

Understanding Multilevel Complexity: The European Community's Role in International Organisations and International Treaties.

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Thomas Conzelmann
Michèle Knodt
Mannheim Centre for European Social Research (MZES)
University of Mannheim

Email:
thomas.conzelmann@mzes.uni-mannheim.de
michele.knodt@mzes.uni-mannheim.de

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With the emergence and consolidation of a European polity the role of the European Union as an international actor is becoming more obvious. Although at times the EU seems to be 'a silent global player'¹ rather than an openly assertive one (cf. Rummel 1990), the EU shows an increasing and expanding presence in world affairs. In this paper, we constrain ourselves to 'Pillar One' and seek to discuss the EC's presence within the international environment, especially in International Organisations and International Treaties. More specifically, our puzzle is: What is actually taking place 'out there' in the empirical world when it is argued that the European Community is performing as an international or global actor? What are the problems the EC as a system *sui generis* is facing while acting in a multi-level international system consisting of multiple and interlocking arenas, organisations and institutions? And, what consequences does this have for governance within the international multi-level and the European multi-level system?

We believe that in asking such questions, some of the biases of the current academic literature can be avoided:

- (1) Much of the relevant literature tends to focus on developments in Pillar 2, that is on the EU's Common Foreign and Security Policy (CFSP) (cf. the recent works by Regelsberger/ Shoutheete de Tervarent/ Wessels 1997; Peterson/ Sjursen 1998). This literature tends to discuss the shortcomings of the CFSP in the face of crisis, its poor external representation and the largely symbolic institutional reforms in the Amsterdam Treaty.² The focus on Pillar 2 is in danger of neglecting some equally important dimensions of the external activities of the Union, namely those dealt with within the First Pillar.
- (2) While with respect to Pillar 2 there is an ample discussion on the interconnection and co-operation between the CFSP, NATO and the OSCE, the discussion on the EC's relations with international organisations relevant to Pillar 1 policies (such as the WTO, the OECD and some branches of the UN) tends to receive less attention in the political science work. The available literature is often written by lawyers, which may account for the high salience of the topic of representation and membership of the EU in these organisations (cf. Sack 1995). The question what preferences the EC has within these organisations, and where they stem from are often underrepresented, as well as the question of political consequences for the EC polity and the relations between supranational organs and Member States.³
- (3) A final and related problem is the inability both of contemporary international law and much political science analysis to come to terms with the ambiguous '*sui generis*'

¹ The notion of a silent global player reflects upon events such as the building of the new airport of Sarajevo, where the EU served as a main sponsor, whereas US foreign minister Madeleine Albright chaired the opening in the glare of publicity.

² See the detailed discussion by Fraser Cameron (1998).

³ See the volumes by Piening 1997 and Rhodes (editor, 1998) for noteworthy exceptions.

nature of the EU/EC. The discussion about what status the EC may gain in international organisations and international negotiations often makes a tacit assumption that the EU/EC can be understood as some kind of a proto-state, bound to develop a more state-like character in international relations in the future.⁴ Seen that way, the question how to treat the EU/EC analytically and legally constitutes a temporary rather than general difficulty.

In this paper, we start from the hypothesis that the 'qualitative leap' which would give the EU a state-like character is not to be expected in the foreseeable future. We accord with those who emphasise the sui generis character of the EU and work with the concept of 'multi-level governance' (Jachtenfuchs/ Kohler-Koch 1996, Kohler-Koch 1998, 1998a). The concept has become common currency in analyses of the internal development of the EU, but has been used relatively little for understanding the international role of the EU. We seek to develop an understanding of how the concept of multi-level governance can be extended to the international sphere and what effects the international embeddedness of the EU has for its internal institutional structure and policies. Before we can do so, however, we have to clarify our use of the term multi-level governance, and what it exactly means to incorporate international factors into the concept of multi-level governance.

2 EXPANDING MULTI-LEVEL GOVERNANCE: AN OUTLINE

Already in the early 1970s, Donald Puchala pointed out that the European system is characterized by policy-making in more than one organisational arena or -level (cf. Puchala 1971: 278). In 1988, Putnam's 'two-level game' gained prominence in EU writings because it conceptualised the interplay between the national and the international level in European intergovernmental bargaining. At the beginning of the 1990s, the complexity of European politics was elucidated by pointing out the role of regions as yet another "level of government" that had to be taken into account - the metaphor of 'multi-level governance' (Marks 1992, 1993) was created. This discussion was dominated by conceiving of the regional as 'another' level of government in addition to the European and national level. Hence, the debate largely focused on (1) the relations between the different levels of government; (2) the zero-sum-game played by governments in their struggle for competencies and (3) the question of sovereignty. Notions about a by-passing of the state and developing alliances between supranational and subnational actors dominated the discussion.⁵ Without analysing the causes

⁴ As observed by Allen and Smith, "[a]lthough there are few who would explicitly argue that the EC is on the verge of emerging as a 'European state', it is the ideal type of a state-based foreign policy which lies behind much contemporary analysis of Western Europe's international status" (Allen/ Smith 1990: 19).

⁵ See, for example, the layer cake or sandwich model put forward by Eser 1991, where the strengthening of one territorial level is coincident with a weakening of the other levels.

of this unidimensional view in detail, it should be pointed out that speaking about multiple 'levels' conjures up hierarchically image of an ordered sovereign territory.

Another discussion using the notion of multi-level governance developed in Europe in the mid-1990s (Jachtenfuchs/ Kohler-Koch 1996, Kohler-Koch 1998, 1998a). It contrasted to the former discussion in focusing on 'system of governance' within the European polity.⁶ Governance is seen as the concertation of a multitude of actors from all levels - supra-national institutions, Member States, the sub-national level and private actors – which draw their legitimacy within a policy area not exclusively from law, but rather from their problem-solving capacities. Seen this way, policy-making means bringing together the relevant actors and managing their conflicting interests. In consequence, governing is no longer bound to a given territory; rather, the scope for political action is functional and is enlarged beyond the nation-state. A complex system of trans-national, trans-regional and multi-level decision-making is created, which also incorporates public-private interest intermediation (Kohler-Koch 1998, Kohler-Koch/ Eising 1999). The nature of that system has been described as 'Governance without Government' (Rosenau/Czempiel 1992) or as '*Regieren jenseits der Staatlichkeit*' (Kohler-Koch 1993, Jachtenfuchs/Kohler-Koch 1996).

