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Part I

Introduction
1. Introduction: the growing importance of the European Union in United Nations governance fora: empirical observations, academic debates

Within the span of a few decades, the European Union (EU or Union) has made a remarkable ascent as a global player, evolving from a comparatively marginal actor in world affairs to a resourceful and widely recognized foreign policy force in its own right. This has been most recently reaffirmed with the adoption of United Nations General Assembly (UNGA) Resolution 65/276 on 3 May 2011 entitled ‘Strengthening of the United Nations System: Participation of the European Union in the work of the UN’, which granted the EU further rights, such as the right to speak and right of reply, in the UNGA. The adoption of this resolution, with 180 states in favour, demonstrated the UNGA’s formal recognition of the institutional changes in the EU brought about by the Lisbon Treaty and, more generally, the evolving nature of the global body (for a discussion of these changes see Chapter 13).

Today, the Union is implicated in a growing number of domains of global politics, ranging from security to economic, international development, human rights and environmental issues. Strikingly, many of its external activities are exerted in the framework of what can best be characterized as multilateral global governance fora. Multilateralism as a deep organizing principle of international life (Caporaso, 1993) refers to ‘the practice of coordinating (...) policies in groups of three or more states’ (Keohane, 1990, p. 731) ‘on the basis of generalized principles of conduct’ such as the ‘indivisibility among the members of a collectivity’ and the notion of diffuse reciprocity (Ruggie, 1993, p. 11). It is best embodied in the various arrangements that were institutionalized and operate under the auspices of the
United Nations (UN). Referring to multilateral global governance highlights the fact that multilateralism has become more complex since the inception of the UN, over 60 years ago, involving not just states but also non-state actors, stretching vertically across several levels of policy-making, from the global to the regional, and increasingly following informal rather than formal modes of decision-making (Weiss and Thakur, 2010).

The EU’s growing implication in fora of this specific type can be explained with reference to the Union’s alleged ‘multilateral genes’ (Mandelson, 2006). As the EU fundamentally operates on the basis of multilateral virtues internally, many of its strategic and foreign policy documents and declarations testify not only to the considerable global ambitions, but also to its commitment to realizing those within the framework provided by the UN: ‘Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority’, according to the 2003 European Security Strategy (European Council, 2003). The Commission seconds the ‘choice of multilateralism’ by explaining that this priority flows ‘from the deep commitment to multilateral values, which commands ‘a natural support by the EU for multilateral institutions, like the UN, and for multilateral solutions to global problems’ (European Commission, 2003a, 2003b). The 2008 update of the European Security Strategy therefore recommends that ‘at a global level, Europe must lead a renewal of the multilateral order’ (European Council, 2008, p. 2). These ambitions resonate with calls from representatives of the three key EU institutions, who regularly present the Union as particularly well suited to play by the rules of the game that the multilateral mode of cooperation imposes, even considering it as Europe’s task to shape the global governance system via striving for ‘effective multilateralism’ (e.g. Solana, 2007; Mandelson, 2006; European Parliament, 2004).

Yet, despite all this value-driven rhetoric and an observable growth of EU external activities within and through the UN system, the empirical record of the EU’s implication in multilateral global governance seems prima facie quite uneven. It varies by virtue of its legal status: in a limited number of domains, the EU is a full member of the multilateral institution it operates in (e.g. Food and Agriculture Organization [FAO]), in others it is a full participant (e.g. at summits such as the World Summit on Sustainable Development), and in most a simple observer (Emerson, Kaczyński, Balfour, Corthaut, Wouters and Renard, 2011; Wouters, Hoffmeister and Ruys, 2006). It is different, however, also in terms of the EU’s investment into these domains. Its involvement is particularly strong in fields that represent beacons of its own values, such as the environment and human rights, the two topics that will be at the centre of this volume. In these domains, the Union regularly strives to claim a leadership role, whereas it makes its voice arguably less heard in areas such as global security governance. Finally, EU involvement in UN governance also appears to diverge in function of the external context: in a transforming global environment, some areas witness
greater EU multilateral activity and effectiveness, while others represent sites of failed leadership attempts, limited engagement or instances where the Union resorts to bilateralism instead of multilateralism.

This empirical manifestation of increased, yet uneven, EU activity in global multilateral fora – alongside its strong pro-multilateralism commitment as stipulated in Article 21 TEU that the Union ‘shall promote multilateral solutions to common problems, in particular in the framework of the United Nations’ – constitutes one of the main impetuses for the present volume.

