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**The European Union's External Action:
Third State Perspectives and
Recommendations**

Eva Kassoti and Ramses A. Wessel (Eds.)

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EVA KASSOTI AND RAMSES A. WESSEL (EDS.)

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THE EUROPEAN UNION'S EXTERNAL ACTION: THIRD STATE PERSPECTIVES AND RECOMMENDATIONS - INTRODUCTION

Eva Kassoti and Ramses A. Wessel*

Although the EU's diplomatic activity can be traced back to the early days of the European integration project, the discussion on the EU as a 'diplomatic actor' only begun in earnest post-Lisbon with the setting up of the European External Action Service headed by the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP). At the same time, the coming of age of the Union as a global actor and the expansion of its activities in a wide range of fields of international governance have created a demand for EU diplomacy (such as representation and negotiation) and exposed the Union's diplomatic machine to exacting demands about what it must realize. Recent challenges such as the Russian war on Ukraine, energy dependency, the instrumentalization of migrants, the retreat of democratic freedoms, foreign intervention campaigns, and cyber-space attacks have confirmed the need for the Union to speak with one voice at the international stage in order to defend and promote its fundamental interests.

In this light, 'diplomacy' is an important, yet still under-researched, dimension of the ever-burgeoning debate on the EU's international actorness. How are we to assess the EU's efforts as an emerging diplomatic actor? While a few studies have been published recently on the topic,¹ an outside perspective on the Union's emerging system of diplomacy is still an important gap in the relevant literature. We are acutely aware of the fact that diplomacy does not exist in a vacuum. Diplomatic action takes place in a broader context of structures, rules, institutions and (importantly) distinct cultures and perceptions. In other words, identity is predicated vis-à-vis *another* identity. The EU's actorness only acquires its fullest meaning when compared to 'others' that do not share the same identity.² In this sense, weighing up the scope and nature of the EU as a diplomatic actor necessitates taking into account the perspective of the Union's diplomatic counterparts.

This set of short policy papers aims to draw lessons from the perspectives of third

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¹ See for example J. Koops, G. Makaj (eds.), *The European Union as a Diplomatic Actor*, (Palgrave: Macmillan 2015). G. Butler, *The European Union and Diplomatic Law: An Emerging Actor in Twenty-First century Diplomacy*, in P. Behrens (ed.), *Diplomatic Law in a New Millenium*, (Oxford: Oxford University Press, 2017), pp. 319-340.

² See also the contribution by Natalia Chaban in this edited issue.

states on the performance of the Union in its external activities and diplomatic affairs. The policy papers have been written in the context of Erasmus+ Jean Monnet Network on *The European Union in International Diplomatic Relations*³ and discussions with the experts took place at a conference on 20 October 2023 at the T.M.C. Asser Institute in The Hague, co-organised with the Department of European and Economic Law of the University of Groningen. The policy papers have three main parts: They contain: a. a brief description of the third country's diplomatic relations with the EU. b. The country's /region's perspective on the EU and the reasons underpinning this; and c. Concrete recommendations for EU policy-makers on how to further develop the Union's engagement with that third State/region.

We trust that these papers provide a framework for better understanding and evaluating the wide range of the Union's diplomatic interaction with third states and regions and that they will pave the way for more sustained engagement with the topic.

3 See EUDIPL0 - PROJECT DESCRIPTION.

EXTERNAL PERCEPTIONS OF THE EU AMONG ITS STRATEGIC PARTNERS

Natalia Chaban*

The relationship between recognition, reputation and influence in international relations has been one of the main foci for scholars and practitioners of IR, diplomacy and foreign policy. Reflecting on reputation, Morgenthau once stated that “reputation, the reflection of the reality of power in the mind of the observers can be as important as the reality of power itself. What others think about us is as important as what we actually are”.¹ Reflecting on recognition, Bull noted that powers need to be “recognized by others to have certain special rights and duties”.² Perhaps unsurprisingly, the European Union (EU) – a unique *sui generis* polity that aspires to influence the world – asks: How is the EU recognized globally?; What meanings constitute the EU’s reputation in the eyes of external observers? How do these images impact the actions by international partners towards the EU? How do recognition and reputation of the EU change over time? How can knowledge about images and perceptions aid EU external action and foreign policy?

The search for answers to these questions has inspired a new scholarly field – research into external perceptions of the EU.³ It assumes the effects of images and perceptions – of ‘other’ and of ‘self’ – to be among the most powerful in foreign policy decision-making. It adds innovatively to the scholarship of EU foreign policy, and specifically to its “decentering agenda”.⁴ The importance of systematic insights into how external partners perceive, imagine and narrate the EU has been recognised by EU external relations practitioners. In 2015, the Foreign Policy Instrument division of the European Commission initiated a comparative 10-country baseline study of EU external perceptions among the EU’s Strategic Partners: Brazil, Canada, China, Japan, India, Mexico, Russia,

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¹ Hans J. Morgenthau, ‘Vietnam: Shadow and Substance’ (1965) Sep 16 *The New York Review*.

² Bull (1977: 66)

³ For comprehensive overview of the field see: Natalia Chaban and Ole Elgström, ‘Theorizing external perceptions of the EU’ (2021), in Sieglinde Gstöhl and Simon Schunz (eds) *Studying the EU’s External Action: Concepts, Approaches, Theories*, London: Macmillan International/Red Globe Press; Natalia Chaban and Sonian Lucarelli, ‘Reassessing external images of the EU: Evolving narratives in times of crisis’ (2021), 26 *EFAR* 177-196.

⁴ Stephan Keukeleire and Sharon Lecocq ‘Operationalising the Decentering Agenda: Analysing European Foreign Policy in a Non-European and Post-Western World’ (2018) 53 *Co&Co*, 277–95; Nora Fisher-Onar and Kalypso Nicolaidis, ‘The Decentering Agenda: Europe as a Post-Colonial Power’ (2013) 48 *Co&Co*, 283–303; Natalia Chaban and Ole Elgström ‘Critical Expectation Gaps: Advancing Theorization of the Perceptual Approach in EU Foreign Policy Studies’, (2022) *JCMS*, first online <https://doi.org/10.1111/jcms.13445>.

South Africa, South Korea and the USA.⁵ This study became a part of the consultation process informing the EU Global Strategy 2016. In 2021, the FPI, in collaboration with the Public Diplomacy division of the EEAS, initiated the update study in the same ten Strategic Partners, adding three countries (Indonesia, Nigeria and Colombia).⁶ Both studies formulated recommendations to EU public diplomacy and followed critical junctions in the EU's most recent history. The baseline study took place following the aftermath of the sovereign Euro debt crisis and the start of the irregular migration crisis. The update study followed Brexit and took place during the Covid pandemic that shook the world.