Hence, there is a different understanding of the term 'multi-level system' in each concept. Speaking about policy-making within and between different 'levels of government' relates to an understanding of governing based on bargaining processes between different levels. These levels are characterised by boundaries drawn according to territorial sovereignties and based on de jure responsibilities. In contrast, the notion of governance in a multi-level system is concerned with different or changing modes of governance in the sense of a joint exercise of sovereignty in – and as we will show, outside - the EU. The different nature of governance within this kind of system is rooted in a different solution of the boundary problem. The entitlement to participate and to contribute to solutions is based on problem-solving capacity rather than in law. The ensuring policy style is one of problem-solving and the balancing of competing interests. Hence, this notion of multi-level governance "enlarges the territorial scope for political action "beyond the nation-state" (Haas 1964) and incorporates the Member States into a complex trans-national, multi-level system of decision-making" (Kohler-Koch/Michèle Knodt 1997: 4). Because of the differences between issues areas, governance in a multi-level system is understood to be varying according to the issue at hand.

The notion of multi-level governance has mainly been used in the analysis of the internal politics of the Union. Much less scholarly insight has become available on the multi-level complexities arising out of the international or global role of the Union. According to the discussion above, the idea of expanded multi-level governance does not imply adding the international as 'yet another' level. Rather, we seek to focus on the interpenetration of

⁶ For the difference of 'level of government' and 'system of governance' see Beate Kohler-Koch 1998, Kohler-Koch/Knodt 1997.

different political arenas and the dilemmas emerging from the unclear allocation of competencies. Specifically, we seek to highlight three characteristics of our understanding of 'expanded multi-level governance':

(1) *Mode of Governance*: In the 'expanded multi-level governance system' including the international level, it is even more necessary to conceptualise governing in a way 'beyond' Eastons 'authoritative value allocation'. Reaching collectively binding decisions within an international environment among actors attributed with different actor qualities can not be achieved by authoritative decisions taken at the top of a governmental hierarchy. Rather they are brought about by a process of intermediation aimed at co-ordinating political action in negotiating systems. "In such a setting, 'governing' is not synonymous with giving political guidance through 'command and control' over 'subjects'. More and more it is a process of co-ordinating multiple players which enjoy a high degree of autonomy while being linked together in a complex setting of mutual dependence." (Kohler-Koch/Knodt 1997: 5)

(2) *Interlocking institutions*: In international politics, the same issue can be dealt with at very different levels and in very different arenas. Within issue-specific policy arenas, actors from the international, supranational, national and sub-national level and with very different actor qualities can legitimately participate at the same time. This variety stems from the fact that notions about which actors are entitled to legitimately decide upon certain issues, and in which arenas a particular issue is to be dealt with, are in constant flux. For the EC, this means that certain issues falling within its competence are simultaneously dealt with by other international institutions, in which its Member States usually play a more prominent role. Particular topics are always in danger of 'evading' the EC arena in favour of other international organisations, thus constituting a serious threat for the *acquis* (cf. Sack 1995: 1228). Consequently, a double representation of European interests (i.e. Member States and the Commission) can be observed in international organisations and negotiations. The interest of the Commission to observe or, where possible, influence what is going on in international negotiations and to defend the *acquis* is one of the main drivers behind this development. The outcome may be a strengthening of common interests as well as a collision between European and Member States interests. Up to now, the debate between the Commission and the Member States regarding this topic has been strongest where there have been internal divisions on the content of the policies to be pursued.

(3) *Interlocking principles and norms*: At the same time, issue-specific conflicts between principles and norms prevailing in different arenas can be foreseen. Again, such developments may bring about dangers for the 'acquis', because the EC as an international actor may not be able to define global policies that are compatible with its own policies. Hence, developments in other international organisations may impinge upon the internal politics and policies of the EC. An important example are the conflicts between the GATT/WTO and the EC norms and principles in the issue areas of agriculture. Another possibility is that the policy options

available to the EC are effectively restrained by existing international agreements. This is particularly the case in areas such as environment and development aid, which have only recently been included in the Treaty, and where the Treaty makes specific reference to existing international obligations. The position for the EC is not a purely reactive one, however. In the area of environment and climate policies, for example, the EC aimed to take on a leading role in the preparatory phase for the 'Earth Summit' at Rio in 1992. By seeking to define an ambitious internal policy, i.e. specific rules and procedures that aimed to mould existing international norms into a 'hard' policy, the Commission sought to pre-structure the agenda and outcomes of Rio. Interestingly, however, some of the Member States succeeded in making this policy conditional upon the agreement of the other OECD states, thus shifting the topic into another, less powerful international organisation.

The 'interpenetrated system of action' in the expanded multi-level system creates distinctive forms of interconnectedness. On the following pages, we will discuss some of the problems arising for the EU out of this state of affairs. Taking the areas of environmental and trade policies as an example, we seek to fill the ideas develop above with empirical evidence. We ask how certain issues dealt with by Community policies are handled in the international environment, what consequences the 'double representation' of European interests at the international level has, and which arenas are chosen by which actors to solve certain problems. We also seek to treat the question of how developments in EC external relations impact upon the internal development of the Union with respect to the policy, politics and (maybe in a later step) polity aspect. The reader will note that the effort of the paper leads to a call for new empirical research (which of course is the way we want to go in the future).⁷ Consequently, the paper is presenting hypotheses rather than assertions. It is not based on original empirical research, but on evidence from secondary literature and other sources.

3 THE CASE OF ENVIRONMENT: ACQUIRING POWER IN PRE-EMPTED POLICY SPACES

Environment is a policy area in which formal EC competencies were inserted into the Treaty only relatively recently. Nevertheless, the Community's record in internal and external environmental politics dates back to the early 1970s. At the Paris Summit in October 1972 the Heads of State and Government asked the Community organs to prepare an 'Environmental Action Programme, which was adopted in 1973 (Czepa 1993, Mac Leod/ Hendry/ Hyett 1996: 323). Both steps themselves formed a reaction to the first (1972) UNCED Conference at Stockholm (Nollkaemper 1987: 57, Jupille/ Caporaso 1998: 221). In the years and the three

⁷ Inspiration for this paper is drawn from two research projects hosted by the Mannheim Centre for European Social Research (MZES), namely a DFG-sponsored research group on the institutionalisation of international negotiation systems and a project on the expanded multi-level system in Europe ('Regieren im erweiterten Mehrebenensystem').

action programmes that followed suit, the main focus was on internal market-building and the reconciliation of economic growth and environmental protection.⁸ While pre-1987 the Commission and 'leader' states succeeded to shepherd a non-trivial amount of trade-related environmental legislation through the Council (Sbragia 1996), the unclear competencies of the EC in the field of external environmental policy and the need to base international activity on article 235 undermined the effectivity of EC international action. Nevertheless, by 1987 the EC had concluded more than 15 international conventions and took part in the negotiations of international organisations and regimes dealing with environmental questions (Nollkaemper 1987: 57-8).

