EUROPEAN COUNCIL ON FOREIGN RELATIONS ecfr.eu

RESCUING MULTILATERALISM

Anthony Dworkin and Richard Gowan

SUMMARY

- Multilateralism is core to Europe's approach to foreign policy, but in recent years this has weakened as EU countries disagree among themselves.
- The US, China, and Russia have each sought to challenge or disrupt the existing, post-1945 world order; and each seeks to divide Europeans from one another.
- The turmoil in the current system represents an opportunity for Europeans to shape a new order that meets their strategic needs.
- In addition to the fight against climate change, European interests include: increasing stability on its troubled periphery; managing migration more effectively; and defending the open world trading system.
- European countries will need to transform EU foreign policy decision-making processes, deepen their cooperation in multilateral settings, and set multilateral standards for emerging technologies.

January 2023: Mali's latest collapse took nobody by surprise. The Security Council's failure to respond with anything more than a press statement might have done in the past. When jihadi forces last came close to seizing total control of Mali ten years ago, in January 2013, the United Nations supported France's intervention to restore order with peacekeepers and sanctions. This time around, after a decade of failed UN and African peacekeeping efforts, US ambassador Ivanka Trump told the council: "it's not America's job to prop up failed European security policies in the deepest Sahara."

While Paris called for European Union assistance for a new intervention, most other members of the bloc shrugged. Italian politicians waspishly pointed out that France had failed to support their 2020 "reconstruction pact" with Syrian president Bashar al-Assad – the source of a major rupture in the European Council at the time – so they owed Paris nothing on other crises. Many other EU capitals emphasised that, in the absence of strong multilateral frameworks for managing refugee and migrant flows from Africa, their voters simply want to block off contact with the Sahel, full stop.

But there is a glimmer of hope for Paris – from Beijing. After its de facto victory in the unregulated battle to supply artificial intelligence (AI) and surveillance technologies to west African governments, China does not want to see the whole region implode. Its officials have signalled that they will offer military and substantial financial support to a fresh French-led intervention in Mali, but only if Paris rescinds recent criticisms of Chinese harvesting and manipulation of African population data.

France has little choice but to take the deal seriously. After all, the total paralysis of the international trade system and a lack of multilateral frameworks for managing AI

www.ecfr.eu

June 2019

ECFR/289

mean that it has no real means to challenge China anyway. And with signs that climate-induced droughts and violence will soon lead to the implosion of Chad, another French priority, France needs to deal with Mali immediately.

The scenario sketched out above is not quite as distant or outlandish as some may hope – and there is good reason to fear it to be fairly near at hand. It is a truism to say that multilateralism is at the heart of the European project, and that the European Union and – historically – its member states have sought to replicate the multilateral approach on the international stage. It is also a truism to point out that this approach has come under increasing pressure over the last year as the solidarity within Europe has weakened and external actors, including old ally the United States, have explicitly rejected it.

This paper addresses: the challenges Europe faces in its bid – should it still wish to pursue it – to preserve and enhance multilateralism in the global system; and the challenges that European countries face in remaining – or, perhaps, merely becoming – "sovereign" within this system. It sets out why multilateralism matters for Europe and its interests; what the nature of the current crisis of multilateralism is; and what opportunities and risks this represents for a Europe still determined, despite recent internal ructions and external threats, to defend and promote a rules-based world order.

The paper investigates how Europe can protect and promote its sovereignty within already-existing multilateral systems, from improving the security situation on Europe's periphery to the challenge of migration. It considers ways in which Europe can shape the future rules of multilateral frameworks, and it concludes with proposals for improving Europeans' coordination with each other within existing multilateral frameworks. In sum, this paper identifies both the opportunities as well as the threats for Europe in this domain. Multilateralism can offer Europe's adversaries the chance to divide Europeans from one another as much as it can offer Europeans the chance to stand together and be stronger for it.

Multilateralism's crisis, Europe's opportunity

A well-functioning multilateral system is a fundamental interest of the members of the EU, for at least three reasons:

- *Strategically and conceptually*, the EU's credibility as a multilateral entity rests on broader rules and norms of international law and cooperation;
- *Diplomatically*, the EU's members wield great influence in organisations such as the UN and the World Bank, preserving and extending their leverage in a time of flux;
- *Practically*, the EU depends on multilateral organisations to manage threats to its security and prosperity, in areas ranging from tackling broad challenges such as climate change to peacekeeping in trouble spots on Europe's periphery, including Mali and Lebanon.
- 2 Recent history shows that, when EU members work

smartly together, they can have a decisive impact on multilateral affairs. France and its European partners played a brilliantly executed diplomatic game in the run-up to the 2015 Paris climate change conference to ensure that potential spoilers and laggards such as Russia signed up to the eventual agreement. The EU's members also recognise that new trends in international affairs – such as the rise of AI – could create enormous disruption unless they craft multilateral responses to manage them. Yet EU members face a growing crisis of multilateralism that threatens to undo global cooperation and reduce Europe's leverage in the international system.