Both studies used identical methodology to warrant valid comparison over time. They studied opinion through representative general public opinion polls, focus groups with students and interviews with local policy-, decision- and opinion-makers. They also monitored traditional and social media assessing the framing of the EU and its policies. This article focuses on comparative insights into the general public opinion: "While public opinion does not translate directly into policy, it constrains foreign policy options": the officials in the key partners are more likely to engage with the EU and support the EU when "the public favours this course of action than when the public opposes it".⁷

Literature on public diplomacy tells us that a successful practice for this type of diplomacy has to progress through the levels of a "public diplomacy communication pyramid".⁸ The foundational level of this 'pyramid' – also the widest in its outreach – is *awareness*. The analysis of this base level should reflect on everyday information flows through mass media, as well as consider direct exposure to initiatives, operations or public events run by the public diplomacy producer.⁹ Relevant literature pays special attention the role of radio, television broadcasts and e-media in raising awareness about international actors. For public diplomacy purposes, it is important to assess information projected onto the general public in terms of messages about some degree of alignment between the producer and the receiver of public diplomacy in the area of foreign policy/international relations¹⁰ and assess images and perceptions of relationship among the general public. *Awareness* allows to move to higher, more demanding levels of the 'pyramid', i.e. *curiosity*, *knowledge*, *engagement* and *action*. This article focuses on the findings from the representative public opinion surveys that illustrate the *frequency of exposure*, *sources of information*, and *meanings and attitudes behind awareness of the EU*, including the perceptions of

⁵ PPMI/NCRE/NFG, 'Analysis of the perceptions of the EU and the EU's policies abroad' (2015) http://ec.europa.eu/dgs/fpi/showcases/eu_perceptions_study_en.htm

⁶ B&G/PPMI/PD-PCF UC, *Analysis of EU External Perceptions: Update Study 2021* (2021) https://ec.europa.eu/fpi/key-documents_en?f%5B0%5D=document_title%3Aupdate.

⁷ Catarina Thomson, Matthias Mader, Felix Münchow, Jason Reifler, Harald Schoen 'European public opinion: united in supporting Ukraine, divided on the future of NATO' (2023) 99 IA, 2485-2500.

⁸ Michael McClellan, 'Public diplomacy in the context of traditional diplomacy' (2004) 1 *Favorita Papers* (1), 23-32 cited in Marta Ryniejska-Kieldanowicz. *Cultural Diplomacy as a Form of International Communication* (2009) Institute for International Studies University of Wrocław.

⁹ Ibid.

¹⁰ Ryniejska-Kieldanowicz, 2009, p.4-5, citing McClellan 2004.

the bilateral relations, evolving over time. The article offers several takeaways for EU diplomatic practitioners who engage with the key partners in a rapidly changing world.

1. FREQUENCY OF EXPOSURE TO THE INFORMATION ABOUT THE EU AND THE SOURCES INFORMING ABOUT THE EU.

Figure 1 illustrates that on average the public in EU key partners perceive they hear or read about the EU at least once a week. Of interest is the pattern in the EU’s like-minded partners: respondents in the US, Canada and Japan reported lower levels of exposure to the information about the EU vis-à-vis other locations. Assessing the data over time, the frequency of exposure has grown in all locations but Russia and China. The most dramatic increase in the perceived level of exposure was reported in India (from 31.3% of respondents who heard about the EU at least once a week or more frequently in 2015 to 72.5% in 2021).

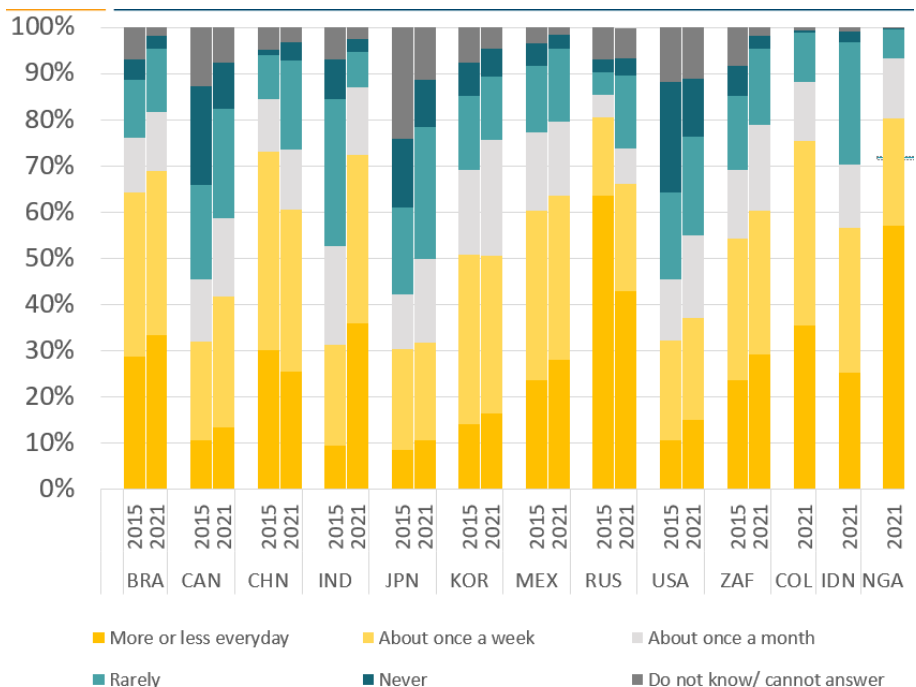


Figure 1: “Generally, how often, if ever, do you hear or read about the EU?”

Source: B&G/PPMI/PD-PCF UC 2021

Takeaway: In the fragmenting world, information about the EU has to compete against information about other global 'heavyweights', regional leaders, as well as domestic actors. In an increasingly geopolitical world where new camps are being formed, a lower level of exposure to the EU among the like-minded partners risks a less aware/less interested/less committed to the relationship public, while a lower level of exposure among the public in potential geopolitical rivals may lead to information vacuum and ignorance creating preconditions for mis- and disinformation. Different levels of exposure should be factored into strategic communication efforts by the EU towards its partners.

2. MAIN SOURCES OF INFORMATION

Research assessed where the international public can read or hear about the EU (and more generally Europe as a whole). Perhaps surprising for some, the 2021 list of the most popular sources of information about the EU was topped by a traditional medium of *television*. It is followed by online media, social media and the print media. In general (and following the new media ecology trends), between 2021 and 2015, popularity of television as a source of information has decreased, while the popularity of the online media has increased. Findings from China and the Global South countries are indicative of the digital media becoming the dominant source of information about the EU in these partner countries. In 2021, *online media* were the most popular source of information in Indonesia (84.5%), India (81.1%), South Africa (76.8%), Brazil (75.6%), China (71.1%) and Mexico (63.45%). In the same year, more than half of respondents used *social media* as the main sources of information about the EU in Colombia (56.2%), India (52.6.%), Indonesia (57%), Mexico (53.6%), Nigeria (62.8%), with South Africa (48%) and Brazil (43.8%) close to 50%.