A more salient international environmental policy emerged with the 1986 SEA, when articles 100a and 130 r-t were inserted into the Treaty.⁹ In the context of the present discussion, two developments seem to be relevant: first, the new article 130 r made specific reference to "measures at international level to deal with regional or world-wide environmental problems", and stated that "within their respective spheres of competence, the Community and the Member States shall co-operate with third countries and with the competent international organisations". At the same time, the Treaty reserved "Member States' competence to negotiate in international bodies and to conclude international agreements" (Art. 130r (1) and (4) TEEC). This somewhat unclear allocation of competencies reflected the practice of 'mixed agreements', which post-1973 became the standard instrument of the Community in the conclusion of international environmental agreements (Neuwahl 1991, 1996), and also the so-called AETR doctrine developed by the ECJ and sometimes openly opposed by the Member States.¹⁰ The Maastricht and the Amsterdam Treaty left the former provisions on environmental policy unchanged, with the exception of a re-numbering of treaty articles since Amsterdam.¹¹

There are two aspects to the international dimension of EC environmental policy that deserve further discussion in the context of the present paper: on the one hand the grounding of EC policies in internationally developed and accepted norms (this could be termed the 'receiver' role of the Community); on the other the EC's role as an active proponent of international environmental regulation (the 'emitter' role). As to the former, it can be argued that the EC's internal environmental policy from the early days onwards strongly accorded

⁸ Such programmes were adopted in 1977, 1983 and 1987. Czepa 1993 gives an overview and critical assessment of the contents, and speaks of an 'economic bias' (*Wirtschaftslastigkeit*) of the EC's early environmental policy.

⁹ The principal difference between both is that article 100a related to issues linked with the creation of the internal market, while articles 130 r-t covered regulations and other measures unconnected to trade harmonisation.

¹⁰ The AETR doctrine states that in all areas where the Community possesses internal policy competencies, these competencies extend to the external sphere to the extent that they are necessary for the fulfilment of the goals of the Community. See Mac Leod/ Hendry/ Hyett 1996 for an extended discussion of the AETR doctrine and its importance in various issue areas.

¹¹ The Amsterdam Treaty introduced a re-numbering the TEC Treaty articles. Art. 130 r-t are now Art. 174, 175, and 176.

with ideas and principles developed within other international arenas. Although causal links are difficult to establish, it is interesting to note that EC environmental policy as defined in the SEA is characterised by three principles of environmental protection, that were developed within the UN framework, namely precautionary action, the polluter pays principle and that environmental policy should seek to correct the causes and not only the symptoms of environmental degradation (Sperling/ Kirchner 1997: 208). The inclusion of the principle of sustainable development into Community legislation (Article 3, nowadays 2 TEC) follows closely the norms formulated by the Brundlandt Commission in 1987.¹² Similarly, the EC's policy on climate change discussed in more detail below was inspired by the Intergovernmental Panel on Climate Change (IPCC) set up by the UNEP and the World Meteorological Organisation (WMO) in 1988 (Skjærseth 1994: 26). However, a more thorough analysis is needed to establish a link between the development of guiding ideas in international negotiations and organisations and their later diffusion and transposition into Community legislation.¹³

As to the 'emitter role', the Community had conceived of a strong link between its 'internal' environmental legislation and its external actions in this field ever since the early days of the Action Programmes. Put simply, the argument was that the development and adoption of a coherent environmental policy would aid the development of an united stance in international negotiations and the international effectivity of the EC in general (Czepa 1993). This link became especially clear during the preparatory phase for the 1992 UNCED Conference at Rio (the so-called 'Earth Summit').¹⁴ The Commission, which had long sought to raise awareness on the greenhouse effect and to identify global warming as one of the major environmental challenges, sought to put the EC firmly in place as a 'leader' in global climate negotiations. Although the Council approved of that aim in a 1989 resolution on climate change (OJ C 183, 20 July 1989), and one year later reached agreement on the goal of stabilising carbon dioxide emission at the 1990 level by the year 2000,¹⁵ the concrete policies to be developed out of that that goal soon sparked off controversy. One of the principal instruments envisaged by the Commission was legislation for an EC-wide reduction of carbon dioxide emissions, and in particular a tax on those emissions (Lenschow 1995: 91-5). It soon emerged that the Commission sought to use the energy tax as a means to expand its own powers, for example by proposing that revenues from an energy tax should not be collected by the Member States, but should rather be used to finance Community energy and environmental programmes (Skjærseth 1994: 30). The opposition of at least some of the

¹² Through the Amsterdam Treaty, a new) article 6 was inserted which stipulates that this goal to be taken account of in all Community policies.

¹³ See Kohler-Koch/ Edler 1998 and Edler 1999 for a discussion of guiding ideas in EC research and development policy (R&D), that have been developed in international epistemic communities and the OECD and later through overlapping memberships and other mechanisms diffused into the EC context.

¹⁴ The following paragraphs are based on Brinkhorst 1994, Skjærseth 1994, and Jupille/ Caporaso 1998.

¹⁵ This goal itself was a reflection of agreements reached at the 'Nordwijk Ministerial Conference on Atmospheric Pollution and Climate Change' one year earlier (see Bodansky 1994).

Member States against such a move was complemented by the strong concerns raised by business interests and several DGs about EC competitiveness. In the internal EC negotiations, it soon turned out that a compromise could only be reached if EC measures were made conditional on other OECD countries following suit. Due to the heavy opposition of the US and, to a lesser extent, Japan against *all* binding measures for the reduction of greenhouse gases, the chance to reach a substantial agreement in the OECD context was minimal, thus bringing "a clear farewell to the aspiration to leadership" by the Community (Skjærseth 1994: 31). However, in the context of the parallel negotiations within the OECD, the EC became one of the central actors, in particular through its firm commitment to see at least its watered-down positions (especially the stabilisation target) accepted by other OECD members. The episode is a clear sign for shifting the issue of climate policy to another, less powerful organisational arena and of blocking the Commissions aspirations of gaining a greater salience in tax policies. Within the OECD context, however, a relatively great cohesiveness of the Member States could be reached, with the UK being the only deviant state (see Kjellen 1994 for a detailed account of the OECD negotiations and of the role of the EC therein).