With the intention of advancing the understanding of the EU’s implication in multilateral, notably UN, governance fora, the book immerses itself into a thriving, but yet well-structured academic debate (Wouters, Hoffmeister and Ruys, 2006; Laatikainen and Smith, 2006). Sparked above all by the aforementioned Commission communication and the European Security Strategy, research has been conducted by both political scientists and legal scholars essentially since the early 2000s.2

In political science, and here above all in the domain of EU studies, this research has generally taken one of two forms. On the one hand, manifold investigations into the EU concept of effective multilateralism exist, asking what this concept can, does or should mean (Wouters, de Jong and de Man, 2010; Groom, 2006; Jasinski and Kacperczyk, 2005; Eide, 2004). On the other hand, a limited set of comparative or single case studies of EU implication in different UN fora have seen the light of day, either as monographies (e.g. Rasch, 2009), edited volumes (e.g. Smith and Laatikaainen, 2006) or journal contributions (e.g. Gstöhl, 2009; Morgera, Durán and Marin 2006; Dedring, 2004). Here, a distinction has to be made between studies examining the EU’s activity within UN global governance fora (Kissack, 2009; De Grand-Guillaud, 2009; Magone, 2005; Creed, 2006) and studies of EU-UN cooperation (e.g. Knudsen, 2008; Ojanen, 2006; Tardy, 2005; Ortega, 2005; Graham, 2005).

In legal studies, the analysis of legal competences, the interpretation of case law, treaty objectives and the implications of the EU’s legal status tend to take precedence when examining its participation in the UN. Moreover, attention is usually paid more to the EU’s treaty-making activities in bodies outside of the UN system where it holds full membership status, like in the World Trade Organization (WTO) (Wouters, Hoffmeister and Ruys, 2006; Tancredi, 2004; Princen, 2004; De Burca and Scott, 2003), as well as to the consequences of ‘mixity’, i.e. the sharing of competence between Member States and the EU (Rosas, 1998, p. 125).

This brief overview of the literature triggers several observations (for the more detailed critique of the literature, see Chapter 2), which, in turn, provide the rationale for the approach taken in this book. The next section outlines this rationale, pointing to the particularities of the approach and the key themes and questions the volume addresses. It is followed by a short
definitional exercise regarding the main concepts permeating the volume (EU foreign policy, global governance, multilateralism). We conclude with a brief outline of the various parts of the book.

2. The rationale of this volume

The book parts from the observation of increased EU activity in UN governance fora and from a critique of the existing literature to address a number of questions through a unique approach designed to bridge gaps between various inter- and intradisciplinary divides, which it subsequently applies to two selected fields of study. This section briefly outlines the key questions the work will address, and how it will address them.

2.1. Key themes and research questions

The present volume’s pursuits are two-fold: (1) advancing the understanding of the EU’s participation in UN governance; and (2) uncovering elements which explain the underlying reasons why the Union performs the way it does in a select number of arenas. In so doing, the book draws on a number of concepts and themes raised in the disciplines of law and political science, combining interests of scholars from both camps.

Centrally, it is interested in understanding the EU’s position, defined as the ‘place’ occupied by the Union, in UN human rights and environmental governance fora. This position is, in the analytical framework adopted for that purpose (see Chapter 2), dependent on the EU’s legal status in a given governance forum and the role it performs in that arena. Examining status and role demands, in turn, a closer look at the external and internal legal-institutional and political contexts under which the EU operates, which together determine what the EU can and cannot do in multilateral governance contexts. Adding the Union’s role performance to the picture allows for assessing its effectiveness and whether it really attains its aims of promoting multilateralism globally. In synthesis, the book essentially addresses the following questions:

- What are the internal and external legal-institutional and political preconditions for EU participation in UN governance fora? To what extent do they enable or constrain EU activities? What is the Union’s legal status in these fora?
- How does the EU actually fare when it participates in UN governance fora? What role does it play?
- What is the EU’s position – as a function of its legal status and role – in the selected domains of UN governance?
- If compared across domains, how can its positions be accounted for? What is the relative relevance of the legal and political components of the EU’s participation in UN governance fora?
- What is the EU’s contribution to multilateralism under the UN umbrella?
The EU's Participation in UN Human Rights and Environmental Governance

In answering these questions for the two studied domains of UN governance, the book sheds light on key determinants of EU performance under conditions of multilateralism, before and after the Lisbon Treaty entered into force. It will do so by pursuing an integrative approach, bridging inter-and intra-disciplinary gaps.