Takeaways: With digital media known for their speed, horizontality and mobilization potential, as well as their continuing challenges linked to the spread of dis-, mis- and mal-information, the EU diplomatic communicators working with non-Western key partners will have to factor the nature of e-sources that inform local communities. This is needed to understand how the EU is framed and narrated to local audiences through diverse media channels, but also how to engage with local publics on the media channels that matter to them.

Another takeaway is to consider new sources of information about the EU. In contrast to the 2015 baseline study, the 2021 update research found out that the general public reported using streaming platforms and popular culture (movies, art, literature) as sources of information about the EU and Europe in general. The diversification of channels of information presents an opportunity and a challenge for EU public diplomacy. The latter included the need to increase the scope of regular media monitoring and analysis, engage mixed methods of analysis, as well as upgrade communication skills among practitioners.

3. MEANINGS BEHIND AWARENESS

Early in the survey, respondents in each country were asked to choose three descriptors associated with the EU, the US, China and Russia from a list of positive and negative descriptors. In 2021 (Table 1), for the EU, the most common *descriptor* associated with the EU was “modern” picked in 12 out of 13 countries surveyed (with exception of South Korea) and listed in the leading position (with exception of Japan). It was followed by “efficient” and “strong” (in seven countries respectively) and “multicultural” (five countries). Only in Russia, respondents prioritized a negative descriptor “hypocritical”. Importantly, only the EU was not seen as “aggressive”, in contrast to the US, China and Russia. Comparing over time, we argue certain stability in the meanings behind awareness. In 2015, “modern” was also a frequent (yet typically not the leading choice) in eight out of ten observed countries (respondents in Brazil and Russia did not choose it), while “multicultural” was among the top three choices in nine countries (India was an exception). Russia was again the only country where respondents prioritized negative descriptors (“hypocritical” and “arrogant”). Similar to 2021, the top three choices across ten countries did not see the EU as “aggressive”.

	2015			2021		
Brazil	strong	efficient	multicultural	modern	strong	efficient
Canada	multicultural	modern	united	modern	united	multicultural
China	multicultural	modern	strong	modern	multicultural	strong
India	modern	strong	efficient	modern	efficient	strong
Japan	multicultural	modern	united	multicultural	modern	united
S Korea	modern	peaceful	multicultural	peaceful	efficient	united
Mexico	multicultural	modern	strong	modern	strong	efficient
Russia	hypocritical	multicultural	arrogant	modern	multicultural	hypocritical
S Africa	strong	modern	multicultural	modern	efficient	strong
USA	multicultural	modern	peaceful	modern	peaceful	multicultural
Colombia				modern	efficient	strong
Indonesia				modern	strong	united
Nigeria				modern	peaceful	efficient

Table 1: Most common descriptors associated with the EU: 2015 vs. 2021
 Source: PPMI/NCRENGFG 2015, B&G/PPMI/UC PC-PCF 2021

Takeaway: These findings may aid EU diplomacy practitioners who aim to engage with the key partners in a nuanced and perceptive manner. Once again, visions from China and countries of Global South parallel each other. In 2021, “strong” and/or “efficient” – descriptors potentially important for the image of the EU in increasingly geopolitical world – were among the top three choices in

Brazil, China, India, Mexico, South Africa, Colombia and Nigeria. Top choices observed among the so-called like-minded countries to the EU (also the views persisting over time) were somewhat different. For example, “united” was a more typical choices of respondents in Canada and Japan, while “peaceful” in the US and South Korea.

4. ATTITUDES BEHIND AWARENESS

Assessing the perceptions of the *relationship between the EU and their country* different patterns were discovered. A distinct positive dynamic (an increase in positive outlooks on relations and a decrease in negative outlooks) was observed in South Africa, India, Mexico, Japan and Russia (although Russia remained the most negative out of 13 countries in 2015 and 2021) (Figure 2). A distinct negative dynamic (a decrease in positive outlooks and an increase in negative) was observed in the US and China (in China, the opinion of the relationship with the EU has deteriorated significantly over time). Surveys from South Korea and Brazil pointed towards a polarisation pattern – a slight increase in positive outlooks yet also an increase in negative ones. Canada showed a stand-alone pattern – decrease in both positive and negative perceptions and increase in the share of those who remain emotively neutral. Overall, China’s respondents showed the least emotionally coloured attitudes when thinking about EU-China

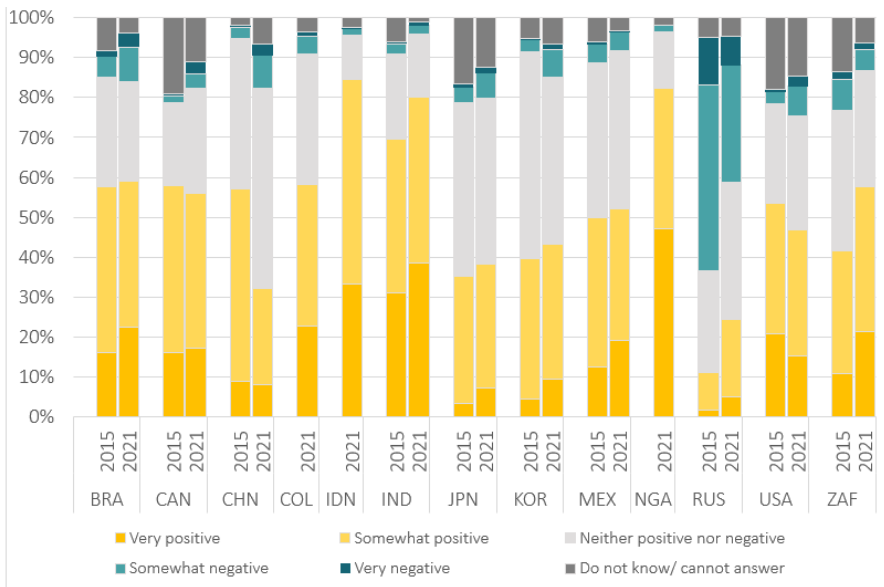


Figure 2: Evaluation of the relationship between the partner countries and the EU in 2015 and 2021
 Source: B&G/PPMI/PC-PCF UC 2021

relations, with 50.2%. It is important to remember that emotive charge (positive or negative) increases the impact of meanings attached to an IR actor and mental schemes constructed from those meanings.

Takeaways: First, it is critical to reflect on the evolution of the *location-specific attitudes* towards the relationship. A pre-requisite for that is an ongoing monitoring of the general public opinion. Second, such monitoring should account for the perspectives among different target groups. For example, in 2021, younger respondents (under 25 years old) from both Russia and China assign more positive attitude to the bilateral relations with the EU than older respondents. In other locations, the youth's positive outlook was the same as the outlook of the older cohort, or less.