The internal struggles about the EC's climate policy, but also about other topics relevant to UNCED (such as development aid) contributed to the unclear and ambiguous role of the EC in the actual negotiations at UNCED. Before the conference, little progress was made on the contentious question on who would represent the EC during the negotiations, although there was a consensus among the Council members and the Commission that the EC should be a full participant at UNCED although it normally enjoys observer status within UN bodies. The compromise solution found after some pulling and hauling was that the representation of the EC would be analogous to the internal distribution of consequences, with a differentiation between areas of exclusive and 'mixed' competencies. Thus, the Commission would present and negotiate the EC position in matters falling within its exclusive competence (i.e. where substantial Community legislation existed), while in the realm of mixed competencies, the Presidency, after close co-ordination with the other Member States and the Commission would represent and negotiate (cf. Brinkhorst 1994: 613, Jupille/ Caporaso 1998: 222-3). In actual fact however, the representatives of the Commission (and also the five representatives sent by the European Parliament) remained peripheral to most negotiations. Jupille and Caporaso explain this with Environment Commissioner Carlos Ripa di Meana's decision not to attend at UNCED due to his defeat over the energy tax and the related topic of financing EC environmental programmes (1998: 224). This actually mirrored the fact that through the introduction of the conditionality requirement the EC had been defeated as an arena for fixing goals and procedures in emission reduction to the advantage of intergovernmental bargaining within the OECD, most prominently with the US and Japan. "In sum, the Community lacked the capacity actively to push a common agenda regarding global climate change" (ibid.: 225).

The sketch of the UNCED episode and the internal EC negotiations concerning policy goals and representation at UNCED clearly exemplify some of the main topics of this paper, namely

- The willingness of the Commission as the initiator of EC policies to base its proposals on existing norms and principles in the international arena;
- the difficulties of the EC to acquire power in policy spaces already 'colonised' by other international institutions and by the Member States themselves. It can be hypothesised that the Commission's willingness to make the Community a 'leader' during the preparatory phase of UNCED is a reflection of policy pre-emption in the international arena as much as of its own desire to acquire competencies;
- the political struggles laying behind much of the heated debate about external representation and the legal possibilities for the Community to become a member to international organisations and agreements.

In the final analysis, it seems appropriate to differentiate the discussion in this subparagraph into legal and more political issues. On the legal plane, the Commission and the Member States each have fought their corner to safeguard their standing in external affairs. The claim for competencies by the Commission is based on the internal allocation of powers, where the Community has often felt that an observing status in international organisations alone could not protect the proper and effective exercise of competencies granted to it in the Treaty. The Member States on the other hand have put emphasis on the doctrine of national sovereignty and their enhanced role in international law.¹⁶ It remains to be seen whether the *ad hoc* solution found for EC representation at Rio is a viable solution for the future. A largely similar solution to that found for Rio was set up for Community participation in the monitoring body for the Rio agreements, the so-called Commission on Sustainable Development (CSD; see Brinkhorst 1994: 615-6). Although the status of the Community remained short of full membership, including voting rights, the agreements necessitate a strong amount of internal co-ordination between Member States and give the Commission the right to participate fully in all proceedings of the Commission, including informal meetings. Up to now, however, opposition to full Community participation exists both within and without the Community. Brinkhorst concludes that

"ultimately the substantive contribution of the Community to the 'sustainable development' process will carry the day. When it is seen that in its own house the Community is credible in 'eliminating unsustainable patterns of consumption and production' ... resistance from other industrialised countries and the developing world will disappear. This is the ultimate test of leadership. The adoption of new rules of

¹⁶ Much the same problem can be observed in the case of Germany, where the federal level possesses the right to negotiate subject matters on the European level that, according to German constitutional law, fall into the exclusive or sometimes shared competencies of the states (*Länder*). See Knodt 1998 for a discussion.

procedure for the Commission of Sustainable Development will be a reflection of that new reality” (1994: 617).

With other words, the legal issue of representation of the Community in international negotiations will to a large extent depend on its internal unity in political questions. The extent to which other actors are ready to accept the Community as an interlocutor is dependent on its internal cohesion. An interesting question for future research is to what extent such cohesion can be fostered by norms and principles that may have developed in other international organisations or regimes, thus leading to a convergence of views within the Community. The UNCED episode shows that an international consensus on the desirability of climate change policies developed in epistemic communities and international institutions such as UNEP, the IPCC, and others. If the Commission wants to build upon such a consensus in order to develop both internal cohesion and external strength, it has to use all its diplomatic and political skills in order to develop a viable common solution. Seen that way, it was probably not the wisest move for the Commission to link the question of a common position for Rio with the topic of the internal distribution of powers. The Community seeking to develop an ambitious position during the preparatory phase was hindered to do so not only for reasons of divergent preferences between the Member States and DGs, but also because of the implications of its proposed legislation for the internal distribution of powers.

4 DOUBLE REPRESENTATION AND A NEW CO-OPERATIVE STYLE

The largely unexplored question of how developments in EC external relations impact upon the internal development of the Union in respect to the politics and (maybe in a later step) polity aspect, with a particular view to the consequences of international embeddedness for different actor strategies is the content of this chapter. For empirical evidence, we will have a look at the policy field of trade.

It is a common place to state that in the globalising world, external economic relations of the European Communities are of an increasing relevance for both sides – for the European Union with its Member States as well as for third countries. The most important organisation to ensure predictability and security in global economic relations is the WTO. This multilateral trading system serves as an organisation co-ordinating complex and interdependent economic regulatory issues by law or by binding commitments (cf. Cottier 1998: 327). One central instrument to provide ‘security and predictability’¹⁷ within the WTO is the dispute settlement mechanism introduced with the development from GATT to WTO at

¹⁷ As it is formulated within the ‘Understanding on Rules and Procedures Governing the Settlement of Disputes’ (DSU) within the WTO agreement.

the end of the Uruguay Round¹⁸. The mechanism goes along with an expansion of the scope of WTO law, especially with the aspects trade in services and trade related aspects of intellectual property rights. The expanded scope of WTO activities and the dispute settlement mechanism are cutting across the division of power of the Commission and the Member States in the Community, thus posing formidable challenges for the EC and its Member States.

The first impact of the WTO dispute settlement has to be seen in greater demands on dispute management and allocation of resources: (1) As the defendants can no longer block the establishment of a panel, there is the risk of being overwhelmed by increasing numbers of complaints; (2) there is an increase in complexity, both in terms of law and facts. This is due to the increasing number of parties to the dispute and to the fact that most cases are of a highly technical nature requiring scientific fact-finding and assessment with the help of technical experts (cf. Cottier 1998: 351-352). Consequently, adequate administrative resources have to be allocated which allow fast and detailed law and fact management. For the EC these demands have an effect on the relationship between Commission and Member States. While the latter are able to provide pertinent facts being involved with the enforcement of the policies, the Commission is offering expertise and resources in handling dispute settlement. Cottier is formulating the need for efficient communication networks between specialists from the Commission, the Member States and from industry (cf. Cottier 1998: 353). Yet, writings about the dispute settlement are giving the impression that the relationships between Commission and Member States are tense and difficult (cf. Kuijper: 114, Cottier 1998: 354).