2.2. The approach: integrating research disciplines

Current academic literature testifies to the fact that scholars tend to limit the scope of their theoretical and methodological approaches in studying the EU in UN fora. This may be observed as a first of three shortcomings in existing literature: a systematic engagement between the two bodies of literature, legal and political science, has been lacking. Scholars from the two disciplines are confronted with similar problems in their analyses, using similar concepts, but have, to date, approached the subject predominantly from within their own discipline, regularly overlooking the added value of the other. For instance, in legal studies, attention is usually paid more to the EU’s activities in bodies where it holds full membership status (e.g. FAO and WTO), thereby neglecting fora in which it may equally bear some weight despite lacking membership rights. Moreover, a focus on these legal constraints disregards an understanding of how the EU informally interacts with third countries. It therefore ultimately neglects the impact political reality has on the EU’s participation in UN fora. As political processes have great bearing on legal processes, this impairs a comprehensive legal understanding. By contrast, political scientists often tend to place more weight on empirical surveys of the EU's participation in the UN system and largely discount any legal dimensions, such as the Union’s competences and legal status. Exceptions to this narrow approach are being proposed (Koutrakos, 2011; Wouters, Hoffmeister and Ruys, 2006), however they are few and far between.

Second, beyond this disciplinary divide, research in this area has largely been characterized by an absence of cross-fertilization between multiple levels of analysis. The central dichotomy in this regard concerns the global/regional divide. In many political science analyses, the EU is treated as an actor capable of impacting global governance as long as it fulfills a set of internal preconditions, commonly summarized under the concept of ‘actor-ness’ (Caporaso and Jupille, 1998; Bretherton and Vogler, 2006). Little attention is paid to the external environment and the different contexts provided by a transforming, multipolarizing order of uneven global governance. A partial exception to this trend however can be discerned in legal studies. Both international and EU legal scholars have made efforts to take into account the interactions between the EU and international legal orders and vice-versa (Wouters, Nollkaemper and de Wet, 2008; Ahmed and Butler, 2006; Koskenniemi, 1998). Nonetheless, overcoming these intra-disciplinary divides promises to yield more concise understandings of the
Union’s implication in UN governance fora, as they take account of the specificities of the external environment it operates in.

Third, and importantly, sound empirical investigations in a comparative perspective are scarce in the literature, but indispensible for advancing the understanding of EU participation in global governance. Taking these three shortcomings together, it becomes clear that this area of study can benefit from a three fold rectification. It is this very point of departure that this volume ventures from. First, the identification of the virtues and limits of each discipline’s approach to the topic provide the basis for designing an interdisciplinary framework for this area of study (see Chapter 2), allowing for a vertical integration of concepts used in both disciplines, most notably those of legal status and role. Second, to overcome the dividing lines between the regional and the global level of analysis, horizontally, concrete effort is taken within this framework to account for both equally. Third, to address the lack of comparative analyses in the literature, the analytical framework will be applied to two policy areas, chosen on the basis of a set of criteria explained in the next section.

2.3. The selection of policy areas: enabling systematic case studies

Against the backdrop of the EU’s shared commitment to finding solutions to global problems through multilateral cooperation, it is not surprising to see it participate in the deliberations of most, if not all, UN bodies, agencies and conferences. The EU’s chosen path and desire to be a frontrunner in the UN system is equally reflected in its increasing participation across numerous policy fields. Two domains that the Union has and continues to prioritize both internally and in its external relations are human rights and the environment. The commitment to these policies has been recently reinforced with the Lisbon Treaty coming into force (see Chapters 3 and 8). Treaty objectives with regard to both domains have been strengthened (Articles 6 Treaty on European Union [TEU] and 191 Treaty on the Functioning of the European Union [TFEU]), and institutional advancements have been made – with the EU’s High Representative for Foreign and Security Policy (HR) and the European External Action Service (EEAS) – which stress the importance of integrating human rights and the environment into EU external relations.

Compared to many other parts of the world, the EU has some of the highest standards in the fields of human rights and the environment. Both fields rest at the heart of EU policies and both, independently, bring forth values that the Union is committed to promote inside and outside its borders.

Human rights, seen as universal and indivisible in the EU, has played a significant role in its efforts at placing it at the forefront of its relations with third countries. Specifically for its external action, the Union has developed an ‘extensive human rights toolbox’ (EEAS Website, 2011) consisting of inter alia human rights dialogues, the inclusion of human rights clauses in
agreements with third countries, human rights guidelines and demarches. This taken in conjunction with the complementary activities funded by its human rights financial instrument, namely the European Instrument for Democracy and Human Rights (EIDHR), demonstrates the extent to which human rights are of paramount importance for the Union. Recognizing this importance and its assiduous efforts to be a ‘normative power’ (Manners, 2002) in the field, it comes as a surprise that the Union’s participation in UN human rights bodies has not been given that much attention in academic publications. From an international perspective, these human rights bodies represent the main forum where nations of the world can address and respond to grave human rights concerns. International cooperation and concerted effort is therefore of great consequence. The UN has and continues to work closely with the EU in the field of human rights and with the EU and UN being ‘united by the core values of the Universal Declaration of Human Rights’ (The Partnership between the UN and the EU, 2006, p. 6), there needs to be an understanding of how this underlying unity is translated in the multilateral institutional design of human rights fora established by the UN itself.