Europe currently faces at least three strategic challengers in the multilateral domain: the US, China, and Russia. The US is the most immediately disruptive. As the primary creator and long-time guarantor of the post-1945 system, it enjoys exceptional powers in forums such as the Security Council and the International Monetary Fund board. The Trump administration is increasingly systematic about using its formal powers to undermine institutions it distrusts. Its most concerted spoiler tactic has been to block the appointment of jurists to the World Trade Organization (WTO) Appellate Body, which could stop the dispute resolution mechanism functioning from mid-December this year. Washington has also used its veto power in the Security Council to push back against European initiatives that it does not approve of, such as France's efforts to strengthen a regional counterterrorism force in the Sahel.

China is becoming assertive in international institutions, partly because it has spotted an opportunity in the leadership gap created by the US. It has aimed to both co-opt and split the EU. In 2017 Beijing allegedly <u>used its</u> <u>economic leverage</u> over Athens to persuade Greece to stop the Europeans taking a common position against China in the UN Human Rights Council. In mid-2018, by contrast, European diplomats noted that their Chinese counterparts in New York had launched a charm offensive towards EU missions, apparently in the hope of widening EU-US divisions. European officials differ over how fast and boldly Beijing will move to consolidate its power in the multilateral system, but many fear that rising tensions between China and the US will infect multilateral institutions, paralysing diplomacy and reducing Europe's room for manoeuvre.

Russia's multilateral influence is more limited, but it has used its status as a permanent member of the Security Council to reassert itself on the global stage over the last decade. It has opposed European positions at the UN on crises from Syria to the Central African Republic. As ECFR's Kadri Liik <u>warns</u>, "Russia will not take

Western rules and norms seriously until it realises that the norms, and the West as a norm-setter, will be there to stay in the new, changed world."

Facing this pressure, EU members have displayed worrying signs that they cannot agree on what norms and interests they still hold dear. In the 1990s and the 2000s, there was a notable, albeit never complete, convergence of EU members' positions on issues such as human rights in multilateral forums. This remains the case much of the time, but EU member states have failed to hold together in several symbolically important multilateral cases in recent years, most notably in the dispute over whether to sign the UN Global Compact for Migration (GCM) in December 2018. The UN launched the GCM process in 2016 largely as a favour to European governments looking for ways to 'internationalise' the response to that year's migration crisis. Two years later, the EU could not agree on the outcome of the process and some member states spread specious arguments against the legally non-binding document. European and UN officials fret in private that this process has dented the EU's credibility as a negotiating bloc.

Nonetheless, the turmoil in the multilateral system represents a strategic opening for the EU, as well as a strategic threat. Many non-European states are simultaneously: unnerved by the US attack on international institutions; worried about China's emerging ambitions to rival or surpass the US in this sphere; and disgusted by Russia's behaviour in Ukraine and Syria. Against this backdrop, the EU's overall, if imperfect, commitment to international cooperation makes it an appealing alternative pole in multilateral affairs. As a major economic power, the EU also has the weight to act as a leader both in supporting existing trade and financial institutions, such as the WTO and the International Monetary Fund, and in helping craft rules around emerging industries such as cyber technology and AI.

In the past, non-Western countries have often distrusted European action in forums such as the UN because of colonial legacies. Such suspicions linger but, in the current environment, many states are likely to put aside their historical tension with Europe in multilateral forums. Marc Limon of the Universal Rights Group, a think-tank based in Geneva, notes that EU members and Muslim countries have managed to minimise their long-standing rows over religious freedom in the Human Rights Council, in part to protect the body from US attacks. India and China have signed up to European reform proposals in the WTO. Such cooperation does not always signal fundamental convergence with Europe on multilateralism, but a wide range of states feel the need to maintain the global system in the face of American scepticism.

Protecting and promoting European sovereignty in multilateralism

European policymakers have recognised this strategic opening and pursued it with the aim of increasing their influence. They have already made some progress towards providing concrete responses. Germany, for example, has proposed an "<u>Alliance of Multilateralists</u>" to protect cooperation, while France's <u>Paris Peace Forum</u> held in late 2018 aimed to stir up thinking on the same theme. French, German, and other European members of the Security Council (including the United Kingdom) have invested in staking out their common positions as an EU caucus more clearly in New York. European Commission and European Council officials have increased their visits to the General Assembly and other multilateral public forums, and have become better at coordinating their messaging at big international events.

