empirical investigation in a wide range of regime contexts and can form the framework for a series of case studies. This paper has tried to lay at least part of the basis for such a project.

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