

Book Review

The European Union in International Organisations and Global Governance: Recent Developments

by Christine Kaddous (ed) (Hart Publishing, 2015), 279 pages, £68, Hardback, ISBN 978-1-84946-700-1

The participation of the European Union (EU) in international organizations is a logical consequence of the division of competences between the EU and its Member States. It is also an element of the Union's autonomous international legal standing. The position of the EU in international organizations (or 'institutions' if one wishes to include other international bodies) is part and parcel of EU external relations law, and it is at these fora that a 'structural' role of the EU in global governance becomes most visible. Indeed, over the years the EU has obtained a formal position in some international institutions, either as a full member or as an observer. It is generally held that the participation in a formal international organization relates to the participation in its organs, ie the right to attend the meetings, being elected for functions in the organ, and exercising voting and speaking rights. In that sense, the term 'position' is related to a formal influence on the output of the international organization (United Nations (UN)), International Civil Aviation Organisation (ICAO), etc.): decisions (often recommendations, in some occasions binding decisions) and conventions (international agreements prepared and adopted by an organ of an international organization). In addition, the EU participates in less formal international institutions (or regimes) such as the G20, for example. The Treaties herald an increase of the engagement of the EU in other international institutions, including the future membership of additional international organizations such as the Council of Europe (Article 6 TEU).

Given the (conceptual as well as practical) importance of the EU's participation in other international organizations, it is somewhat striking that not so many studies have it as their main focal point.¹ Also in that sense, the book under review here is to be welcomed. A point of critique could be that it is limited to five organizations only, that all have a basis in Geneva: the UN, the

¹ Most comprehensive and in-depth studies are quite dated. See, for instance, R Frid, *The Relations Between the EC and International Organizations* (Kluwer Law International 1995); F Hoffmeister, 'Outsider or Frontrunner? Recent Developments Under International and European Union in International Organizations and Treaty Bodies' (2007) 44 CML Rev 41; J Sack, 'The European Community's Membership of International Organizations' (1995) 32 CML Rev 1127; I Govaere, J Capiau and A Vermeersch, 'In-Between Seats: The Participation of the European Union in International Organizations' (2004) 9 EFA Rev 155; RA Wessel, 'The Legal Framework for the Participation of the European Union in International Institutions' (2011, 33) J Europ Integration, 621.

International Labour Organization (ILO), the World Trade Organization (WTO), the World Health Organization (WHO), and the World Intellectual Property Organization (WIPO). The selection is understandable given the fact that the book is based on a conference that was organized by the Editor, Professor Christine Kaddous, in Geneva, but as we know, the EU's involvement in international institutions reaches far beyond Geneva and an inclusion of other international institutions could have enriched the project. At the same time, the five organizations may perhaps be seen as representative case studies, as they cover many of the different forms of participation of the EU, from full membership to a mere observer status. In any case, it is a very welcome contribution to an increasingly important field. As many of the contributions are written by practitioners, the book also allows for detailed insight views into the practice of the EU's functioning in other international organizations.

The Introduction by Christine Kaddous not only serves as a very welcome general, and up to date, introduction into the main issues surrounding the complex participation of the EU in international organizations, it also raises the more conceptual question of how to square the complexity with the increase of the participation of the Union in every more international forum. In a way, this question is the thread running through the entire collection of contributions: the increasing activities of the Union with external effects call for its global presence; but EU Member States as well as third states still find it difficult to accommodate this. Moreover, international organizations do not usually cater for the membership of other international organizations (of the organizations dealt within this book, only the WTO has accepted EU membership).

The part of the book on the EU in the UN is a mixture of different perspectives. The first contribution (by Mariangela Zappia) is quite general, and its main function seems to be to serve as an introduction to the following two chapters. The first one (by Markus Schmidt) addresses a number of less well-known situations: the EU's participation in the Human Rights Council, in Humanitarian Affairs and the International Strategy for Disaster Reduction, and in the Economic Commission for Europe. Although these days more co-ordination takes place, the familiar picture of turf battles between the EU and its own members is still far from blurred. This is underlined in the chapter by Jan Wouters, Anne-Luise Chané, Jed Odermatt and Thomas Ramopoulos (who must also have had several coordination meetings themselves to be able to write one chapter with so many authors). This chapter in fact goes beyond the Geneva-based UN institutions and *inter alia* addresses the development of the participation of the EU in the UN General Assembly as well as in other UN organizations, such as the Food and Agricultural Organisation (FAO), the International Maritime Organisation (IMO), the International Atomic Energy Agency (IAEA), and the United Nations Educational, Scientific and Cultural Organization (UNESCO). This broadening is certainly to be welcomed, while the question is why then the focus of the rest of the book is on the Geneva-based

organizations. The main claim this chapter (rightfully) makes is that the EU lacks a strategy to solve its representation problems. Obviously, much depends on the other organizations, but, indeed, the EU itself has been far from being clear and consistent in its undertakings.

The ILO has always been the textbook example of the situation in which the absence of EU membership was difficult to align with the development of EU policies (in this case, social policies). The first chapter (by Marco Ferri) in the part on the ILO not only revisits the development of EU–ILO relations and its current practice but also underlines the importance of the post-Lisbon system, which moved from representation through the rotating presidency to a stronger coordination between the 28 Member States, to strengthen a *unisono* input. The second chapter on ILO (by Geneviève Pons-Deladrière) supports this view and addresses in some detail the EU's participation in the various ILO bodies.