There is, therefore, no shortage of discussion of the EU's commitment to multilateralism. But there is also a risk that European initiatives in this field will duplicate one another and be poorly prioritised. To counter this, Europeans can engage in specific areas of action that are directly connected to their vital interests.

The EU's vital interests in multilateral forums

What does "European sovereignty" in multilateral affairs mean? This question is not straightforward to answer. Participation in multilateral organisations generally means giving up some degree of autonomy. European diplomats have spent years lecturing their non-Western counterparts on the need to put human rights and international legal obligations ahead of sovereign power. Conversely, the leaders of states that want to keep the UN out of their business frequently use sovereignty as a catch-all excuse to ignore multilateral bodies. Indeed, some of the European countries that opposed the GCM used precisely this argument.

Talk about "European sovereignty" in this field should, therefore, proceed with care. Nevertheless, three dimensions of Europe's strategic autonomy are relevant:

- Which of the EU's vital interests are at stake in current multilateral contests?
- What can EU members do to protect the elements of the multilateral system that serve these interests, and how can they shape new arrangements for emerging issues such as AI?
- What are the implications of these challenges and of the overall degradation of international relations for internal EU coordination mechanisms over multilateral affairs?

EU members are active in innumerable international institutions and forums. All of these may have value, but not all areas of multilateral activity are relevant to Europe's collective vital interests. For the purposes of this paper, four stand out:

- Securing Europe's troubled peripheries: Multilateral mediators and peacekeepers have a significant role in crisis management on Europe's periphery, often in parallel with EU-flagged efforts. Humanitarian agencies such as the Office of the UN High Commissioner for Refugees and the World Food Programme also play an important role in crisis mitigation. With the violence in Syria, Yemen, and other war zones potentially easing, there is now an emerging debate about how to fund postwar reconstruction in extremely unpromising political and security environments. How can EU members maximise their ability to shape these multilateral security, humanitarian, and reconstruction efforts?
- **Managing migration:** Migration's rapid rise as a political issue within Europe has both put the EU under strain and – as noted in the case of the GCM – complicated European decision-making in multilateral frameworks. Although much debate about migration is fatuous or toxic, it is nonetheless true that the EU's capacity to manage its borders and people flows is a key dimension of its collective sovereignty. Now that the GCM process is over, what can EU countries (including non-signatories to the agreement) do to pursue a more effective European approach to multilateral migration management?
- **Maintaining an open trade framework:** The Trump administration's attack on the WTO has already impelled the EU to table reform proposals for the body. Yet it remains unclear whether the US

will accept these, raising questions about whether the EU can either find alternative mechanisms to protect the WTO or construct a parallel trade architecture.

• Shaping multilateral frameworks: Multilateral mechanisms for discussing technology issues, such as the UN's <u>Group of Governmental</u> <u>Experts</u> on cyber security, have frequently been unproductive. But there is growing need to address both the economic implications of emerging technologies and the need for new arms control regimes to limit the weaponisation of these technologies. How can EU members lay the foundations of robust international regimes to address these matters, given the scepticism of other powers?

This list excludes a number of issues that are important to the EU. The most pressing - as the Green surge in this year's European elections showed - is continuing the battle against climate change. While the 2015 Paris Agreement was a major victory for EU diplomacy, there are disturbing signs that the world will fail to meet its targets to stop global warming. EU members are also divided over the bloc's own carbon emissions goals. There is a risk that, if multilateral climate diplomacy breaks down in the coming period, many states' willingness to cooperate on other issues will also decline. EU members need to stay at the forefront of climate change reduction efforts, and also to deepen their plans to mitigate its looming social and political effects. The next milestone in climate diplomacy is a climate summit at UN headquarters in New York this September, which will act as a platform for states to table new commitments to limit carbon emissions. A number of EU members are leading planning groups on different aspects of this event, which the US is ignoring -Europe's immediate priority should be to make this latest UN conference a success.

This list excludes several issues that are important to the EU. One is nuclear arms control: the deterioration of Russian-American coordination on nuclear matters creates fundamental threats to European security. But solutions to this challenge lie in great power negotiations beyond the scope of this paper – as one <u>recent ECFR study found</u>, many European policymakers need to relearn the basics of nuclear affairs before they can engage with such issues.

A theme that comes more naturally to Europeans is the promotion of human rights and international law. In an era in which several big powers are profoundly suspicious of human rights and legal talk – topics that sometimes generate unease even within the EU – there is relatively little space for the EU to promote major values-based innovations comparable to the creation of the International Criminal Court.