This comparative analysis of the nature of global *awareness* of the EU through a study of external perceptions among the general public is only a limited insight into how the world may recognize the EU. The two large-scale projects presented in this article remain two snapshots in time. In conclusion, I argue a need for the next wave in measurement of the perception of the EU and its policies following the identical method. The next study must follow the impact of major events of regional and global nature (including the escalation of the war against Ukraine by the Russian Federation) on the international image of the EU and its evolving reputation. After all, "images and perceptions of other nations provide the basic framework within which the conduct of international relations and conflict resolution takes place".¹¹

¹¹ Siamak Movahedi. 'The social psychology of foreign policy and the politics of international images' (1985) *Human Affairs*, 8, 18–37.

SWITZERLAND

Christine Kaddous* and Sara Notario**

1. BACKGROUND OF DIPLOMATIC RELATIONS WITH THE EU AND REFERENCE TO RELEVANT INSTRUMENTS

Switzerland, at the heart of the European continent, is not a member of the European Union (EU) nor of the European Economic Area (EEA). Even so, Switzerland's relations with the EU are dense and intense. They are founded on specific institutional mechanisms and are regulated by some twenty agreements of primary importance, together with more than a hundred agreements of more technical nature.¹ Some of them also provide for a partial participation of Switzerland in the EU's internal market, such as the two sets of *Bilateral Agreements I* (1999) and *Bilateral Agreements II* (2004)² as well as the Free Trade Agreement (1972). In order to secure long-term access to the EU's internal market for individuals and economic operators in Switzerland, bilateral market access agreements, covering the free movement of persons, air and road transport, public markets and mutual recognition on specific issues, are key in the Switzerland-EU relation. Most of these agreements include institutional provisions for their adaptation to new legal developments in the EU *acquis*, the surveillance of their application and their interpretation, as well as dispute settlement mechanisms to be applied between the contracting parties. These institutional issues were the focus of the Institutional Agreement (InstA)³ that was negotiated between the EU and Switzerland. However, in May 2021, Switzerland decided not to sign the agreement and terminate the negotiations.

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¹ A list of these agreements is available in French at <https://www.eda.admin.ch/dam/europa/fr/documents/publikationen_dea/accords-liste_fr.pdf> (accessed 16 April 2024).

² On the Bilateral Agreements I, see D. Felder, C. Kaddous (eds.), *Accords bilatéraux Suisse-UE* (Commentaires). *Bilatérale Abkommen Schweiz-EU* (Erste Analysen), Dossier de droit européen n° 8 (Helbing-LGDJ-Bruylant, 2001) ; on the Bilateral Agreements II, see C. Kaddous, M. Jametti Greiner (eds.), *Accords bilatéraux II Suisse - UE et autres Accords récents*, Dossier de droit européen n° 16 (Helbing-LGDJ-Bruylant, 2006).

³ See S. Breitenmoser, S. Hirsbrunner, 'Der Entwurf für ein Institutionelles Rahmenabkommen zwischen der Schweiz und der EU: offene Fragen im Schnittpunkt zwischen Europa und Völkerrecht', in A. Epiney, P.E. Zlatescu (eds.), *Schweizerisches Jahrbuch für Europarecht/ Annuaire Suisse de droit européen 2019/2020* (Schulthess, 2020), p. 5 et seq.; C. Kaddous, 'Switzerland and the EU: current issues and new challenges under the Draft Institutional Framework Agreement', in S. Gstohl, D. Phinmore (eds.), *The Proliferation of Privileged Partnerships between the European Union and its Neighbours* (Routledge, 2019), p. 68 et seq.; C. Kaddous, 'Switzerland and the EU : The Failure of the Institutional Agreement from a Legal Perspective', in M. Maresceau and C. Tobler (eds.), *Switzerland and the EU : A Challenging Relationship* (Brill Nijhoff, 2023) p. 310-336.

According to the Swiss Federal Council, the negotiated agreement did not meet Switzerland's requirements in a way that could preserve its regulatory autonomy and independence, which are crucial to the country's prosperity. This resulted in a considerable disaccord between the parties and led to the non-adaptation of some parts of the agreements in force, jeopardizing the parallelism between the rules applicable within the EU legal order and the Swiss legal order. Since then, discussions have been resumed in view to explore a new system mitigating individual proposals in each of the agreements. On 25 February 2022, the Swiss Federal Council adopted a set of guidelines for its negotiating package with the EU.⁴ The new talks are conducted on the basis of the "package approach", according to which the five existing internal market agreements (goods, air and land transport, technical barriers to trade and agriculture) are to be adapted and two further agreements are to be concluded in the areas of electricity and food security. On 8 March 2024, the Federal Council formally adopted the negotiation mandate, with the aim to develop Switzerland-EU relations, while putting a focus on the principles that rest at the foundation of the Swiss legal order: direct democracy, federalism and independence.⁵ The mandate adopted by the Federal Council covers seventeen important chapters, including electricity, food security, health, institutional elements, free movement of persons and State aid. On 7 March 2024, the EU Council also adopted a decision authorizing the opening of negotiations with Switzerland on institutional provisions in the bilateral agreements.⁶ The Commission has been therefore authorized to open negotiations, on behalf of the Union, for a broad package of measures composed of: institutional provisions and, where necessary, specific adaptations to bilateral agreements, the participation of Switzerland in Union programmes, including Switzerland's financial contribution to the Union's cohesion and EU information systems.⁷ Overall, the Swiss Federal Council is prepared to engage in further dialogue in view of a steady cooperation for cohesion and stability in Europe.⁸

⁴ Joint Declaration EU- CH on the agreements related to trade, attached to the draft Institutional Agreement.

⁵ Mandat de négociation définitif (selon la décision du Conseil fédéral du 8 mars 2024), available in French at <<https://www.news.admin.ch/news/message/attachments/86555.pdf>> (accessed 26 April 2024).

⁶ Council Decision authorising the opening of negotiations with the Swiss Confederation on institutional provisions in agreements between the European Union and the Swiss Confederation related to the internal market, on an agreement on the Swiss Confederation's participation in Union programmes and on an agreement that forms the basis for the Swiss Confederation's permanent contribution to the Union's cohesion, 7.3.2024.

⁷ Council of the EU, Directives for the negotiation of institutional provisions for EU-Switzerland agreements related to the internal market, as well as on agreements that form the basis for Switzerland's permanent contribution to the Union's cohesion and for Switzerland's association to Union programmes, 5.3.2024.

⁸ Swiss position available at <<https://www.eda.admin.ch/europa/en/home/aktuell/medienmitteilungen.html/content/eda/en/meta/news/2022/2/25/87349>> (accessed 26 April 2024).