However, the manner in which the Community participates in the dispute settlement is unique. It enjoys exclusive competencies in the case of disputes arising from the Multilateral Agreements on Trade in Goods (MATGs). In addition, the European Court of Justice held the opinion that the competence to conclude the General Agreement on Trade in Services (GATS) is 'shared' between the Community and the Member States, and that the Community and the

¹⁸ The dispute settlement system can be described as follows: WTO members commit themselves not to take unilateral action against perceived violations of the trade rules but to seek recourse in the multilateral dispute settlement system and to abide by its rules and findings. The WTO General Council convenes as the Dispute Settlement Body (DSB) to deal with disputes arising from any agreement contained in the Final Act of the Uruguay Round. Thus, the DSB has the sole authority to establish panels, adopt panel and appellate reports, maintain surveillance of implementation of rulings and recommendations, and authorise retaliatory measures in cases of non-implementation of recommendations. The aim of the WTO dispute settlement mechanism is to secure a positive solution to a dispute. Thus, finding a mutually-acceptable solution to a problem between members consistent with WTO provisions is encouraged. This may be possible through bilateral consultations between the governments concerned. Thus, the first stage of settling disputes requires such consultations. Should they fail, and if both parties agree, the case at this stage can be brought to the WTO Director-General, who, acting in an ex officio capacity, will offer good offices, conciliation or mediation to settle the dispute. If consultations fail to arrive at a solution after 60 days, the complainant can ask the DSB to establish a panel to examine the case. The establishment of a panel is almost automatic. Procedures require the DSB to establish a panel no later than the second time it considers the panel request, unless there is a consensus against the decision. The system stresses that prompt compliance with recommendations or rulings of the DSB is essential in order to ensure effective resolution of disputes to the benefit of all Members. for the description of the panel process see <http://www.wto.org/dispute/webds.htm>.

Member States are 'jointly competent' to conclude the Agreement on Trade-Related Aspects of Intellectual Property Rights, Including Trade in Counterfeit Goods (TRIPS).¹⁹ The European Court of Justice has been asked by the Commission in April 1994 for an 'advisory opinion' on the issue of competence being under discussion between the Commission and the Member States. In its Opinion 1/94 he 'shocked' the Commission by limiting the 'expansion' of new trade issues being treated as sole competencies of the Community (Meunier/Nicolaïdis 1999: 488). It held that the Community and Member States shared competence in dealing with non-goods trade, as mentioned above. In addition, the Court imposed on the Commission and on the Member States to co-operate closely for the negotiations of WTO agreements. This duty arose from 'the requirement of unity in the international representation of the Community'.²⁰

Thus, 'shared competencies' between the Community and the Member States applied to all stages of a projected mixed agreement – negotiation, conclusion, application, implementation as well as disputes on the latter. Mixed agreements can be of different types: agreements where powers fully overlap and horizontal mixed agreements (such as GATS and TRIPS) (Neuwahl 1996: 668). At the same time, the EC is responsible under international law for compliance with these agreements due to full membership of the Communities in the WTO (Cottier 1998: 354). Therefore the Community will endeavour to become involved in disputes involving matters of exclusive competencies as well as joint competencies. As a consequence there is the risk for the Community of being overwhelmed by an increasing number of complaints as well as the risk for the Member States for the Community not being engaged, as far as Community participation in any dispute is itself not guaranteed. In fact, the latter case has not happened yet.

Another provision of the dispute settlement causing problems for the Member States is the specific rhythm of the settlement procedures (described in footnote no. 18). All steps in the dispute settlement are vested with clear deadlines causing considerable time pressure for the Community and the Member States to co-ordinate their views (cf. Chatháin 1999: 464). The same time restriction problem arises in case of the implementation of the panel's or appellate body's rulings and recommendations. If not possible to comply immediately there will be time of maximum fifteen months from the date of adoption of a panel or Appellate Body report to do so. If the Member concerned fails to comply with the recommendations and rulings within the reasonable period of time just mentioned, the party having invoked the dispute settlement procedure may suspend the application to the Member concerned of concessions or other obligation authorised by the dispute settlement body. Concessions or other obligation have first to be looked for in the same sector violation occurred. Where this is not possible or not seems to be effective, the Member is entitled to suspend concessions in other, covered agreements –

¹⁹ Opinion 1/94, supra note 1, para. 98 and 105; cf. Neuwahl 1996

²⁰ Opinion 1/94, No. 108

which is known as 'cross-retaliation'. Cross-retaliation may not only affect goods originating from the offending Member State but also those originating from other Member States of the European Community. 'Consequently, the community would be adversely affected by the failure of Member States to respect their obligations under the WTO Agreements even though it would itself be blameless for the breach' (Chatáin 1999: 465).

The same problem could arise in other multilateral agreements, where the question of compliance supervised by the Commission could be one posed by third states such as the US. This was the case with the 'Convention on International Trade in Endangered Species of Wild Fauna and Flora' (CITE). After the intervention of the US, the Commission did not participate in the formulation and signing of the convention, but nearly all Member States did. Despite the non-participation of the Commission, implementation was enforced by it. In consequence also the Member States not having signed CITE were bound to the convention (such as Greece, which joined the convention later)²¹.

In all these cases, be it within the WTO or other multilateral agreements, where conflicts between the Member States and the Community or between Member States arise caused by disputes on implementation or compliance, the duty to co-operate imposed by the European Court in its opinion 1/94 may create some difficulties. Unfortunately, the Court has not specified what co-operation means in the Community's and Member States' pursuit of WTO-policy, including dispute settlement. Should they share a position in disputes in which they are both involved? What happens if the Commission is not involved? Must they merely strive to reach one? Are the Member States be entitled to defend their own interests if no joint position can be reached? It seems to be a common position that 'the obligation on the Member States is simply to endeavour to reach a common position, and that if no such position can be agreed, the Member States remain free to put their national point of view on matters *within their own competence*' (Chatáin 1999: 466). To solve the problems of the vague nature of the duty of co-operation there have been several attempts to design a code of conduct between the Council the Member States and the Commission – unfortunately with no success.²²

As a result of 'shared competencies' and due to the 'double representation' of the EC in the WTO, members of the WTO may bring complaints against the EC and/or one or more of its Member States. The US for example prefers to bring complaints directly against the respective EC member state, if national law seems to be inconsistent with WTO rules. Reasons for this US-strategy are: (1) it serves to solve dispute of a particular and unique nature with the Member State; (2) it could serve as a test case; (3) it takes advantages of the small experience of Member States in WTO dispute settlement in contrast of many years of GATT-experience of the Commission (Cottier 1998: 355). In reaction to the complaint, Member States established close co-operation with the Commission only on an ad hoc basis. This Member

²¹ cf. Sbragia/Hildebrand (no year)

²² For the attempts to set up a Code of Conduct, see Chatáin 1999: 468-471.