Europeans should take steps to defend and strengthen their "sovereignty" in multilateral forums, seeking to demonstrate the value of multilateral cooperation through substantive actions and initiatives in each of the four areas of strategic priority outlined above. Doing so will reinforce multilateralism as both a concept and in practice, and thereby significantly help Europe protect its interests.

i. Securing Europe's troubled peripheries

In the course of the current decade, the EU's members have invested politically and financially in multilateral operations to stabilise its southern and eastern flanks; in some cases, they have done so with troops and civilian personnel too. This has included supporting UN mediation efforts covering Libya, Yemen, and Syria, in addition to longer-standing UN envoys for Cyprus, Kosovo, and Western Sahara. They have also supported large, bluehelmet missions in Mali, Sudan and South Sudan, and Lebanon. European states and EU institutions have provided crucial financial support to African military missions in Somalia and the Sahel, while the Organization for Security and Co-operation in Europe has gained a new lease of operational life with monitors in Ukraine.

While it deploys military and civilian missions on its periphery, the EU heavily relies on multilateral actors in security matters. However, this means that it is also vulnerable to other powers' interference in these multilateral operations. Recent examples of this include Russia's manipulation of successive UN envoys to Syria, and Saudi Arabian and US efforts to limit the UN's political options in Yemen. The Trump administration has also used its veto power in the Security Council to interfere with some of these operations. In both 2017 and 2018, the US blocked French efforts to secure greater European support for a regional counter-terrorism force, for example. In 2017 the US also threatened to veto the UN Interim Force in Lebanon, which contains a considerable European component, over the peacekeepers' cautious approach to Hezbollah.

There are signs that tensions in the Security Council will complicate a growing number of crisis management missions: France, Russia, and the US fell out quite badly over a routine mandate for the UN Multidimensional Integrated Stabilisation Mission in the Central African Republic in November 2018. In December 2018, the US also shot down a Security Council resolution - strongly backed by both African and European states - that would have opened the way for the UN to fund African forces such as the G5 Sahel Joint Force. If the EU continues to rely on UN-led and Security Council-mandated mediation and stabilisation efforts in its neighbourhood, it risks allowing other powers to persistently interfere with these missions. China's and Russia's growing presence in Africa and the Middle East means that - while there is still some space for positive cooperation on conflict management - Beijing and Moscow are likely to grow more and more assertive in UN debates on both regions. In addition, the current US administration is very suspicious of such multilateral missions, on both budgetary and ideological grounds. The EU's overall dependence on multilateral conflict management in its neighbourhood means that it risks having to ask for a 'permission slip' from Washington, Beijing, and Moscow for projects that improve security there.

Compounding these challenges is the dilemma of whether and how European governments should invest in the reconstruction of Syria after Bashar al-Assad's de facto victory there. Russia has for some time been pushing the EU to pay for this process despite its political qualms, and some governments – such as Italy – appear to be moving in this direction. "Rather than allowing individual countries to move forward unilaterally, European governments should work together to maximise their leverage over Assad," ECFR's Julien Barnes-Dacey <u>argues</u>, as the Syrian leader "does want international legitimization of his victory." To complicate matters, EU members are also likely to face

4

ECFR/285

2019

June

calls to pay for the reconstruction of Yemen while they fund large-scale humanitarian relief programmes across the Middle East and north Africa (MENA). The EU has sunk large amounts of reconstruction funding into Afghanistan and Iraq over the last two decades, often with nothing to show for it. Now it faces a similar slog in other parts of the Middle East.

EU members may feel compelled to make these investments, but they should be wary of putting money into UN-led and other multilateral reconstruction efforts in the Middle East if, in political terms, the main beneficiaries will be Russia and Saudi Arabia. To navigate the coming decade of challenges in MENA, the EU needs to ensure that its support for African partners such as the G5 Sahel is not vulnerable to interference from other powers, and that it retains maximum leverage over the use of its funds. EU members have already recognised the need for – in the words of the <u>2016 Global</u> <u>Strategy</u> – an "integrated approach to crises and conflicts", and it is necessary to build on this to address current problems. To maximise the ability to shape security in their periphery, EU members should consider the following ways forward.

- Establish a European Reconstruction Authority with a specific mandate to oversee EU assistance for the reconstruction of Syria and Yemen. This organisation would pool funds provided by the European Commission and member states. It would also negotiate with the Syrian government, multilateral agencies, and other actors – including Russia, Iran, and Arab countries – to ensure that it maximises its clout.
- The US and other powers are likely to continue to interfere with the mandates and funding of multilateral crisis management missions in the Sahel. EU members should, therefore, build on the admittedly troubled experience of the G5 Sahel to **establish a more robust framework for planning, funding, and running European-African missions in the Sahel region**. This could involve merging existing European training initiatives in the Sahel into a single civil-military system, possibly adding a new initiative to support regional forces with drones.