2. SWITZERLAND'S PERSPECTIVE ON THE EU

As stated in the report 'Assessment of the status of relations between Switzerland and the EU' adopted by the Swiss Federal Council on 9 June 2023, the bilateral approach remains the most advantageous solution for Switzerland.⁹ The specificities of Switzerland, as one of the closest partners of the EU in various fields, rely on several principles laying at the foundation of this partnership: independence, prosperity, peace and security, sustainable development and direct democracy.

2.1 Independence

Originally, in the Federal constitutions of 1848 and 1874, the goal of independence was aimed at formally attaining the autonomy of the Swiss democratic State. In the Constitution of 1999, marked by growing interdependence between States in Europe, this goal consisted less in asserting the independence of Switzerland, but rather aimed at maintaining the country's autonomy within the international order, while enjoying the greatest possible political room for maneuver. Obtaining and maintaining such a margin of maneuvering relies on a delicate balance between a capacity for self-regulation in the context of Switzerland-EU relationship and Switzerland's fundamental interest to harmonize its law with EU law in certain sectors, and in particular to ensure access to the European internal market. Despite the limitation, to some extent, of the autonomous regulating capacity of Switzerland, the conclusion of bilateral agreements is of great importance. There are political and popular divides within Switzerland regarding the country's approach to the EU: some view closer cooperation with the EU as necessary for economic growth and international influence (in terms of more opportunities for Swiss businesses and individuals), while others are more skeptical raising concerns about the potential loss of sovereignty and of Switzerland's ability to make its own decisions (in the form of loss of legal sovereignty), particularly regarding the EU's push for regulatory alignment. Overall, one of the prominent issues in the CH-EU relationship is the tension between the desire for sovereignty and the benefits of cooperation.

2.2 Prosperity

The access to the EU's single market comprising over 440 million consumers is one of the most significant benefits of Switzerland's relationship with the EU. Swiss companies enjoy preferential access to this vast market, which can significantly boost their prosperity. The bilateral agreements cover various aspects of trade and economic cooperation: they facilitate trade, investment and

⁹ Available at <<https://www.news.admin.ch/news/message/attachments/79362.pdf>> (accessed 28 April 2024).

economic cooperation in important sectors, including banking, pharmaceuticals and machinery. Impacts on the progression of the Switzerland-EU relationship can also be detected in areas of cooperation not directly linked to market access, such as the field of research. For instance, Switzerland is still considered a non-associated third country in the Horizon package 2021-2027 allowing research and innovation stakeholders based in Switzerland to participate in around two-thirds of the programme.¹⁰ In other words, closer and enhanced cooperation with the EU, upon a successful resolution of current disparities on common topics of discussion, will do nothing more than boosting the economic stability in Switzerland.

2.3 Peace and security

Core to the security dimension of the Switzerland-EU relations is the importance reserved to Switzerland's neutrality and mediation role in preserving and promoting international peace. Switzerland has often served as a mediator in international conflicts and supports EU efforts in conflict resolution and peace-keeping operations.¹¹ The bilateral agreements include provisions on security and defence cooperation allowing Switzerland to participate in certain EU security initiatives. In the field of restrictive measures, Switzerland generally aligns with EU restrictive measures aimed at promoting international peace and security, such as sanctions against countries involved in conflicts or violating international law.¹² Thus, there is mutual interest in promoting peace, security, stability in Europe and beyond. In order to guarantee its internal and external security, Switzerland cannot renounce cooperating with the EU and its Member States. The association agreements relating to Schengen and Dublin are key to this aim. To ensure the free movement of persons, it is necessary to put in place an enhanced cooperation between the police authorities, an efficient control of the external borders and a coordinated responsibility for the asylum seekers as well as common solutions to migration issues. As a state associated to the Schengen Area, Switzerland has opened in December 2023 consultations for the adaptation of national law, in particular the Foreign Nationals and Integration Act (FNIA), to the new regulation adopted by the EU in November 2023 on the digitalisation of Schengen visa applications. Switzerland is expected to join the dedicated EU platform no later than 2028.¹³ Overall, both partners seek to

¹⁰ Press release of the Swiss Federal Council available at <<https://www.admin.ch/gov/en/start/documentation/media-releases/media-releases-federal-council.msg-id-100662.html>> (accessed 28 April 2024).

¹¹ See, for example, Participation Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union CSDP mission in Mali (EUCAP Sahel Mali) OJ L 105, 21.4.2016, p. 3–7.

¹² Press release available at <<https://www.eda.admin.ch/europa/en/home/aktuell/medienmitteilungen.html/content/europa/en/meta/news/2022/4/13/88028>> (accessed 28 April 2024).

¹³ Press release of Swiss Federal Council available at <<https://www.admin.ch/gov/en/start/documentation/media-releases/media-releases-federal-council.msg-id-99279.html>> (accessed 28 April 24).

address global security challenges, such as terrorism, cyberthreats, proliferation of weapons of mass destruction, by way of close cooperation.

2.4 Sustainable development

Switzerland aligns with the EU and the international community in its commitments to achieving UN SDGs and engages in dialogue and cooperation with the EU on various SDG-related issues, such as poverty reduction, climate action and environmental protection. For example, Switzerland participates in the EU Emission Trading System (ETS)¹⁴ and has agreed to align its climate policies with EU regulations. Another example is Switzerland's membership to the Paris Agreement. While Switzerland promotes sustainable policies and the circular economy, there are also political and popular divides within the country on specific issues, such as the measures to be adopted in relation to deforestation considering the EU's push for a regulatory framework on the matter.¹⁵

2.5 System of direct democracy

The Swiss system of direct democracy allows citizens to voice their opinions on EU-related matters through referendums. This democratic process can indeed lead to shifting dynamics and perspectives in the Switzerland-EU relationship. Overall, there is an evolving dynamic: the perception of EU diplomacy from a Swiss perspective is subject to positive change based on specific issues, negotiations and political developments.

3. RECOMMENDATIONS

Switzerland is an important economic partner of the EU. A close cooperation between Switzerland and the EU is crucial to the development of the existing bilateral relationship. This cooperation shall continue in relation to a wide range of topics of common interest having a considerable economic dimension.

The access to the EU's internal market is essential for Switzerland's prosperity, for its individuals as well as its economic operators. This is a fundamental pillar of the CH-EU relationship and shall be guaranteed while considering the respect for the EU partner's sovereignty. The EU shall consider Switzerland's specificities, in particular the Swiss system of direct democracy and independence, in order

¹⁴ Directive (EU) 2023/959 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system OJ L 130, 16.5.2023, p. 134–202.

¹⁵ Regulation (EU) 2023/1115 on deforestation free products, OJ L 150, 9.6.2023, p. 206–247.

not to endanger the stability of this continuously evolving partnership in different fields ranging from trade and sustainable development to health and research.