States strategy can create a dilemma situation for the Community. While the Commission has to support Member States before a panel it might not always share Member State interests. In other words the Commission let the WTO dispute settlement system bring about the compliance itself would have to bring about. If instead of a single problem broader and new issues are involved, it will be useful to develop closer and more institutionalised co-operation between the Commission and the Member States and to create European strategies. There are several reasons for a co-operation of the Community and the Member States.²³ Firstly, as the nature of the European multi-level system is one of an 'interpenetrated system of action' (Grote/ Knodt/Larat 1996), complaints against Member States are complementary in nature. Secondly, if only individual Member States are targeted, the internal co-operation process is slowed down. An effective and efficient interest intermediation by the Member State as well as the possibility for mutually acceptable solutions could be prevented. Hence, we can argue that the dispute settlement is initiating a process of institutionalisation among Member States and involvement of the Community.²⁴

Involvement of the Commission and Member States within international organisations such as the WTO can provoke internal shifts of power, shifts or harmonisation of policy paradigms and new styles of governance within the European multi-level system of governance. Despite the actor quality of the European Community within the WTO, such effects of 'shared competencies', especially within the dispute settlement mechanism do not suit the picture of a strong international actor. The EC should be able to bring about compliance with WTO obligations through internal rules rather than relying on third actors such as international organisations.

As we have shown, the image of the European Community as a strong unitary international actor is not a realistic conception. We will have to conceptualise the Community presence as a negotiation system with different actors attributed with different actor qualities and carrying different guiding ideas. We will be able to observe the future presence of the European Community as a more or less institutionalised co-operation between the Commission, Member States and representatives of the private sector within the arena of the WTO.

5 OUTLOOK

²³ For similar argumentation and additional reasons, see Chatáin 1999: 470.

²⁴ Here institutions are designed as '[...] a collection of practices and rules defining exemplary or appropriate behaviour groups of actors in specific situations' (Olsen 1995: 5). This concept includes aspects of regulation along with paradigmatic orientations. The latter emphasises the image of an institution as set of social principles and norms, which are realised in specific rules and proceedings and which are symbolically represented by paradigms. Actors are embedded within at least one institution and influenced by this institutional context.

Due to the tentative and provisional nature of this paper, we do not offer firm conclusions, but rather seek to discuss possible research avenues. We have argued that the notion of an expanded multi-level system seems to be useful in understanding the complex multi-level relations between the Community, its Member States and other international actors. Starting from the assumption of interlocking and interpenetrating arenas of action in international affairs, we have tried to argue that a look at the internal politics of the Union is insufficient to tell us something about the international role of the Union. The EU polity is penetrated by other international political arenas, not necessarily because "members of one polity serve as participants in the political process of another" (Rosenau 1969a: 46), but because both the Member States and, increasingly, the Community organs are members of a multitude of political arenas at the same time. Consequently, we have sought to highlight the intricacies emerging from the dual representation of the Community in international arenas and from the conflicting nature of norms and principles outside and inside the Community. The capability of the Community to emerge as a cohesive grouping within these international arenas is of primary importance for the Community organs *and* its Member States and deserves further analytical attention.

A second point we have tried to make is that the call for cohesiveness does not mean that we expect (or even wish) the Community to become more state-like in the future. We conclude that the EU will not develop into an unitary European actor in international affairs (as some scientists seem to be in desperate search for), but that we will see the double representation of Community actors *and* the Member States in international arenas as a permanent solution. This is due not only to the general unwillingness of Member States to cede their privileged position in international organisations and negotiations, but also due to the inability of international law to come to terms with the *sui generis* nature of the EU. Seen this way, the search for adequate strategies in the management of co-operation between the Commission and the Member States (and maybe the private sector) within multiple interlocking arenas is an urgent task and hence should be a focus of future research.

The argument about the staying power of 'dual representation' does not imply that member state sovereignty in international negotiations is unconditional. The 'shadow of the future' and more intangible values such as not compromising European unity in the international arena may block crudely self-interested strategies. More speculatively, one could argue that even in situations where the internal co-ordination of EC members on a particular subject matter is unsuccessful, third parties would nevertheless expect EC Member States to develop some common position in the future. The likeliness that especially smaller EC Member States may abandon national positions in favour of a common EC position in the future may decrease their value as interlocutors and negotiating partners for third parties. Hence, the Member States are in a position of semi-sovereignty, where close co-ordination on subject matters dealt with in international negotiations becomes strongly necessary due to the likely infeasibility of holding up diverging national commitments and positions for a very long time. For the time

being, however, there is some evidence that individual Member States remain the preferred interlocutors for third parties as long as the Commission is unable to make firm commitments as to the compliance of its members with international law.

As to the internal dynamics of the EC, there is evidence that the increasing embeddedness of the EC into international negotiations and organisations necessitates a strong internal co-ordination. For instance, the case of the dispute settlement system in the WTO is likely to create a new type of governance and co-operation between the Commission and the Member States in foreign trade relations which will affect the external as well as the community internal governing style. The space for exclusive allocation of power by the Commission is vanishing. What is required is a close co-operation between Commission, Member States and representatives of the industry involved. Such co-operation can be brought about either directly by new law or by code of conducts. New strategies of participation of the private sector must be created (cf. Cottier 1998: 378). At the same time, the WTO is unique in that it has begun to review (and criticise) the trade policies of the EC analogous to that of individual Member States under the new Trade Policy Review Mechanism (TPRM). The outcome of such reviews may be increasing pressure brought to bear on the EC to adjust its policies to international norms.²⁵

A related point we have sought to highlight is the interconnection between the diffusion of policy paradigms at the international level, the adoption of internal EC policies, and the substantive positions taken by the EC in international negotiations. There seems to be some evidence that much of the EC's stance on questions of development aid and environmental policies reflect positions which have been adopted in international organisations such as the World Bank Group, the OECD, the UNEP, and GATT/ WTO. Put simply, we may imagine distinctive sources of policy change within the EC, e.g. inputs from national administrations and interest groups, the discussions going on within the Commission bureaucracy, but also the whole range of epistemic communities and the international institutions in which epistemic communities find a organisational backcloth (Haas 1992, 1994). We suggest that such different 'streams' of policy development²⁶ have to be observed if we want to explain the substance of the EC's external policies on a given subject. This is not a marginal point in the context of the external policies of the EC, given that the EC is likely to develop positions in international negotiations that are compatible with its own internal policies. However, painstaking archival work and elite interviewing is required to find out how ideas 'travel' from the international arena into the EC context and back into international negotiations. The literature on such topics is rather thin, precisely because the discussion of the international role of the EU seems to be more concerned with the question of who is finally allowed to

²⁵ See the WTO's web page for a list of reviews of national policies (<http://www.wto.org/reviews/tp.htm>). The report dealing with the EU can be found on <http://www.wto.org/reviews/tprb65.htm>.