This does not mean that European policymakers should aim to work around the UN and other multilateral agencies. These frameworks are still often the only structures able to frame cooperative crisis management operations. As ECFR has noted, there may be particular openings for cooperation with China on peacekeeping. European states could also streamline their crisis management contributions to increase their impact: Ireland and a group of allies recently tabled a promising initiative for EU members to coordinate their deployments in UN missions more rationally. Nonetheless, if the EU wants to prevent other powers from undercutting its interests in multilateral crisis management, it needs to take a more hawkish approach to the use of its funds. The EU also needs to remain open to backing African and other crisis management missions without UN support, to prevent other powers from holding it hostage via the Security Council.

ii. Restoring unity on migration

While focusing on security on Europe's periphery, EU members also need to restore some sense of unity over how to handle large movements of people through Africa and the Middle East. The EU's very public struggles over migration have not only poisoned its domestic politics but also damaged its credibility in debates on refugees and migrants in the eyes of governments around the world. The fact that roughly one-third of EU members refused to support the GCM, which contains solid language on the human rights and security of migrants, will make it harder for the bloc to take strong stances on other human rights issues in future. Revelations about the ways in which some of Europe's partners in migration management mishandle the problem – as seen in <u>the presence of slave markets in Libya</u> – have also hurt Europe's moral standing globally.

Migration continues to be a source of significant dissension within the EU; if left unattended, this will only worsen. The sense that the bloc has lost control of people flows remains a major source of discontent, meaning that it is necessary to tackle this head on. In reality, EU officials work closely with their UN counterparts on the ground in MENA. The political challenge for EU leaders is to re-establish a baseline level of cooperation on this issue in multilateral forums, to permanently close the rifts of 2018.

At the multilateral level, it may still be possible to salvage something from the GCM debacle. Contrary to scaremongering by its detractors, the UN compact is essentially a long list of good ideas for helping states cooperate on all aspects of migration management, ranging from hard questions of border security to initiatives for facilitating regular migration to meet labour market needs. As Shoshana Fine has <u>underlined</u> for ECFR, the EU member states that refused to back the GCM largely did so because of nebulous concerns over national "sovereignty" (and more noxious anti-immigrant scare-mongering) rather than because they disliked specific clauses in the text. In doing so, they ignored the reality that the most effective means of managing migration is through inter-state cooperation, whether at the European or the global level. Against this backdrop, EU members should work together to identify the substantive parts of the GCM that they can all agree are useful in practical terms, leaving aside ideological and semantic debates over the compact's political and legal implications.

On this basis, and in reference to the EU Global Approach to Migration and Mobility, EU members could work with the International Organization for Migration to:

• Establish a **new EU-UN Action Plan on Migration** containing GCM policy proposals that all EU countries can support, without requiring those who opposed the GCM to adopt the document as a whole. This emphasis on a more action-orientated approach to the problem could put European debates about migration on a more stable footing. While some of the GCM's harshest critics, such as Hungary, might demur even on this, the move would provide an opportunity to states that broadly support multilateralism – but could not bring themselves to sign the GCM – to demonstrate that they are not neo-isolationists. Countries such as Italy and Austria fall into this camp.

iii. Preserving the world trade system

While regional security and migration represent long-term dilemmas for European policymakers, the most direct challenge to their multilateral interests today remains the US attack on the WTO. As noted above, the Trump administration threatens to neuter the WTO by blocking the STRATEGIC SOVEREIGNTY: HOW EUROPE CAN REGAIN THE CAPACITY TO ACT

appointment of judges to its dispute resolution mechanism, the Appellate Body. The EU has already emerged as the primary interlocutor with the US on the reform of the organisation, tabling a series of proposals to the body that have secured the support of China, India, and other significant non-Western WTO members. In this sense, the WTO situation already provides an example of the EU working most effectively as a unit. European officials also agree that there is a genuine case for WTO reform. But the US has repeatedly rejected the EU's proposals.

Broadly speaking, the EU's reform proposals to date have been substantively sound; Brussels should continue on its present course for now. This may be an opportunity to induce China, which the US accuses of abusing its position in the WTO, to make some concessions on trade policy, thereby avoiding a broader crisis in the WTO system.

If it proves possible to cut a deal with the US on the dispute resolution issue, the EU could also expand its reform agenda to address a range of recurrent complaints about the WTO system, including the inefficiency of its committee system. Yet previous efforts to negotiate with the US over its multilateral bugbears, such as talks on the UN Human Rights Council in 2016-2017, suggest that Washington may hold its line and push the WTO over the edge if it does not get everything it wants.