At the same time, Switzerland and the EU share common values and operate harmoniously in several areas. A clear example is the approach of the two partners in the adoption of sanctions in the context of the war of aggression against Ukraine. This collaborative partnership positions Switzerland as an important security partner for the Union. Both should push forward their fruitful cooperation in the preservation and promotion of international peace and security.

NORWAY

Jarle Trondal*

1. BACKGROUND

This policy brief discusses effects of associate non-membership in the EU with observations from Norway. It raises several interlinked questions: what room of manoeuvre does such states enjoy? What consequences does it have for national administrative governance? Does it provide avenues for coordinated governance? The policy brief also pays particularly attention to the role of public administration for five reasons: Public administration serves as a critical infrastructure for public governance in democratic systems, it is essential for the policy cycle by keeping governance processes moving, it is indispensable for impartial and noncorrupt governing systems, it safeguards long-term policy schedules by being at arm's length distance from electoral cycles, and it is key for European integration for states without European Union (EU) membership.

Debates on differentiated forms of association within the EU have been persistent over time, and particularly in the aftermath of the 2016 Brexit referendum. This policy brief discusses consequences of associated non-membership that is characterized by deep integration without formal EU membership. It argues that external differentiation in the case of Norway contributes to a self-reinforcing administrative bias in the Norwegian central administration. The consequence is that EU-related affairs is largely captured by the Norwegian bureaucracies and that the political leadership is on arm's length distance from handling EU-related affairs. The associated EU non-membership thus tends to reinforce and expand a politico-administrative gap.

The launch of the European Economic Area (EEA) agreement in 1994 marked the beginning of an area of dense administrative integration between EU institutions and the Norwegian central administration. The EEA agreement was designed as a short-term *prelude* and *interim* towards full EU membership. However, following rejection of EU membership in a national referendum in 1994, the EEA agreement was reintroduced as Norway's foundational connection to the EU in the years to come. Additionally, close historical and cultural ties as well as shared policy preferences in a host of policy areas led to subsequent agreements in areas outside the framework of the EEA agreement such as the Schengen agreement and agreements in justice and home affairs, defence policy, participation in EU programmes, and so on. At present, approximately 100 agreements have been agreed between Norway and the EU, with the EEA being the most encompassing one.

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In effect, while the *form* of affiliation has remained stable during the past 20 years, the *scope* of the affiliation has undergone significant expansion.

2. THE NORWEGIAN APPROACH TO THE EU

The associated non-membership of Norway is characterized by deep integration without formal EU membership. Moreover, the associated membership relies on administrative cooperation more than political forms of association. Associated non-membership implies that domestic administrative institutions may participate in selected policy areas of the EU. One consequence is that the Norwegian government relies heavily on administrative interaction with the EU administrative system. They may participate in administrative cooperation such as expert committees and working groups in the Commission and EU agencies. Since bureaucratic processes are fundamental providers of political premises, administrative interaction across levels of governance becomes not only an important tool for uploading preferences from nation-states to the EU but also to shape domestic-level transposition and practicing of EU law. The case of Norway thus shows the profound role of public administration in the multilevel governing system of the EU in which “third countries” are involved, and how this may influence domestic processes within them.

2.1 The primacy of the administrative state

In effect, Norway’s associated non-membership contributes to reinforce “the administrative state” through *unintended effects*. This self-reinforcing administrative bias is amplified by the fact that Norwegian government officials who deal with the EU are only weakly steered by the national political leadership and yet tightly interwoven and influenced by EU institutions. Moreover, the supply of administrative capacities in the European Commission – together with the rise of EU agencies – enable the executive branch of the EU to increasingly coopt policy processes within Norwegian ministries and agencies.

When compared to other cases of external differentiation of the EU, Norway is by far the most integrated EU non-member through a dense web of agreements and administrative relations. The affiliated status grants the Norwegian central administration the right of interaction and participation vis-à-vis most parts of the EU administration, which in turn paves the way for administrative integration across levels of governance. Moreover, absent political representation at the EU level accompanies only weak push for policy coordination of the national government vis-à-vis the EU. Consequently, Norwegian government officials enter the European policy-shaping stage with unclear and ambiguous mandates, leaving them to rely extensively on discretionary behaviour.

Administrative integration might arguably go further in Norway than in EU mem-

ber-states due to their exclusion from political representation in the Council. In line with this assumption, a lack of political representation in the Council (and the European Parliament) tend to mobilize the Norwegian public administration and de-mobilize the national political leadership when handling of EU-related affairs. Consequently, European integration may happen more easily *by stealth* in affiliated states such as Norway than in EU member-states – even though the official position has been not to become an EU-member. As far as policy harmonization is concerned, the *form* of affiliation does in fact warrant EEA countries the same level of integration as full member-states. Since Norway is not subjected to political representation in the Council, Norwegian sector ministries may be even more strongly affected by the Commission than member-states' ministries since the national "political filter" and subsequent political steering is rather weak.

Whereas national sector ministries and agencies are strongly engaged in enforcing and practicing EU law, the Foreign Office (FO) and the Prime Minister's Office (PMO) is much less involved. This in turn leads to a decentralized and de-politicized administration of EU law. This effect is fuelled by the EEA agreement making the Commission the *main* interlocutor for Norwegian sector ministries. One side-effect is that administrative coordination is slightly *higher* within Norwegian ministries than *between* them, leading to a siloization of EU-politics in the Norwegian central administration. This also suggests a relative weaker coordinating role of the MFA and FO in EU-related affairs.

The increased role of agencies in handling EU-related affairs both in Norway and at the EU level increases the importance of national agencies as access-points for EU agencies. Studies demonstrate a propensity for EU agencies to bypass the ministerial level when interacting with the national agencies, which in turn contributes to an emergent 'direct' multilevel administrative system. This in turn have off-loaded some EU-workload from the ministerial level.

2.2 Dynamic homogeneity

The *dynamic* character of the EEA agreement requires Norwegian law to continuously adjust to new EU legislation. The agreement is based on the premise of *dynamic homogeneity* and more than 14,000 EU legal acts have been incorporated into the agreement since 1994. The agreement covers mostly the single market *acquis* and rules from adjacent policy areas, making it the most extensive form of agreement between the EU and a non-member as regards regulatory scope and legal obligations resulting from the contractual relations. At the same time, the agreement blocks Norwegian governments *qua* state from political representation in the Council. Nonetheless, it provides for Norwegian *administrative* participation at various stages of the EU's legislative process. Norwegian ministries and agencies are represented in Commission expert committees and comitology committees, attend boards and committees

in EU agencies, are entitled to second national experts to the Commission, and participate in a host of European administrative networks (EANs). Norwegian civil servants are thus granted privileged access to EU-related work and are largely responsible for handling everyday relationships with EU institutions - in the agenda-setting processes and in the implementation and practicing of EU law. Yet, given the biased non-membership status, the most important role for the Norwegian bureaucracy is to implement and practice EU law.