The EU equally plays an active role in ‘implementing and shaping environment standards’ (The Partnership between the UN and the EU, 2006, p. 8). It does so in all areas of the environment, but the following specific priority areas may be observed in its Environment Action Plan (EAP): combating climate change, preserving biodiversity, environmental health and quality of life, and sustainable development. In light of the fact that the threat to the environment is global, the EU’s commitment and approach to environmental protection is something that it hopes will ‘encourage other countries to adopt similar measures’ (Civitas, 2011). With the myriad of UN bodies addressing environmental issues alongside the abovementioned endeavour to be a ‘normative power’ (Manners, 2002) also in this field, it is no coincidence that the Union’s presence is observed in all UN environmental conferences and treaty negotiations. Like in the field of human rights, the EU also continues to work closely with the UN through partnerships with different UN environmental bodies, notably a strategic partnership with the UN Environment Programme (UNEP), which provides the latter and multilateral environmental agreements with the financial support to implement projects around the world (UNEP, 2011). Bearing in mind the bilateral relationships the Union has with UN bodies and the established intellectual capacity on how the partnership functions (Maillet, 2006; Damro, 2006), a deep-rooted cross-case understanding lacks on how the Union fares within various environmental bodies under the UN policy framework and, moreover, on how it uses the channels established by these fora to further its own environmental objectives.

Parting from the assumption that the policy fields of human rights and the environment represent two central policy areas for EU external action,
especially in the UN context, this volume sets out to examine, compare and contrast the EU’s participation and position in UN environment and human rights bodies.

The UN framework hosts a number of fora which are dedicated to addressing issues falling under these domains. Moreover, it provides a range of bodies with different types of legal and institutional architectures to address these issues: permanent bodies; treaty-making bodies and ad hoc conferences on a case-by-case basis. Some have limited membership with non-legally binding outcome documents (e.g. Human Rights Council), while others have universal membership with binding treaties as outcome documents (e.g. negotiations on the Cartagena Protocol on Biosafety). Against this backdrop, the book embraces an institutional approach to studying the EU’s position in the given UN fora. This allows not only for a cross-comparative study between policy fields, but also for comparing and contrasting the EU’s position between different forms of UN architectural set-ups.

In sum, by focusing on the EU’s implication in UN human rights and environmental governance and three distinct types of multilateral compositions in both policy areas (permanent institutions, treaty-making bodies and specialized conferences), the volume engages in a set of systematic case studies, which, in first instance, will serve to illustrate the diversity of EU activities and positions in arrangements falling under the UN system. In addition to this descriptive effort and within the strictly defined boundaries of generalizability, the extraction of patterns within and across these very different domains can further our understanding of the way the EU acts as a norm-driven global player. The book thus ultimately strives to provide building blocks of an explanation for the variance in the positions the EU occupies in the studied domains of multilateral global governance.

Before providing an overview of the specific contributions making up this volume, some of the central concepts that permeate all chapters require definition.

2.4. Global governance, multilateralism and EU foreign policy – defining key concepts

The chapters of this edited volume all analyse EU participation in UN governance fora. In other words, each of them investigates EU foreign policy in global governance, with a specific emphasis on multilateral fora under the UN umbrella. This raises a number of definitional and conceptual questions with regard to each of the three concepts of EU foreign policy, global governance and multilateralism in isolation, but also concerning the interlinkages between them.