So, at a minimum, the EU needs to prepare for a scenario in which the Appellate Body is frozen, obstructing the governance of world trade. Trade experts have suggested one way out: Article 25 of the WTO Treaty allows the organisation's members to submit to arbitration of disputes rather than turning to the Appellate Body. An alternative proposal is for the EU and other actors to set up dispute resolution mechanisms on the basis of preferential trade arrangements (PTAs) lodged with the WTO. This would be especially favourable to the EU, as it has some 70 PTAs in place, with more under negotiation. This ruse would allow the EU to bypass US obstruction.

At one level, this would be a neat demonstration of European sovereignty: the EU would be able to show that the US cannot use its institutional muscle to constrain it completely. But there are a lot of problems associated with this route. The biggest is that, despite its impressive trade network, the EU does not have PTAs with the US, China, India, Brazil, Australia and other countries with significant economies. It is in talks with many of these players, but time is not on its side.

June 2019

.ecfr.e

www.

As analyst Silke Trommer has <u>noted</u>, trying to channel trade dispute resolution through PTAs more generally is likely to be difficult because "their dispute resolution provisions remain institutionally incomplete and are therefore unlikely to rival WTO adjudication in reliability, accessibility, and legal certainty." Similarly, Article 25 of the WTO Treaty may give members an alternative route to arbitration to the Appellate Body, but it does not stipulate what this would look like. One advocate of the Article 25 route points out that: "WTO arbitration can mostly be the current form of WTO dispute resolution by another name". States could, therefore, <u>agree to procedures similar to those of the Appellate Body</u> and even nominate the remaining jurists from the body to handle their cases on an ad hoc basis. In theory, the EU and other powers could create a simulacrum of existing WTO procedures and foil the US that way. But this rests on the assumption that all WTO members would play the game by the same rules, when many would have strong incentives to play differently. If the WTO Treaty allows members to arbitrate their differences in line with Appellate Body norms, they could equally legitimately insist on alternative mechanisms. Either the Article 25 route or the PTA route is likely to lead to the fragmentation of global trade rules.

In this context, the EU needs to build as much certainty as it can into its 'no deal' planning for the WTO. While continuing to engage with the US on this issue, the EU should also:

- Make contact with all other WTO members to agree on an **emergency set of "rules of the road" for arbitration** in the absence of the Appellate Body. This is to ensure that states commit in principle to using methods as close to those in place as possible, or even an improved version of them, if US talks fail.
- Table a **broader WTO reform agenda** extending beyond the immediate dispute resolution agenda. The EU should also look for other WTO members to support this in order to help shift the US towards a more constructive approach to reform than it has adopted to date.

iv. Preparing for a new generation of multilateral challenges

If the challenge facing the EU in the WTO is an immediate one, questions about the future governance of technologies – including cyber technology, robots, and AI – are long-term priorities that are rapidly emerging as sources of multilateral tension. For instance, the US and Russia <u>fell out in the UN</u> <u>General Assembly</u> in 2018 over the basic issue of the format in which they should discuss cyber security.

Future technologies also present risks and opportunities for the EU in multilateral terms. On the downside, China, Russia, and the US are all pursuing new technology aggressively, with a focus on its security applications. All have little incentive to submit to multilateral regulations. In contrast, European countries' thinking on AI is at widely varying stages of development, with some, such as France, having formulated detailed national strategies. Others, such as Italy, lag far behind. The European Commission issued a detailed strategy in April 2018 that provides a useful starting point. Overall, there is a danger that China and the US will dominate debates over the future of technology and - whether for statist or financial reasons - block any serious global governance in the area. This would be a historic reversal for the EU's members, which have been deeply involved in shaping and revising the rules of existing international institutions, giving them lasting influence.

Nonetheless, the EU may still have the ability to shape the rules of technological innovation, relying on its economic and regulatory clout rather than multilateral diplomacy alone. Through the General Data Protection Regulation (GDPR) process, the EU has had a <u>global impact</u> on data-sharing norms. This is a <u>clear demonstration of Europe's reach in this area</u>. And, while the GDPR process annoyed almost everyone who received an email about it (which was everyone with an email account), some non-Western states may actively welcome European interventions on technological

ECFR/

issues. The One Earth Future foundation notes, for example, that: "<u>the African continent will be forced to face negative</u> <u>challenges with negative AI</u>" due to weak governments and social divisions. In this context, European efforts to establish multilateral rules for technology governance may appeal to other actors that lack the capacity to manage the problems that arise from innovation by themselves.

In this context, the EU's members are likely to face a recurrent challenge. They may have the clout to corral smalland medium-sized states around multilateral solutions to technological challenges, but in doing so they may still alienate the US, China, and other more capable powers. A case in point was last year's Paris Call for Trust and Security in Cyberspace, issued by France, which won the support of over 60 states and hundreds of non-state actors – but not that of Brazil, China, India, Russia, or the US. Unless there is a marked change in its strategic relations with the US and other major powers, the EU may be rebuffed like this again.