Perhaps, the most widely discussed international organization, as far as EU participation is concerned, is the WTO. Not only is the EU a full and original member, the policy area as such is almost completely exclusively in the hands of the EU. Indeed, the question could rightfully be posed how busy EU Member States still are during WTO meetings. The first chapter in this part (by Detlev Brauns and Tomas Baert) addresses this question as well, but underlines the importance of a single voice that is backed up by 28 states. At the same time, the importance of EU experience is mentioned. Merely having a competence does not do the trick ('... it is often not so much about having the legal competence as a negotiator as about being a competent negotiator'; p 114—something the UK may very well experience after 'Brexit' has taken effect). The second chapter (by János Volkai) in this part looks at this problem from the perspective of the WTO. The background is formed by the interesting question of whether the many legal commitments in the WTO system are not overshadowed by politics. Unfortunately, that question is not expressly answered by the chapter as it lacks a conclusion. The question—although again implicitly—does, however, return in the subsequent chapter (by Frank Hoffmeister). This chapter goes into the legal rules, procedures and disputes in quite some detail. Most interestingly perhaps are the descriptions of Member State behaviour, which in these days are quite loyal in relation to Commission activities. The author clearly sees the EU/MS–WTO cooperation as a model for other international organizations ('yes, there is simply no better model in sight!'; p 137)—although a number of factors are to be taken into consideration.

The part on the WHO is the most extensive one; not in the least because it includes a long final chapter (written by Ilona Kickbusch, Stephen A Matlin, Samantha Battams and Albrecht Jahn). This chapter stands out in the book as it does not so much analyse the role of the EU in international organizations, but rather deals, much more in general, with the EU's role and potential in research and innovation for global health. Indeed, the quite extensive chapter discusses the EU's plans in that area in quite some detail, but links to the main theme of

the book are largely absent. The first chapter in this part (by Lourdes Chamorro) discusses the EU's role in relation to health policies and its participation in the WHO. This is again an organization in which the EU merely enjoys an observer status. Yet, as the chapter describes, the special role of the EU (as a 'Regional Economic Integration Organization') is accepted, providing for opportunities to participate in a way that exceeds its observer status. This somewhat positive note returns in the second chapter (by Gian Luca Burci) in this part in which the development towards an effective integration of the EU in the WHO's functions is underlined—despite the fact that full membership may be a bridge too far at this moment.

In contrast to the previous parts, the part on the WIPO contains one chapter only (by Jean-Christophe Galloux). While intellectual property issues have increasingly become part of the EU's competences and activities, this does not seem to be fully reflected in the EU's participation in the WIPO ('the EU is a minor player in comparison with the roles that certain of its members have played in the past in the creation of a global intellectual property law'; p 223).

The final part of the book also consists of one chapter only (by Ernst-Ulrich Petersmann). It is a more conceptual chapter, addressing the more general question of the EU as a normative power. Those familiar with the works of Petersmann will recognize some of the terminology used (eg the 'multilevel governance of public goods', 'methodological pluralism', and a focus on citizens' interests). While highly interesting in itself, the link with the theme of the book could perhaps have been clarified a bit better.

Although the book as such thus covers most aspects and the contributions are generally well-written, it is at the same time very much a collection of widely different contributions. The Editor seems to have been very dependent on what the contributors could and wished to deliver. This has resulted in very short chapters (sometimes five to seven pages only) to longer ones (up to 46 pages). In most cases, the chapters are single-authored, but two chapters were written by not less than four authors. Some chapters analyse the relevant legal aspects in a very structured way, others are more descriptive and do not contain many new insights. In one or two cases, one may wonder why the chapter was included at all as it addresses the topic of the book in a very indirect way at best. In that sense, more could perhaps have been done to present the available material in a structured way, to avoid some overlap and to connect the pieces together through mutual referencing (apart from the fact that the idea seems to have been to include in most, not all, cases both the perspective of the EU and the perspective of the other international organization).

Overall, however, the collection is certainly to be welcomed as it has (at least partly) filled a serious lacuna in the existing studies on the legal role of the EU in global affairs. The institutionalization of the participation of the EU in

international organizations is an important element of the more general development in which we see the slow, but certain, adaptation of the international legal system to the presence and influence of non-state actors. It is well known that in many other international bodies, state-representatives are no longer the ones that set the standards, and that international organizations are sometimes largely influenced by decisions of other international organizations.² In that respect, it would be interesting to repeat the studies in this book in 10 years to see to which extent not only Member States have been willing to allow international institutions (including the EU) to act on their behalf but also whether international organizations have accepted the EU as an equal participant; whether driven by ‘functional necessity or by general aspiration’—to use the terms of Professor Christine Kaddous.

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doi:10.1093/yel/yew011

² See further and for many references: RA Wessel, ‘Institutional Lawmaking: The Emergence of a Global Normative Web’ in C Bröllman and Y Radi (eds), *Research Handbook on the Theory and Practice of International Lawmaking* (Edward Elgar Publishing 2016) 179–99.