

The European Union, global justice and multilateralism



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Summary

This policy brief reviews the significance of the crisis of multilateralism and its implications for the European Union (EU). Drawing on GLOBUS' three conceptions of global political justice, we propose that facing the crisis, the Union may choose a strategy of adaptation, re-adjustment and refinement, or normative learning respectively. The strategies rely on different ideas of what it would take to establish a just multilateral order. Each would allow the Union to take heed of some forms of resistance to multilateralism while emphasising others to a lesser extent. They also entail different risks and costs for the EU. The challenge is to develop a multilateral system that acknowledges difference without abandoning core principles. Given the transnational nature of global problems, a successful resolution of this challenge is essential.

Throughout the 1990s and well into the 2000s, multilateralism was considered a key organising principle for international order. This is now changing. Prominent scholars and policy analysts increasingly make reference to the notion of a new age of geopolitics and the need for Europe to learn the language of power. In line with the focus on geopolitics, concepts such as spheres of influence, balance of power, and alliances have been put forward as building blocs for international order'.¹

Assuming that it has been correctly identified, such a shift from a world order resting on rules-based interaction to one that depends on balances of power has serious implications for the European Union (EU). Indeed, it could potentially trigger an existential crisis for the Union, which has often been seen as a vanguard of the law-based liberal world order. The EU's Common Foreign and Security Policy gained momentum in tandem with the consolidation of that order after the end of the Cold War, and its foreign policy initiatives have been underpinned by a belief in both the legitimacy of multilateralism and the ability of the law-based liberal world order to contribute to enhancing justice. We may even ask whether it is at all possible to imagine an EU foreign policy outside a multilateral context. Given the nature of the European polity, it cannot rely on the same fall-back strategy as nation-states: the resort to a

¹ Allison, G. (2020) 'The New Spheres of Influence: Sharing the Globe With Other Great Powers', *Foreign Affairs*, March/April(2020): 36.

strategy of ‘my nation first’ is clearly not an option for a non-state actor.

This policy brief discusses the core characteristics of the crisis facing multilateralism, the different strategies available to the EU in response to that crisis, and the risks and challenges that these strategies may entail for the Union itself. It does so by drawing some conclusions from the research conducted within the project Reconsidering European Contributions to Global Justice – GLOBUS (2016-2020). This policy brief proposes that we might best understand the contestation of the liberal, multilateral order as a form of resistance to dominance, and argues that the EU may rescue multilateralism by devising strategies that take such a perspective into account.

Nuancing the crisis in multilateralism: The role of the BRICS

A number of concrete multilateral institutions, such as the World Trade Organization, the United Nations and the World Bank, currently exist. However, multilateralism is not just institutions, but also an idea. It is a particular way of regulating relations between states and people. What is specific to multilateralism is that it requires adherence to certain generalised principles that entail reciprocal obligations for the parties concerned.²

The contestation of multilateralism cannot be understood without taking into account the shifts in the distribution of power in the 21st century that have allowed the voices of the so-called BRICS countries (Brazil, Russia, India, China and South Africa) to come more clearly to the fore. There are nevertheless important differences in how these countries that

are allegedly contesting the multilateralist approach view the international arena. They cannot be defined as a bloc or a coherent group. Furthermore, a closer look at their positions suggests a need to nuance the description of the ‘crisis’ itself. To begin with, permanent membership of the UN Security Council grants China and Russia a status that South Africa, Brazil and India do not share. In addition, bilateral relations between the BRICS countries are often difficult. This is particularly the case with India and China. India’s scepticism towards China’s Belt and Road Initiative is well known, and the situation along the two countries’ common border is tense. As for China and Brazil, they have sometimes been competitors on the African continent, while China and Russia have diverging interests and perspectives on a number of global issues. Nevertheless, the BRICS countries have to an increasing extent succeeded in making their mark on global negotiations.

“ The BRICS states raise a mix of concerns, many of which are connected to an overarching concern for global justice.