2.3 Conflict resolution

There is little policy-friction between Norway and the EU. Yet, how does the Norwegian bureaucracy solve problems and conflicts *if* the wishes of their political leadership and the requirements of EU law are badly aligned? Studies show that when in conflict, Norwegian bureaucrats seek to compromise between the wishes of their political leadership and the requirements of EU law, but mostly to prioritize EU law. This suggests that Norwegian bureaucrats are ‘double hatted’ in their EU-related work. The intrusiveness of the ‘double-hatted’ national central administrations is observed when ministry officials seem to serve ‘two masters’.

In sum, the affiliated status of Norway leads to a strengthened “administrative state” and less policy autonomy for governments. Whereas ministries and agencies are strongly “Europeanized”, the political leadership is much less so.

3. POLICY RECOMMENDATIONS

- **Administrative capacity:** Due to the affiliated status of Norway, policy harmonization and dynamic homogeneity requires the Norwegian bureaucracy to have requisite administrative capacities to policy uploading towards the EU and policy downloading from the EU.
- **Complementary administrative structures:** Since administrative interaction requires administrative structures to be aligned across levels of governance, the Norwegian *administrative policy* should consider the requirement to establish complementary administrative structures vis-à-vis the EU.
- **Knowledge** in solving policy problems and conflicts: Since Norwegian bureaucrats may face situations where conflicts occur between the requirements of EU law and the policy wishes of their political leadership, bureaucrats should receive relevant knowledge in conflict handling and resolutions.

UNITED KINGDOM

Adam Cygan*

1. BACKGROUND OF DIPLOMATIC RELATIONS WITH THE EU AND REFERENCE TO RELEVANT INSTRUMENTS

The United Kingdom is in the unique position of having moved from being a Member State, which shaped EU External Relations, to post-Brexit, becoming a recipient of EU External Relations law and policy. During the early phase of the Article 50 withdrawal negotiations Theresa May, the then Prime Minister, cited security interests to support the argument for a ‘bespoke’ security partnership with the EU that would go beyond any existing third country arrangement entered into by the EU and allow for almost unrestricted access to and participation in Common Foreign and Security Policy (CFSP) decision-making structures.¹ However, the EU’s position throughout the withdrawal negotiations on the CFSP was framed by the determination not to let Brexit affect its constitutional identity and autonomy or hinder the pursuit of its strategic defence and security objectives.²

When the Brexit transition period ended on 31 December 2020, the Prime Minister Boris Johnson shunned the EU as a formal partner in foreign, security and defence policy. Instead, under the ambition of a new ‘Global Britain’ policy, Johnson UK sought to re-position UK diplomacy with both a global reach beyond the European neighbourhood, and to bypass the institutional framework of the EU and upgrade the UK’s bilateral relations with individual EU member states. The UK’s approach was based on an analysis that the EU is weak enough in foreign and security policy to be able to bypass it without major negative consequences for the UK, and to focus on deepening bilateral relations within Europe alongside the UK’s participation in NATO.

Accordingly, the EU-UK Trade and Cooperation Agreement (TCA) excluded cooperation on foreign and security matters reflecting the view of the then Prime Minister Boris Johnson who did not want the UK to be bound by the formal structures of the CFSP. Moreover, the TCA does not include a designated chapter on political dialogue and, barring a handful of expectations, does not contain any provisions on cooperation or foreign and security policy matters. From the perspective of the TCA, Brexit has meant that the UK has abandoned the

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¹ See, e.g., Prime Minister Teresa May’s Florence speech, “A new era of cooperation and partnership between the UK and the EU”, 22 September 2017, available at <https://www.gov.uk/government/speeches/pms-florence-speech-a-new-era-of-cooperation-and-partnership-between-the-uk-and-the-eu>.

² See e.g., Slides on Security, Defence and Foreign Policy, 24 January 2018, available at https://ec.europa.eu/commission/publications/slides-security-defence-and-foreign-policy_en.

norms and values of the CFSP, for example those laid out in Article 21 TEU. This indicated that the UK has repurposed its foreign relations policy with EU and intended to pursue a clear path of divergence through its 'Global Britain' strategy which strongly suggested that diplomatic relations with the EU-27 would not necessarily be a priority for the UK.

While the UK's post Brexit foreign relations strategy remains a work in progress through its 'Global Britain' strategy, since leaving the EU, the UK's response to EU diplomacy may be characterized as one where conflict has, on occasion, replaced cooperation. This, in part, has been a consequence of the style of political leadership in the UK where both Prime Ministers Johnson and Truss were keen to demonstrate outward Euroscepticism towards the EU primarily for purposes of domestic political gain. Though the government of Prime Minister Rishi Sunak has adopted a more conciliatory tone towards EU relations, for example through the agreement of the Windsor Framework and participation in the European Political Community (EPC), the UK has not sought to establish closer and more formal bilateral cooperation on foreign and security matters with the EU, notwithstanding that the UK has adopted a broadly shared perspective with the EU on key foreign and security issues such as the Russian invasion of Ukraine. The decision to engage with the EPC arises, primarily, from the UK's desire not to participate in formal institutions and decision-making procedures at the pan-European level.

2. COUNTRY'S / REGION'S PERSPECTIVE ON THE EU AND REASONS UNDERPINNING THIS

Since Brexit, the UK's perspective of and interaction with EU external relations and security policy has, to some (significant) degree been determined by the political priorities of the person who held the Office of Prime Minister. Thus, Boris Johnson, described as a 'great disruptor' on EU-UK relations,³ said at the February 2021 Munich Security Conference that 'Brexit had restored the UK's sovereignty over vital levers of external action'.⁴ To that extent this sovereignty was exercised through concluding a series of bilateral security agreements with several EU countries, including Germany, Greece, Denmark, Latvia, Estonia and Belgium after Brexit.⁵ These new bilateral agreements mainly focus on foreign, security and defence policy, with a few regional nuances. Moreover, in his Munich speech Johnson argued that UK participation in informal consultative groups—including the European Three (E3) of France, Germany, Italy and

³ Stephen Daisley, *The Spectator*, 24 December 2019, available at <https://www.spectator.co.uk/article/on-foreign-policy-boris-can-be-the-great-disruptor/>.

⁴ Boris Johnson's speech at the Munich Security Conference 19 February 2021, available at <https://www.gov.uk/government/speeches/pm-speech-at-the-munich-security-conference-19-february-2022>.

⁵ Pre-Brexit, the UK also signed bilateral cooperation treaties on security and defence with France (2010) and Poland (2017).

the UK and the (European) Quad of the E3, UK plus the United States—would give it sufficient influence on EU foreign policy, for example, with respect to Iran. This again reinforces the UK’s scepticism of participating in formal EU or pan-European Institutions post Brexit.