Global governance has been one of the buzzwords of the 1990s, whose origins can be found in a two-fold rationale: in the face of observed changes in the international system – resulting in large part from the transformation processes associated with globalization – policy-makers and IR analysts felt
that the dominant ways of both making and thinking about international politics had to be reconsidered (Weiss, 2000, p. 796; Barnett and Sikkink, 2008, p. 78). Global governance is thus also many things at the same time: it can be an analytical concept used by scholars, a normative concept in the hands of both scholars and policy-makers to either criticize or praise the emerging structures of a global polity or a political programme, as it is for many EU decision-makers (Dingwerth and Pattberg, 2006; Smouts, 1998). In this book, the empirical-analytical use of the term is privileged. Global governance becomes a ‘narrative’ of (Barnett and Sikkink, 2008, p. 78) or ‘a perspective on world politics’, i.e. the non-normative attempt to grasp the changes we can observe in global policy-making (Dingwerth and Pattberg, 2006). It can usefully be defined as ‘the complex of formal and informal institutions, mechanisms, relationships, and processes between and among states, markets, citizens and organizations, both inter- and non-governmental, through which collective interests on the global plane are articulated, rights and obligations are established, and differences are mediated’ (Weiss and Thakur, 2010). This definition also allows for dissecting governance into a number of key constitutive dimensions. It refers essentially to forms of global policy-making that are (i) multi-actor (public and private: states, markets, citizens, governmental and non-governmental organisations) without having a clearly delimited locus of authority, (ii) multi-level, but not hierarchical (the notion of ‘global’ refers to this vertical dimension in the sense of ‘encompassing’ multiple levels as much as it does to a horizontal dimension of global in the sense of what used to be called ‘international’), (iii) process-oriented, and that can be (iv) formal or informal, thus varying in shape according to issue areas (Held and McGrew, 2002; Mürle, 1998). In synthesis, global governance can be regarded as ‘a broad analytical approach to addressing the central questions of political life under conditions of globalization’ (Held and McGrew, 2002, p. 8).

Where global governance depicts thus a political form of organization of global collective action (Novosseloff, 2002, p. 305), multilateralism represents a form of institutionalized collective action (Telo, 2006). Adding the attribute ‘multilateral’ to global governance therefore considerably alters the quality of this governance, rendering the broad analytical concept more specific. This is even more the case if it refers explicitly to multilateralism within the United Nations.

What does multilateral (global) governance under the UN umbrella mean then? Just like global governance, the term multilateralism has been employed in manifold ways: as a normative or analytical concept, the depiction of a mode of cooperation and/or action, and as a type of organization or an instrument (Novosseloff, 2002; Telo, 2006). In this work, it is considered to be above all an empirical-analytical concept designed to adequately grasp the social reality of multilateralism as a key organizing principle of global governance and as an instrument in the hands of the
EU. Originally, it was mostly used to describe a form of interaction between States, defined quantitatively as ‘the practice of coordinating (...) policies in groups of three or more states’ (Keohane, 1990, p. 731). John Ruggie added qualitative elements to this numerical criterion to conceive multilateralism as an ‘institutional form that coordinates relations among three or more states on the basis of generalized principles of conduct’ (Ruggie, 1993, p. 11, emphasis added). These principles detail what is seen as appropriate behaviour by all actors involved in multilateral cooperation. This logically entails the ‘indivisibility among the members of a collectivity’ (Ruggie, 1993, p. 11, emphasis added). Further – and in contrast to bilateralism – multilateralism is fundamentally associated with diffuse reciprocity: actors expect to benefit from cooperation in the long run (Ruggie, 1993, p. 11). Although the core assumptions of Ruggie’s conceptualization, namely, that ‘the term ‘multilateralism’ is linked to the preference for, and institutionalization of, collective action in resolving problems that arise among several actors or entities’ (Knight, 2000, p. 38) may be timeless, the concrete meaning of multilateralism is, like that of any concept, to be understood in a specific historical context, subject to (frequent) alteration (Cox, 1997). The concept is therefore, as Newman et al. note, ‘constantly in flux’ (2006, p. 1). What multilateralism concretely can and does mean at this point is therefore still debated (Bouchard and Peterson, 2009).

Recent developments have certainly brought the traditional conceptualization of multilateralism – still valid at the beginning of the 1990s – ‘under challenge’ (Newman, Thakur and Tirman, 2006). Questions must above all be raised as to whether the analytical understanding of multilateralism still fully incorporates what multilateralism as an organizing principle of international cooperation comprises in contemporary political practice under conditions of multipolarity (Van Langenhove, 2010). Most obviously, the centrality of sovereign state actors cannot remain uncontested in the face of a proliferation of non-state actors and transnational relations in global policy-making (Van Langenhove, 2010; Forman and Segaar, 2006: 221; Cox, 1997). At the same time, the generalized principles of conduct identified by Ruggie seem to perdure, even in times of multipolarity and crisis, and certainly within the more formalized UN context (Wouters, Basu and Schunz, 2008; Bouchard and Peterson, 2009). In essence, multilateralism today thus entails a form of cooperation among three or more state and/or non-state actors that functions according to ‘principles which specify appropriate conduct for a class of actions, without regard to the particularistic interests of the parties or the strategic exigencies that may exist in any specific occurrence’ (Ruggie, 1993, p. 11). This is particularly the case for the UN, where more or less standardized rules are applied throughout all its bodies, regimes and summits.