Most importantly, the BRICS countries’ resistance to multilateralism is multifaceted. It does not point to any clear-cut preference for a world order resting on a geopolitical logic. Instead, the BRICS states raise a mix of concerns, many of which are connected to an overarching concern for global justice. Their concerns suggest that we need to distinguish between, on one hand, resistance to a particular practice of multilateralism – and to Western hegemony and the definition of the liberal order as a Westernised

² Ruggie, J. (1992) ‘Multilateralism, the Anatomy of an Institution’, *International Organization*, 46(3): 561-598.

product – and, on the other, the question of what kinds of principles multilateralism should rest upon. Some of the concerns expressed by the BRICS nations are linked to the prioritisation of certain issue-areas. BRICS states, and in particular South Africa and India, have emphasised that issues such as development and economic inequalities should not be neglected during discussions on how to fight climate change or secure political rights. Other concerns explicitly address questions of political justice, particularly in relation to the distribution of power within global institutions and the lack of a sense of ownership of those institutions among the BRICS states. Viewed from this perspective, the establishment of the BRICS must be understood as an attempt to counter the dominance of the West and to ensure a more just distribution of power rather than as a desire for power for its own sake.

Another area of disagreement within the BRICS countries pertains to the question of which actors should be granted rights within a multilateral system. China's multilateralism leaves no room for the protection of individuals' rights at the global level. The positions of India, Brazil and South Africa have been less consistent in this regard, however, and are strongly influenced by fluctuating domestic political contexts. At present, India's Prime Minister Narendra Modi and Brazil's President Jair Bolsonaro hold positions that give little room for human rights discussions at the global level.

While some BRICS states favour a transactionalist approach to global interaction, and thus reject multilateralism, others object to certain dimensions of practices within multilateralism rather than to its fundamental organising principles.

“ Retaining multilateralism is not a question of idealism but a simple necessity.

Against this backdrop it is also easier to understand why, in parallel with the rise of competition for power, several multilateral regimes continue to function and new ones are being negotiated. It is worth noting here that the issues addressed by these multilateral regimes are transnational in nature. Climate change, poverty, migration or indeed the global spread of diseases are transnational phenomena that cannot be tackled through the establishment of a balance of power.

Retaining multilateralism is thus not a question of idealism but a simple necessity. With this necessity in mind, several different strategies are available to the EU. Each takes heed of some forms of resistance to multilateralism while emphasising others to a more limited degree. The different approaches rely on different ideas of what it would take to establish a just multilateral order.³

Rescuing multilateralism: Three strategies for the European Union

The first strategy available to the European Union is that of adaptation. If the EU were to pursue such a strategy, it would have to relinquish those aspects of its approach to multilateralism that other governments may consider intrusive to their domestic affairs. This primarily concerns the question of which actors would be granted rights in the multilateral system. The EU would need

³ Eriksen, E.O. (2016) 'Three Conceptions of Global Political Justice', [GLOBUS Research Paper 1/2016](#); Sjurson, H. (forthcoming 2020) 'The European Union and Global Political Justice' in Stivachtis, Y.A. et al. (eds.), *Routledge Handbook of Critical European Studies* (London: Routledge).

to end its efforts to push for human rights to be a legally entrenched commitment for states, along with its emphasis on political conditionality in its agreements with non-EU states. In addition, the EU would need to abandon its efforts to achieve binding global agreements to address global issues such as climate change. Instead, it would need to reinforce its efforts to promote international agreements that centre on respect for the classic concerns of external sovereignty and non-interference, and to ensure equal status for states at the global level. It would also need to revisit its policies on conflict resolution.⁴

Such a strategy of adaptation would be based on an acknowledgement of the risks involved in military missions abroad, such as the engagement of some member states in Libya, and a recognition that the EU has failed in its ambitions to obtain binding international agreements on global issues.⁵ It would further mean that the Union would recede on its preference for binding commitments on human rights. The positions adopted by the EU during the climate negotiations in Paris and discussions on the UN's Sustainable Development Goals do indeed suggest that there has been a shift in this direction.⁶

The strategy of adaptation differs from an approach based on power politics or geopolitics in several ways. It retains the core idea of multilateralism,

⁴ Tonra, B. (2018) 'The (In)Justices of Peacekeeping: EUFOR Tchad/RCA', [GLOBUS Research Paper 3/2018](#); Tomic, N. (2020) 'Global Justice and its Challenges: The Case of the EU's approach to Syria', [GLOBUS Research Paper 12/2020](#).