²⁶ Although the language is borrowed from Kingdon (1984), we do not suggest that the analytical models and metaphors developed in his work are in any way superior to other models.

express and negotiate the positions of the Community than with the question through which processes these positions develop in the first place.

A final point we would like to discuss are the problems arising out of the multitude of international institutions and arenas within which policies within the EC's competence are discussed and which represent alternative fora for member state co-ordination. Due to the global nature of problems such as trade, the environment or development aid, it is not the Community, but other international organisations that are increasingly called upon to work out solutions. Hence, it is not only the principle of subsidiarity and the increasing assertiveness of local and regional actors which challenge the Community as a political arena, but also global integration. Ranging from relatively loosely developed regimes up to formal international organisations such as the UN and the GATT, the European Community is by far not the only 'initiator', 'barrier', 'shaper' or 'filter' in world politics (cf. Allen/ Smith 1990: 21-22). This may form a danger to the *acquis communautaire* as well as to the chances of the Community to be some kind of meaningful interface between its Member States and global politics. For instance, the notion of a common and distinctive external policy in trade becomes increasingly meaningless in a world where such matters are authoritatively dealt with by the WTO, and much the same goes for other issue areas with relatively 'strong' international organisations and/ or regimes. In such cases, the prime task for the Community is not to develop a shining role as a full-fledged international actor, but to co-ordinate the actions of its Member States as well as possible. In situations where no consensus can be formed internally, there is always the danger that a particular topic evades the Community sphere in favour of other global or regional international organisations, thus forming a potential danger for the *acquis*.

'Multilevel complexity' is an inelegant, but maybe accurate term for the situation with which EC external politics are faced. In pointing out problems which we find relevant as future topics for research, we hope to contribute on the developing discussion on the European Union as an International Actor.

6 REFERENCES

- Allen**, David/ **Smith**, Michael, 1990: Western Europe's Presence in the Contemporary International Arena; *Review of International Studies* 16, 19-37
- Bodansky**, Daniel, 1994: Prologue to the Climate Change Convention; in: Mintzer, Irving M./ Leonard, J. Amber (eds.), 1994: *Negotiating Climate Change. The Inside Story of the Rio Convention*; Cambridge: Cambridge University Press, 45-75.
- Brinkhorst**, Laurens J., 1994; The European Community at UNCED: Lessons to be Drawn for the Future; in: Curtin, Deirdre/ Heukels, Ton, eds.: *Institutional Dynamics of European Integration. Essays in honour of Henry G. Schermers*; Dordrecht: Martinus Nijhoff, 609-617.

- Cameron, Fraser**, 1998: The European Union as a Global Actor: Far from Pushing its Political Weight Around; in: Rhodes, Carolyn, Ed: *The European Union in the World Community*; Boulder/ London: Lynne Rienner Publishers, 19-43.
- Chatháin, Carmel Ní**, 1999: The European Community an the Member States in the Dispute Settlement Understanding of the WTO: United or Divided?, in: *European Law Journal*, Vol. 5, No. 4, pp. 461-478.
- Cheyne, Ilona**, 1994: International Agreements and the European Community Legal System; *European Law Review* 19, 581-598.
- Cottier, Thomas** 1998: Dispute Settlement in the world trade organisation: Characteristics and structural implications for European Union, in: *Common Market Law Review* 35, 325-378.
- Czepa, Doris**, 1993: *Das 5. Aktionsprogramm der EG (Umwelt) – Steht der Binnenmarkt dagegen?*; Wien: Arbeitspapiere der Europakademie der VAB, No. 13/1993.
- Denza, Eileen**: Groping towards Europe's Foreign Policy; in: Curtin, Deirdre/ Heukels, Ton, eds.: *Institutional Dynamics of European Integration. Essays in honour of Henry G. Schermers*; Dordrecht: Martinus Nijhoff, 575-593.
- Edler, Jakob**, 1999: *Die Bedeutung von Leitideen bei der Genese europäischer Forschungspolitik am Beispiel BRITE/ EURAM*; University of Mannheim: PhD Dissertation.
- Grote, Jürgen R./Knodt, Michèle/Larat, Fabrice**, 1996: Convergence et variation des styles régionaux de politique dans le cadre des politiques communautaires, working paper of the Mannheim Centre of European Social Research (MZES), AB III, No. 17, Mannheim.
- Haas, Ernst B.** (1964): *Beyond the Nation State. Functionalism and International Organization*, Stanford, CA.: Stanford University Press.
- Haas, Peter M.**, 1992: Introduction: Epistemic Communities and International Policy Coordination; *International Organization* 46 (1), 1-34.
- Hill, Christopher**, 1993: The Capability-Expectations Gap, or Conceptualising Europe's International Role; *Journal of Common Market Studies* 31 (3), 305-328.
- Hill, Christopher**, 1998: Closing the Capabilities-Expectations Gap?; in: Peterson, John/ Sjurson, Helge, eds.: *A Common Foreign Policy for Europe? Competing Visions of the CFSP*; London/ New York: Routledge, 18-38.
- Hrbek, Rudolf**, 1993: Deutungen und Perspektiven aus politikwissenschaftlicher Sicht. Einführendes Referat. In: R. Hrbek (Hg.): *Die Entwicklung der EG zur Politischen Union und zur Wirtschafts- und Währungsunion unter der Sonde der Wissenschaft*. Baden-Baden; Nomos Verlagsgesellschaft; S. 81-91
- Jachtenfuchs, Markus/ Kohler-Koch, Beate**, 1996a: Regieren im dynamischen Mehrebenensystem; in: Jachtenfuchs/ Kohler-Koch, eds.: *Europäische Integration*, Opladen: Leske + Budrich, 15-44.
- Jupille, Joseph/ Caporaso, James A.**, 1998: State, Agency, and Rules: The European Union in Global Environmental Politics; in: Rhodes, Carolyn, Ed: *The European Union in the World Community*; Boulder/ London: Lynne Rienner Publishers, 213-229.
- Kingdon, John W.**, 1984: *Agendas, Alternatives and Public Policies*; Boston: Little and Brown.
- Kjellen, Bo**, 1994: A Personal Assessment; in: Mintzer, Irving M./ Leonard, J. Amber (eds.), 1994: *Negotiating Climate Change. The Inside Story of the Rio Convention*; Cambridge: Cambridge University Press, 149-174.
- Knodt, Michèle**, 1998: *Tiefenwirkung europäischer Politik. Eigensinn oder Anpassung europäischen Regierens?*; Baden-Baden: Nomos Verlagsgesellschaft.