Nonetheless, there is still a strong case for the EU to carry out exploratory work in establishing an international framework for managing new technologies. There is long history of challenging conditions in which states gradually built up international norms and tools that eventually gained wider traction, in areas ranging from human rights to environmental policy. The EU may not be able to persuade Washington or Beijing to accept its ideas in this area in full at present. But, if it can generate ideas with other states now, it may still shape future multilateral structures.

At present, there is no shortage of talk about technology in the EU: one slightly jaundiced observer <u>notes</u> that "in October [2018] alone, AI was discussed at a summit in Estonia, a forum in Finland, and several conferences and hearing in Brussels". But it is not yet clear how coherent these efforts will become. France's and Canada's December 2018 decision to launch an International Panel on Artificial Intelligence (IPAI), modelled on the Intergovernmental Panel on Climate Change, may be an <u>especially useful step</u> towards establishing common perceptions of AI inside and outside the EU.

In this context, EU members may be able to frame future international reforms by:

- Undertaking an **intergovernmental push to develop and harmonise national strategies on AI** and other areas as far as is possible, to create a genuinely EU base for action.
- Launching further initiatives similar to the 2018 Paris Call for Trust and Security in Cyberspace to **establish basic norms for managing conflict in new technological domains**. This should include rules about the uses of new biotechnologies that states and corporations can sign up to on a voluntary basis.
- Investing in the IPAI and in similar agendaand norm-setting panels and research projects to promote transparency and exchanges around technologies that are largely developed in secret.
- Establishing the basis for inclusive multilateral processes around new technologies in future, offering assistance to African partners and other developing countries to agree on national

AI strategies and to persuade them to see the EU as a natural friend in this domain.

Conclusion: Improving EU coordination across multilateral policy fields

This paper has highlighted the diversity of short- and longterm challenges to the EU in multilateralism. In reality, multilateralism is not a single policy space at all: the rules of the game and policy communities involved in security, finance, human rights, and other areas are very different from one another and do not always interact.

Nonetheless, no discussion of the EU and multilateralism should conclude without at least some reference to the question of European coordination across multilateral policy fields. More specifically, it is important to ask whether establishing a stronger 'EU identity' in particular policy areas would be advantageous or cumbersome.

It is notable that there has recently been a small flurry of proposals and initiatives to promote greater coherence in multilateralism, including:

- Increased interest in reinforcing an EU presence at the UN Security Council. In 2018 Sweden kicked off a successful initiative to encourage existing and incoming EU members of the council to make joint statements as the "EU8". The practice has continued sporadically this year, while France and Germany organised a well-coordinated "joint presidency" of the council in March-April. Although more concrete talks about a formal EU seat on the Security Council linked to the new Franco-German friendship treaty foundered, there is momentum towards a coherent European presence in the body.
- A related effort by France, Germany, and the UK to strengthen the "E3" as a resilient diplomatic format despite the shadow of Brexit, with officials in all three countries projecting that they could work together on issues other than the Iran deal in future. The trio is not entirely stable, but it is functional.
- Ambitions for more fundamental changes in EU foreign policy decision-making relating to multilateral affairs. These include a push by the European Commission for member states to agree on their positions in multilateral debates on human rights through qualified majority voting (QMV). More ambitiously still, Emmanuel Macron has revived talk of a "European Security Council", possibly involving the UK.

These initiatives run counter to the fragmentation of European diplomacy over the GCM. In the meantime, the EU's ability to act as a unit in the debates on the WTO show how the bloc can be more flexible – if not inevitably more successful – when it works as one. But many topics that have a multilateral element, such as migration and the focus on the Sahel, continue to create divides within the EU. It is unclear whether the EU can feasibly forge a strong, unitary presence in many multilateral forums in the near term.

Nonetheless, if the EU is to take steps to protect its "sovereignty" in multilateral forums, it will need to make changes to the way it does business. More specifically, the EU should:

- Flesh out "EU8"-type cooperation and deepen E3 cooperation in the run-up to Brexit. To date, the EU8 have confined themselves to making joint statements. But current European members of the Security Council (assisted by recent members such as Sweden and the Netherlands, and candidates for membership such as Ireland) should work together on drafting and promoting UN resolutions of common concern, pooling the bloc's expertise on Security Council affairs in a flexible manner. The UK (a regular member of the EU8) could engage in this process, in addition to expanded E3 cooperation efforts.
- In light of the split over the GCM and the need to restore at least some European unity over migration and values issues in multilateral spaces more generally - all EU members will need to engage in dialogue on how to approach such topics in future. The EU's next high representative for foreign affairs should appoint an informal "multilateral ambassador" to GCM non-signatories to craft such a dialogue and avoid further splits. The central European countries that made up a large part of the anti-GCM faction have not always been given a fair hearing in European debates on multilateralism (as they are not major aid donors, for example). Equally, to avoid further embarrassing splits, EU members will have to decide whether they are willing to accept some sort of binding formula on how to address values issues - such as the European Commission's recent proposal to introduce QMV on human rights issues - or look for other ways to manage disagreements.
- In technology, the main driver of European coordination is likely to involve **deepening existing efforts to analyse trends in new technologies and agree on common standards in the area**. The more that EU members build a common analysis of how technologies are evolving, and the associated benefits and risks of this, the more likely they are to cohere around a broadly consensual approach to the issues at hand. The more that they agree on common standards, the more they can shape global rules. But, to get there, EU members that are in the lead will need to share ideas, information, and, in some cases, intelligence with others to help create a level playing field.

Beyond these case-specific proposals, it is also necessary to return to one of the factors reshaping Europe's multilateralism noted earlier: the fact that China and the US are increasingly treating the EU as a target to split or co-opt in multilateral settings. Europeans do not have the luxury of making multilateral decisions in splendid isolation from other powers. Instead, they must be prepared for other actors to try to lobby, pressure, and coerce them over their positions in the international system. Facing down this pressure is ultimately a matter of political will rather than policy design. EU foreign ministers and heads of state would be well advised to hold one or two informal sessions to share notes on how Beijing and Washington - not to mention Moscow and other players - are targeting their representatives in New York, Geneva, and other multilateral centres. If the EU cannot work out how to hold together in multilateral diplomacy, it will find that there are a disturbing number of players who are keen to work out how to pull it apart.

About the authors

Anthony Dworkin is a senior policy fellow at the European Council on Foreign Relations. He leads the organisation's work in the areas of human rights, democracy, and justice. Among other subjects, Dworkin has conducted research and written on European and US frameworks for counterterrorism, the European Union's human rights strategy, and the pursuit of justice in the international response to mass atrocities.

Richard Gowan is an associate fellow at the European Council on Foreign Relations. His topics of focus range from the UN to conflict management. Gowan teaches at Columbia University's School of International. He was previously research director at New York University's Center on International Cooperation, and has recently worked as a consultant with the International Crisis Group, the Simon– Skjodt Center for the Prevention of Genocide at the U.S. Holocaust Memorial Museum, and the UN Department of Political Affairs.

ABOUT ECFR

The European Council on Foreign Relations (ECFR) is the first pan-European think-tank. Launched in October 2007, its objective is to conduct research and promote informed debate across Europe on the development of coherent, effective and values-based European foreign policy.

ECFR has developed a strategy with three distinctive elements that define its activities:

- A pan-European Council. ECFR has brought together a distinguished Council of over two hundred Members – politicians, decision makers, thinkers and business people from the EU's member states and candidate countries – which meets once a year as a full body. Through geographical and thematic task forces, members provide ECFR staff with advice and feedback on policy ideas and help with ECFR's activities within their own countries. The Council is chaired by Carl Bildt, Lykke Friis, and Norbert Röttgen.
- A physical presence in the main EU member states. ECFR, uniquely among European think-tanks, has offices in Berlin, London, Madrid, Paris, Rome, Sofia and Warsaw. Our offices are platforms for research, debate, advocacy and communications.
- Developing contagious ideas that get people talking. ECFR has brought together a team of distinguished researchers and practitioners from all over Europe to carry out innovative research and policy development projects with a pan-European focus. ECFR produces original research; publishes policy reports; hosts private meetings, public debates, and "friends of ECFR" gatherings in EU capitals; and reaches out to strategic media outlets.

ECFR is a registered charity funded by the Open Society Foundations and other generous foundations, individuals and corporate entities. These donors allow us to publish our ideas and advocate for a values-based EU foreign policy. ECFR works in partnership with other think tanks and organisations but does not make grants to individuals or institutions.

www.ecfr.eu

The European Council on Foreign Relations does not take collective positions. This paper, like all publications of the European Council on Foreign Relations, represents only the views of its authors.

Copyright of this publication is held by the European Council on Foreign Relations. You may not copy, reproduce, republish or circulate in any way the content from this publication except for your own personal and non-commercial use. Any other use requires the prior written permission of the European Council on Foreign Relations.

© ECFR June 2019

ISBN: 978-1-911544-89-0

Published by the European Council on Foreign Relations (ECFR), Berlin, London, Madrid, Paris, Rome, Sofia, Warsaw

ECFR/289

www.ecfr.eu

June 2019