⁵ Diez, T. and von Lucke, F. (2020) 'More commitment, wider recognition: Pathways to a more just EU climate strategy', [GLOBUS Policy Brief 2/2020](#); von Lucke, F. (2017) 'O Justice, Where Art Thou? Developing a New Take on Climate Justice', [GLOBUS Research Paper 1/2017](#).

⁶ Jerpstad, S. (2019) *Who Should Bear the Burden? The EU's Approach to Responsibility for the Sustainable Development Goals*, [GLOBUS Report 5](#). Zellentin, A. (2018) 'Different Angles on Climate Justice: Insights from Non-domination and Mutual Recognition', [GLOBUS Research Paper 1/2018](#).

which is the requirement that actors adhere to certain generalised principles that generate reciprocal obligations. In addition, it does not propose that the issue of human rights be abandoned, but is based on the idea that the state is the institution best equipped to ensure respect for individual autonomy – that is, that states are 'freedom-enabling institutions'.⁷ Such an approach would entail a more restricted view of the EU's responsibilities to others. Within such an approach, there would also be an expectation that the Union would support the principle of equal treatment of states.

The second strategy that the EU could pursue is one of readjustment and refinement. If the EU were to adopt such an approach, it would retain and reinforce both its policies to ensure a robust protection of human rights at the global level and its efforts to bolster international cooperation through binding agreements, while retaining the option of sanctioning non-compliance.

In implementing such a strategy, which aims for a rights based multilateralism, rather than abandoning its existing approach, the EU would need to take care that it did not compromise on its key principles. It would also have to resolve potential inconsistencies in its pursuit of human rights within various policy fields and across EU institutions (the Commission, the External Action Service and the European Parliament). The EU would need to make absolutely clear that it would also promote human rights policies even in cases where such policies would involve costs for the EU itself, either in strategic or in economic terms. The adoption of this type of strategy would further require that the EU put its own house in order, ensuring that member-states' policies are consistent with the requirements

⁷ Mikalsen, K.K. (2017) 'Equal Sovereignty: On the Conditions of Global Political Justice', [GLOBUS Research Paper 3/2017](#).

of respect for human rights, the rule of law and democratic procedures, and that EU institutions themselves act in accordance with such principles. In order to avoid accusations of bias and hypocrisy in its pursuit of human rights, the onus would need to be on the establishment of mutually binding legal commitments.⁸

“ A strategy of normative learning, would require the EU to place greater emphasis on listening and ensuring that multilateral institutions are organised in such a way that all affected parties would be given a due hearing.

Such a strategy would, for example, require reinforced support by the EU for the pro-democracy protesters in Hong Kong.⁹ Furthermore, it would necessitate radical reforms of the EU’s migration policies, which seem to be increasingly infused with a logic of security and rather weakly anchored in concerns for human rights.¹⁰ In addition, it would entail an enhanced and more systematic focus on gender in the EU’s foreign policy.

The third strategy available to the EU is that of normative learning. In this approach, the EU would strengthen its attention to difference and

acknowledge the need to take into account the diverse histories, cultures and experiences of both state and non-state actors across the globe when negotiating international agreements. It would thus be necessary to assess whatever policies the EU would support, to ensure that they were suitable for the context in which they were to be implemented.