In sum, bringing the two concepts of multilateralism and global governance together enhances the analytical potency of both: while the notion of
governance opens the eyes of the analyst for other actors involved in it and for informal processes of policy-making, multilateralism gives the broad concept of governance a clearer focus. Multilateral governance thus refers to a form of global governance that is strongly institutionalized, functioning in line with the organizing principles of (UN) multilateralism.

In the context of multilateral governance, it is also warranted to refer to the EU’s activity in UN governance fora as foreign policy, i.e. ‘that area of politics which is directed at the external environment with the objective of influencing that environment and the behaviour of other actors within it, in order to pursue interests, values and goals’ (Keukeleire and MacNaughtan, 2008, p. 19). While some have wondered whether foreign policy should be placed on the endangered species list in an era of multi-actor, multi-level global governance (Hill, 2003), the practice of global policy-making within the UN tells quite a different story. In that sense, any analysis of the EU’s participation in UN governance fora is also frequently a focused foreign policy analysis.

This analysis is rendered complex by the fact that the Union, although de facto a global player, is not a traditional foreign policy actor. Even if it possesses in some respects state-like features, it is not a state. This has considerable implications for how its foreign policy has to be understood, pointing to a number of themes that will re-appear in the course of this volume. EU foreign policy is not the sum of its Member States’ foreign policies, but the sum of foreign policies defined and conducted by genuine EU institutions (the Council, the Commission, the High Representative for Foreign and Security Policy) in conjunction with its Member States’ foreign policy activities, if these are developed through interaction with the EU (Keukeleire and MacNaughtan, 2008, p. 29). The book correspondingly operates with a relatively broad definition of EU foreign policy, which highlights tensions, but also potential for synergies between the EU and its Member States. Moreover, the definition of foreign policy employed emphasizes the purposefulness of foreign policy, which is a goal-oriented activity, and raises important questions about its effectiveness. Finally, foreign policy in global multilateral governance is to be understood as a foreign policy that follows the rules of multilateralism, and is thus conditioned by them, but that also tries to promote and advance those rules, which is the declared objective of the EU. All these themes will recur in the different case studies.

3. Structure of the book

The book is divided into five distinct parts. Following this introductory section, Chapter 2 introduces the conceptual framework that provides the key analytical units for the empirical case analyses. In parts III and IV of the volume, the EU’s participation in a select number of UN human rights governance (Part III) and UN environmental governance fora (Part IV)
is then discussed. Both sections are developed along the same logic. An introductory legal chapter lays the groundwork for the understanding the foundations of the legal aspects for assessing the Union’s participation in the two domains. This chapter equally highlights the novelties that come with the Lisbon Treaty, especially, as many of the case studies that follow primarily deal with pre-Lisbon contexts. The legal chapters are followed by a set of four chapters on each of the studied domains, which discuss, per policy area, EU involvement in (i) permanent UN bodies or long-standing UN treaty-based regimes, (ii) a UN-sponsored negotiation process and (iii) a world summit/conference under UN auspices. While each of these chapters addresses the key analytical units of the conceptual framework, they also provide insightful, stand-alone narrative analyses of the EU’s participation in the analysed governance fora. The systematic application of the conceptual framework finally enables a cross-domain comparison, which is the subject of the concluding part of the volume.

In efforts to enhance interdisciplinary scholarly attention to the EU’s participation in UN governance fora and in hopes of rectifying existing gaps in the literature, the book parts from a critique of current research approaches to the topic and subsequently introduces a comprehensive interdisciplinary framework that allows for a better understanding of the EU’s position in the UN system. In Chapter 2 Simon Schunz, Sudeshna Basu, Hans Bruyninckx, Stephan Keukeleire and Jan Wouters conceptualize an analytical framework to serve as a thread between the selected case analyses in parts III and IV of the book. Distinguishing between the EU and international levels of analysis, the interdisciplinary analytical framework accounts for, on the one hand, the external environment the EU faces when engaging in global multilateral governance, while, on the other hand, focusing on the notion of EU ‘actor capacity’. Actor capacity takes into consideration analytically significant aspects such as legal competences and diplomatic instruments, which represent preconditions for the Union to be an international actor in the UN system. By building upon the key analytical concepts of legal status and role, the authors explore the mutually reinforcing relationship between them and subsequently introduce the overarching concept of position, distinguishing between four ideal types (central, aspiring outsider, sidelined insider, marginal). This concept allows for determining where the EU is situated vis-à-vis other actors in the chosen human rights and environmental governance arenas. By allowing for a cross-case comparison, the analytical framework enables general assessments of the EU’s position in the wider UN system.