- Kohler-Koch, Beate**, 1993: Die Welt regieren ohne Weltregierung, in: Böhret, Carl/ Wewer, Göttrik (eds.): *Regieren im 21. Jahrhundert - zwischen Globalisierung und Regionalisierung. Festgabe für Hans-Hermann Hartwich zum 65. Geburtstag*; Opladen: Leske + Budrich, 109-141.
- Kohler-Koch, Beate**, 1997: *The Emerging European Polity. Institutional Change and International Embeddedness*; Mannheim (unpublished Ms.).
- Kohler-Koch, Beate**, 1998: *Regieren in entgrenzten Räumen*; Opladen: Westdeutscher Verlag (PVS-Sonderheft 29/1998).
- Kohler-Koch, Beate**, 1998a: *The Evolution and Transformation of European Governance*; Vienna: Institute for Advanced Studies (Political Science Series No. 58).
- Kohler-Koch, Beate**, u.a., 1998: *Integrative Politik. Regionen im Netzwerk der Integration*, Opladen: Leske + Budrich.
- Kohler-Koch, Beate/ Edler, Jakob**, 1998: Ideendiskurs und Vergemeinschaftung: Erschließung transnationaler Räume durch europäisches Regieren; in: Kohler-Koch, Beate, ed: *Regieren in entgrenzten Räumen* (PVS-Sonderheft 29/1998); Opladen: Westdeutscher Verlag, 169-206.
- Kohler-Koch, Beate/ Knodt, Michèle** 1997: *Multi-Level Governance: the joy of theorising and the anguish of empirical research*, paper prepared for presentation at ECPR Workshop on 'Regional Integration and Multi-Level Governance' (directed by A. Sbragia and W. Wallace), Bern, Switzerland, 27th February to 4th March 1997
- Kuijper, P.J.** 1995: The New Dispute Settlement System: the Impact on the Community, in: Bourgeois, J.H.J. et al (eds.): *The Uruguay Round results: a European lawyer's perspective*, Brussels: European Interuniversity Press.
- Lenschow, Andrea**, 1995: Der umweltpolitische Entscheidungsprozeß in der Europäischen Union am Beispiel der Klimapolitik; in: Brauch, Hans Günter (ed.): *Klimapolitik*; Heidelberg: Springer Verlag, 89-104.
- MacLeod, Ian/ Hendry, Ian D./ Hyett, Stephen**, 1996: *The External Relations of the European Community. A Manual of Law and Practice*; Oxford.
- Manners, Ian J./ Whitman, Richard G.**, 1998: Towards Identifying the International Identity of the European Union: A Framework of Analysis for the EC's Network of Relationships; *Journal of European Integration* 0 (1), 1-19.
- Marks, Gary** (1992): Structural Policy in the European Community; in: Sbragia, Alberta (ed.), *Europolitics: Institutions and Policymaking in the "New" European Community* (Washington), p. 191-224.
- Marks, Gary** (1996): *Politikmuster und Einflußlogik in der Strukturpolitik*, in: Jachtenfuchs/ Kohler-Koch, eds.: *Europäische Integration*, Opladen: Leske + Budrich, 313-343.
- Meunier, Sophie/ Nicolaïdis, Kalypso**, 1999: Who Speaks for Europe? The Delegation of Trade Authority in the EU, in: *Journal of Common Market Studies*, Vol. 37, No.3, pp.477-501.
- Neuwahl, Nannette**, 1991: Joint Participation in International Treaties and the Exercise of Power by the EEC and its Member States: Mixed Agreements; *Common Market Law Review* 28, 717-740.
- Neuwahl, Nannette**, 1996: Shared Powers or Combined Impotence? More on Mixity; *Common Market Law Review* 33, 667-687.
- Nollkaemper, André**, 1987: The European Community and International Environmental Co-operation: Legal Aspects of External Community Powers; *Legal Issues of European Integration* 1987 (2), 55-91.

- Olsen, Johan P.**, 1995: Europeanization and Nation-State Dynamics, *ARENA working paper 95/9*, Oslo.
- Peterson, John/ Sjørnsen, Helene**, 1998: *A Common Foreign Policy for Europe? Competing Visions of the CFSP*; London/ New York: Routledge.
- Piening, Christopher**, 1997: *Global Europe. The European Union in World Affairs*; Boulder/ London: Lynne Rienner Publishers.
- Puchala, Donald J.** 1971: Of Blind Man, Elephants and International Integration, in: *Journal of Common Market Studies*, 10 (4), 267-284.
- Putnam, Robert**, 1988: Diplomacy and Domestic Politics. The Logic of the Two-Level Game; *International Organization* 42, 427-460.
- Regelsberger, Elfriede/ Shoutheete de Tervarent, Philippe de/ Wessels, Wolfgang**, Ed, 1997: *Foreign Policy of the European Union. From EPC to CFSP and Beyond*; Boulder/ London: Lynne Rienner Publishers.
- Rhodes, Carolyn**, Ed: *The European Union in the World Community*; Boulder/ London: Lynne Rienner Publishers.
- Rosenau, James N.**, 1969: Pre-Theories and Theories of Foreign Policy, in: Farrell, R. Barry (ed.), *Approaches to comparative and international Politics*, 2. Edition, Evanston, 27-92.
- Rosenau, James N.**, 1969a: Toward the Study of National-International Linkages; in: Rosenau (ed.): *Linkage Politics. Essays on the Convergence of National and International Systems*; New York: The Free Press, 44-63.
- Rosenau, James/ Czempiel, Ernst-Otto** (Hrsg.), 1992: *Governance without Government. Order and Change in World Politics.*, Cambridge: Cambridge University Press.
- Rummel, Reinhardt**, 1990: *The Evolution of an International Actor. Western Europe's New Assertiveness*; Boulder etc: Westview Press.
- Sack, Jörn**, 1995: The European Community's Membership of International Organisations; *Common Market Law Review* 32, 1227-1256.
- Sbragia, Alberta M./ Hildebrand, Philipp M.** (no year): *The European Union and Compliance: a story in the making*, manuscript
- Sbragia, Alberta**, 1996: Environmental policy: The 'push-pull' of policy-making; in: Wallace, Helen/ Wallace, William, 1996: *Policy Making in the European Union*; Oxford: Oxford University Press (3rd edn.), 235-255.
- Skjærseth, Jon Birger**, 1994: The Climate Policy of the EC: Too Hot to Handle? *Journal of Common Market Studies* 32 (1), 25-45.
- Sperling, James/ Kirchner, Emil**, 1998: *Recasting the European Order. Security architectures and Economic Co-operation*; Manchester/ New York: Manchester University Press.