Such a strategy would be based on a recognition on the part of the EU of the difficulties and risks involved in assuming that ‘one size fits all’, together with an acknowledgement that a sense of ownership is important even if institutions are objectively ‘fair’. The road from liberal cosmopolitanism to liberal imperialism may be short. Certain normative requirements may be right in principle but still have negative effects when put into practice. Pursuing a strategy of normative learning, aiming for a reflexive and flexible multilateralism, would further require the EU to place greater emphasis on listening and ensuring that multilateral institutions are organised in such a way that all affected parties would be given a due hearing. The EU’s ambition of an equal partnership with Africa, for example, would require such an approach.¹¹ The Union would need to focus on finding flexible institutional solutions that could be adaptable to the particular contexts in which they were to be employed. The adoption of such a strategy would also require bringing civil society representatives into global negotiations, as well as consultations with local representatives in order to draw on local knowledge – for example, in the EU’s crisis management operations.¹²

⁸ Sjurgen, H. (2006) ‘The EU as a “Normative” Power: How Can This Be?’ *Journal of European Public Policy*, 13(2): 235-251.

⁹ <https://www.globus.uio.no/news/2019/which-future-for-multilateralism.html>.

¹⁰ Lucarelli, S. and Ceccorulli, M. (2020) ‘The European Union, migration and global justice’, [GLOBUS Policy Brief 6/2020](#).

¹¹ Saltnes, J.D. (2020) ‘How can the EU achieve an equal partnership with Africa?’, [GLOBUS Policy Brief 4/2020](#); Hadfield, A. and Lightfoot, S. (2020) ‘The Future of EU Development Policy Post-2020’, [GLOBUS Research Paper 1/2020](#).

¹² Tonra, B. (2020) ‘Building justice into EU security policy’, [GLOBUS Policy Brief 3/2020](#);

Assessing the strategies

While different, the three types of strategies identified above all play to the EU's strengths as an economic and political power, and their implementation would not require substantial military resources. To the extent that means of coercion may be necessary, these would mainly be political/diplomatic or economic in nature. At the same time, however, each strategy entails particular risks and costs for the EU.

Prima facie the first strategy, adaptation, would appear to be the path of least resistance. We might expect that the emphasis on external sovereignty would meet with the approval of powerful states such as Russia, China and Turkey, who all fiercely defend their right to decide on their internal affairs without outside interference. However, by adopting such a strategy, the EU would risk undermining its own standing both in regard to international law and within international organisations. As a non-state actor, it has fought hard to gain acceptance for its claims to achieve an enhanced status, for example, in the UN General Assembly.¹³ The adoption of a strategy of adaptation would place not only its status as a rights-holder in international law at stake but also its very *raison d'être*. Indeed, the latter clearly runs counter to such a strategy, as the EU was established to overcome the limitations of the state-based order. Such an approach might thus prove to be self-defeating in terms of the Union's global ambitions and lead to it becoming increasingly irrelevant. Furthermore, by choosing such a strategy, the EU might weaken its own credibility as a global actor, which has until now been closely tied to its self-understanding as a promoter of norms and values. While governments do not always approve of the EU's policies, civil society representatives often point

¹³ Laatikainen, K.V. and Palous, M. (2018) 'Contested Ground: The Campaign to Enhance the Status of the European Union in the UN General Assembly', [GLOBUS Research Paper 9/2018](#).

to the EU as a key ally in the fight for human rights and sustainable development globally.¹⁴

The second strategy, that of readjustment and refinement, comes with a different set of costs and risks for the EU. If the Union is openly and strongly critical of the policies of other states – for example, in relation to human rights – there is a risk of retaliation in the form of diplomatic isolation and economic sanctions. We have already seen this for example with China in relation to various human rights issues. As for attempts to promote binding international regimes, the main risk would be that of outright failure and the consequent inability of the EU to be an effective negotiator, along with economic costs triggered by supporting political dissent in other countries, such as the risk of losing trade agreements, etc. On the other hand, the EU is also itself a powerful actor, and it may slide into a position of dominance if it insists that the principles to which it subscribes should be viewed as having universal application if it does not at the same time have procedures that allow others to be heard.