Part III of the book begins by providing a sound understanding of the legal and institutional intricacies of the EU’s participation in global human rights bodies. In Chapter 3, Davide Zaru and Charles-Michel Geurts do so by first analysing the emergence of the norm of human rights in the EU’s legal order and, secondly, explicating the Union’s legal and institutional
framework enabling it to participate in the UN human rights system. The chapter highlights the Lisbon Treaty coming into force on 1 December 2009 and its implications in the field of human rights and in the EU’s external action. In so doing, it not only provides a background to where the EU’s dedication and commitment to protect and promote human rights comes from, but also allows for the necessary understanding of the formal preconditions the EU needs to meet to participate in global human rights fora.

Building upon the framework of analysis expounded in Chapter 2, Emanuele Giaufret in Chapter 4 explores the participation and position of the European Union in the Third Committee of the UNGA. The Third Committee, representing the main forum to address social, humanitarian and cultural affairs in the UNGA, offers an interesting arena to examine as the European Community has held observer status in this principal organ of the UN system since 1974 and has strived hard to increase its clout on this human rights stage ever since. Taking this historical perspective into account, Giaufret compares and contrasts the de jure and de facto dimensions of the EU’s participation in the committee and concludes by yielding insights into the EU’s overall position as an aspiring outsider.

Chapter 5 examines the EU in the most recent addition to the UN human rights family, namely the UN Human Rights Council. Sudeshna Basu highlights the EU’s commitment to establishing a new and more effective human rights body and analyses its participation in all areas of the Council’s work including the Universal Periodic Review, renewal of special procedure mandates, plenary and special sessions. Being the only forum which exclusively addresses human rights issues on a regular basis, the Human Rights Council serves as the principal human rights stage for the EU. The chapter correspondingly pays particular attention to how the EU’s contributions to the Council’s output measure against its legal and policy objectives, bearing in mind its observer status in the body. Drawing from the exercise of employing the framework of analysis, Basu concludes with determining the EU’s position in the Human Rights Council as aspiring outsider-marginal and explicates how its position is impacted by the strongly embedded bloc mentality in the workings of the Council.

Chapter 6 examines the EU in the negotiations and adoption of the landmark UN resolution on a moratorium on the use of the death penalty. Robert Kissack traces the historical developments of the resolution, the first of which dates back to 1994. Through taking an issue-based approach, Kissack provides an in-depth examination of the methods and means used by the EU to reach consensus on this markedly emotive topic on which UN Member States had been divided for more than a decade. Through applying the interdisciplinary framework, the author sheds light on the key components that led to the EU’s success in 2007, compared to its failed attempts in 1994 and 1999. In a final analysis, insights are provided into
the underlying reasons why the EU’s position can be assessed as coming close to that of an aspiring outsider in the negotiations of this milestone resolution.

The final chapter in Part III, Chapter 7, applies the analytical framework to analyse the EU’s participation in a specialized UN conference addressing specifically the human rights issue area of racism, racial discrimination, xenophobia and related intolerance: the Durban Review Conference. Joëlle Hivonnet examines the EU in both the preparatory process and the proceedings of the conference itself and critically analyses the Union’s non-cohesive approach to the latter. Hivonnet draws attention to the EU’s treaty and policy objectives with reference to racism, racial discrimination, xenophobia and related intolerance, and contrasts it with that of the EU’s actual performance which observably challenged its legal obligations. Hivonnet concludes by defining the EU’s position as marginal, whilst stressing how its disengagement affected its overall position in the Durban Review Conference.

Part IV of the book again begins with an overview of the legal framework for EU participation in global environmental governance under the UN umbrella. In Chapter 8, Tim Corthaut and Dries Van Eeckhoutte provide a concise review of the legal intricacies the Union was and is faced with before and after the entry into force of the Lisbon Treaty. In a highly topical discussion of recent legal practice, they highlight the pitfalls that come with the entry into force of this treaty. The chapter provides the necessary background for the further analyses of EU participation in various UN bodies dealing with environmental issues.