With regard to the third strategy, that of normative learning, this would have the advantage of responding to the above critique that the EU might itself cause domination. Ideally, such an approach would allow for dialogue and ensure ownership, while enabling the EU to retain its key principles. In addition, it would enable the EU to take into account the interests of those that are affected by particular policies. However, it involves the risk of inefficiency. The requirement to give all affected parties a due hearing might bring about endless dialogues that do not lead to results. At worst, the EU's willingness to listen might be exploited by actors mainly seeking to sabotage a political process or whose claims to

¹⁴ <https://www.globus.uio.no/news/2018/globus-policy-dialogue-report-29may18.pdf>

difference and demands for special treatment are merely covers for particular interests.

“ **The crisis facing multilateralism should not be understood as requiring the EU to make a choice between power politics, geopolitics and confrontation, on the one hand, and multilateralism, on the other.** ”

The adoption of such a strategy would also entail challenges related to consistency and legitimacy, as it might prove difficult to determine when special treatment is acceptable and when it is not. Furthermore, the normative learning approach might be costly in resources. It takes time, resources and specialised knowledge to ensure due hearing and to develop policies that are adapted to specific and inevitably varying contexts. The strategy would also potentially be costly with regard to the ability of the EU to uphold the universal principles to which it subscribes, such as those related to human rights and gender equality. The dilemma here turns on how much one should listen and where the line should be drawn between recognising difference and listening to the perspectives of others, on the one hand, and safeguarding concerns for individual autonomy, on the other. How much flexibility would be acceptable with regard to core principles?

Conclusion

The world is changing. A shift is currently taking place both in the distribution of material power between actors and in the types of issues that require attention. The influence of the global hegemon and Europe's closest ally – the United States – is decreasing, as is its focus on Europe. Most importantly, the US has apparently turned its back on the multilateral order that it has itself co-established. The rise of China, in particular, represents a different set of values and principles than those supported by the EU. Other emerging powers are also increasingly demanding a say and voicing their concerns and interests. The present global context is less favourably disposed towards the kinds of values and approaches to multilateralism that have been promoted by the EU in its foreign policies. There is a weakening of rules-based interaction and international law, increasing contestation of the specific arrangements of international organizations, and growing misuse of existing institutions, which risk being hijacked to serve the interests of some actors over others. Still, we need to nuance the idea that multilateralism is in crisis. The crisis facing multilateralism should not be understood as requiring the EU to make a choice between power politics, geopolitics and confrontation, on the one hand, and multilateralism, on the other. In order to contribute to ensure that the principles of multilateralism are adequately safeguarded, the EU needs to play to its own strengths: the normative structure of its governance system, democracy. It needs to disentangle Western hegemony and multilateral principles and rescue multilateralism from the debate on the decline of the West. The challenge for the EU is thus how to share the stage and acknowledge difference while not abandoning its core principles. Given the transnational nature of global problems, a successful resolution of this challenge is essential.

Further reading

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Walker, H. (2018) 'Mutual Recognition in Global Negotiations: The Case of the 2015 Paris Climate Summit', [GLOBUS Research Paper 8/2018](#).

Policy recommendations

We suggest that the EU

- Plays to its strengths as an economic and political power pushing for a revised multilateralism
- Realises that recognition pays off and skips the language of power
- Pursues policies that are context sensitive, acknowledging that it is important to adjust for difference in order to ensure justice
- Initiates reform of global institutions to ensure a sense of justice for all involved
- Advocates for a revised multilateralism based on the insight that one size does not fit all
- Develops a concept of multilateralism with mechanisms that allow for inclusion of citizens in the development of policies.

Reconsidering European Contributions to Global Justice (GLOBUS) is a research project that critically examines the EU's contribution to global justice.

GLOBUS studies the contents and conduct of the EU's external policies with a focus on climate justice, migration, trade and development, peace and conflict resolution, gender and human rights.

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