Chapter 9 then deals with the EU’s participation in one key UN body dealing with environmental issues as part of a broader sustainable development agenda. Karoline Van den Brande takes a look at the EU’s legal status, role and, ultimately, position in the Commission on Sustainable Development (CSD). As a comparatively active functional commission of the UN Economic and Social Council (ECOSOC), the Commission represents an important arena for the EU to promote its sustainable development agenda, and Van den Brande highlights the difficult negotiation context the body provides for an EU that is often internally divided on the definition and implementation of its sustainable development policies. She concludes that while the EU has – by virtue of its strong presence – occupied a central position in this body, it still oftentimes fails to attain its objectives in an environment that regularly does not operate to its advantage.

A similar conclusion is drawn by Simon Schunz in Chapter 10 on the EU’s participation in the UN climate change regime. His longitudinal analysis emphasizes the evolution of the Union’s implication in this regime from the early 1990s and the negotiations on the UN Framework Convention on Climate Change (UNFCCC) over the talks on the Kyoto Protocol (1995–1997)
to the 15th Conference of the parties (COP) in 2009 at Copenhagen. Schunz finds that while the EU’s actor capacity has generally improved considerably over time, the Union has failed to substantially leave its marks on various negotiation outcomes. This has been most visible at Copenhagen and can be explained by the changing nature of global climate politics as well as the EU’s slow reaction to these trends. It raises the question whether the central position the Union has held in the UN climate regime in the past may not be coming under serious threat by the rapidly evolving geopolitical context.

Tom Delreux’s Chapter 11 examines the EU’s implication in the negotiations on the Cartagena Protocol on Biosafety, the first international legally binding agreement on the transboundary movements of genetically modified organisms (GMOs), concluded under the Convention on Biological Diversity (CBD). He provides an in-depth analysis of the various stages of this negotiation process, highlighting both the internal and external parameters of the EU’s performance. Externally, the EU found itself in an intricate constellation between developing countries in favour of restrictive rules and flexibility-seeking GMO-exporting countries like the United States. Regarding the domestic context in the EU, Delreux shows how an evolution from a divided negotiation partner in the beginning of the talks towards a strong and unified negotiator in the final stages strengthened the Union’s actor capacity. This evolution enabled it to positively impact on the content of the protocol. Consequently, the author’s verdict is also that the EU was able to occupy a central position in this negotiation process.

The environmental governance part of the book is concluded by a lucid analysis of the EU’s implication in the last big environment-related world summit, the 2002 World Summit on Sustainable Development (WSSD), held ten years after the Rio Earth Summit. Simon Lightfoot’s Chapter 12 examines the EU’s internal decision-making process, demonstrating how difficult it is for the EU to implement external policies for sustainable development. Added to a rather unfavourable external context, the restraints on the Union’s activities at the summit were quite significant. Nonetheless, as Lightfoot argues, the EU was able to occupy a central position at the WSSD, based on a high degree of formal recognition and a functionally important role. He concludes by raising the question whether the EU will be able to repeat this performance at the Rio+20 Summit planned for 2012.

The volume concludes with Part V, which provides a summary of the key empirical insights of the various chapters of Parts III and IV, followed by an in-depth comparative analysis of the findings. To this end, Hans Bruyninckx, Jan Wouters, Sudeshna Basu and Simon Schunz firstly engage in an intra-domain comparison to extract patterns of similarities and differences of the EU’s activities and performance in each of the two domains. Cross-domain
comparison allows them to then make more general observations about the EU’s position and its determinants in the studied fields of multilateral governance. Drawing on these conclusions, Chapter 13 subsequently reflects on the broader implications of the results for the way the EU organizes and conducts its foreign policy in the domains of human rights and the environment. In this context, Bruyninckx et al. refer back to the introductory and conceptual chapters (Parts I and II) to evaluate the utility of the interdisciplinary approach taken and identify some key areas for future research on the Union’s activities and performance in the selected domains, but also in other areas of EU activity in the UN system. To conclude, an assessment of the EU’s approach to multilateralism in these domains is combined with a range of policy-relevant insights, formulated in the light of the new legal framework provided for by the Lisbon Treaty and addressed to the relevant actors within the EU.

Notes

1. In the literature, it has become common to refer to the external activities of the European Community as actions of the European Union, even if this is legally incorrect when referring to the situation prior to the Lisbon Treaty. In this chapter, as in the entire volume, reference to the EU will be privileged, whereas the EC will only be referred to when this is needed for the purposes of legal clarity.

2. For a comprehensive overview of the research area up to 2007, see Basu and Schunz (2008).

3. The ‘specific reciprocity’ of bilateral relations makes that two actors expect a particular gain and type of behaviour from one another (Ruggie, 1993, p. 11). The difference between bilateralism and multilateralism is therefore not solely numerical, but fundamentally related to the kinds of relations between actors (Diebold, 1988, p. 1).

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