The British-German bilateral agreement is the most detailed in the area of foreign policy, whilst the UK and Greece plan to work together on initiatives in the Western Balkans and in the Mediterranean, primarily on the question of illegal immigration. The UK-Danish declaration focuses on increasing military cooperation and working together in the Baltics, which are also mentioned in the declaration with Estonia. The common theme of all these agreements is that they stress the importance of cooperation through NATO which suggests that the UK is impressing upon EU Member States that this is a more effective framework for cooperation than the CFSP.

The extent to which the EU itself is referred to in these post-Brexit bilateral agreements is also noteworthy. While the CFSP was mentioned in several places in the 2010 treaty which the UK signed with France, it is not mentioned in the treaty signed with Poland of 2017. This indicates that the ‘de-Europeanising effects’ of the Brexit referendum extend beyond trade and free movement to also encompass security and defence cooperation. Most of the other bilateral declarations advocate the rather uncontroversial need for cooperation and collaboration between the EU and the UK (Germany, Latvia) and/or support good NATO-EU cooperation (Germany, Latvia, Denmark). Thus, at least on a declaratory level, the UK has accepted a minimum standard by which it will align its upgraded bilateral relationships with the aims and principles of the EU. However, this is not legally binding nor does it indicate that the CFSP is a primary consideration when the UK engages with foreign relations, whether with EU Member States or with countries further afield.

The primary feature of the EU’s CFSP policy is that it has a coherent framework for constant coordination and information exchange between the EU member states. As the UK is now outside this, it has, arguably, had to work much harder to achieve similar results of effective dialogue through the various post-Brexit bilateral treaties it has signed with EU Member States. While these regular dialogues may provide for some closer exchanges with a relatively small number of Member States, they fall far short of the regular formal dialogue that is ongoing between the EU-27. On this analysis, it is hard not to draw to the conclusion that, overall, the UK’s diplomatic position towards the CFSP has left it diplomatically isolated at a time of war in Europe.

The short-lived Liz Truss government largely adopted the position of her predecessor Boris Johnson. In reality, there was not sufficient time for Truss to make any significant changes to EU-UK relations during her 44 days in office, though her rhetoric was clearly one that maintained scepticism towards the EU. For example, in response to the question whether President Macron is a ‘friend or

foe' Truss responded that the 'jury was out' on that question.⁶ This belligerence is somewhat surprising given that France and the UK are both NATO members and that they signed a defence cooperation treaty in 2010.

However, notwithstanding her short period in office Truss did recognise that, following the Russian invasion of Ukraine, closer alignment with the objectives of the CFSP could be beneficial for the UK. For example, for the first time since Brexit, Truss participated along with participants from the US, Canada and Ukraine in an EU Foreign Affairs Council. Just as significant was Truss's attendance at the inaugural meeting of the EPC. While the EPC membership includes 47 European countries, many of whom have no intention of joining the EU, the EPC does enable the EU's CFSP to be part of the broader security dialogue amongst European countries. Had Truss opted to join Russia and Belarus as the only European states not participating in the EPC, this would have risked making the UK look extremely politically marginalised. To that extent sitting at the table with the EU-27 where the EU-27 are promoting the values and objectives of the CFSP was probably viewed by Truss as the lesser of two evils.

For Truss, participation in the EPC was made possible because the EPC would not be creating new pan-European structures or institutions. With a broader membership beyond the EU-27, Truss viewed the EPC, though arguably not to the extent she believed, as diluting the influence of the CFSP. Moreover, reassurances that the European Commission would not play a central role, and that the EPC would not become a perpetual 'holding point' for countries aiming to join the EU, such as Albania and Ukraine, further smoothed the way for UK participation. One interpretation of this position is that for the UK government, the policy objectives of the CFSP are easier to embrace through the EPC, than doing so through the strictures and practices of EU institutions which Brexit had ended. Joining the EPC may, over time, be viewed as the vehicle through which the UK achieves many of its foreign security objectives in Europe and which are largely congruent with those of the CFSP, but without formally sitting at the CFSP table and without formally acknowledging alignment with CFSP aims and objectives.

Going forward, EU-UK foreign and security relations may have potential to develop and the UK to embrace closer cooperation with the EU within the framework of the EPC. This could become a 'default scenario' if, after the 2024 US Presidential election, Donald Trump is re-elected and his Presidency adopts an indifference towards both NATO and Europe which became increasingly dominant aspects of his foreign relations policy during first Presidency. The possibility of 'Trump 2.0' may be one reason why the UK's participation in the EPC has been more enthusiastically embraced by Rishi Sunak, who has referred to

⁶ Jack Blanchard, *Politico*, 25 August 2022, available at <https://www.politico.eu/article/uk-liz-truss-jury-is-out-on-whether-emmanuel-macron-is-britains-friend-or-foe/#:~:text=Asked%20directly%20at%20a%20hustings,Macron%20as%20a%20%E2%80%9Cfriend.%E2%80%9D>.

the UK's membership as a part of 'a new phase of UK-EU co-operation'.⁷ The EPC offers the UK an avenue to engage with the EU-27 partners, and others, without being bound by new institutional obligations. There is also a relatively large degree of flexibility for the UK to pick and choose which issues it engages on, and with whom, for example on issues such as illegal immigration. The fact the UK is set to host the EPC's fourth meeting, in the first half of 2024, also seems to reflect a desire to be seen as an important player within the EPC and that, given the possibility of diplomatic uncertainties with the US, the UK is more willing to align with CFSP objectives.

3. RECOMMENDATIONS FOR POLICY-MAKERS IN THE EU

- Despite Brexit, the UK remains an important actor in promoting defence and security in Europe. Going forward, the EU could utilise the opportunities presented by the EPC to more directly engage with the UK on areas where priorities overlap e.g. Ukraine, controlling illegal immigration, energy security.
- Depending upon the outcome of the US Presidential election in 2024, the US may become more disengaged with European NATO members. Maintaining an open stance towards non-EU countries, such as the UK, on closer collaboration in defence and security should be planned for, especially if the EU-27 come to consider the CFSP as a more effective forum than NATO which is less effective without an engaged USA.
- Without interfering in UK politics, the EU should prepare for the possibility of a likely change of UK government in 2024 and, with this, the prospect of a new UK government pursuing increased EU-UK cooperation ore broadly but especially in security and defence matters. A positive response by the EU, in this regard, towards a new UK government could help reaffirm and develop the EU-UK partnership into the 2030s.

⁷ Department for Energy, Business and Industrial Strategy, 'UK signs agreement on offshore renewable energy cooperation', available at <https://www.gov.uk/government/news/uk-signs-agreement-on-offshore-renewable-energy-cooperation#:~:text=The%20agreement%20between%20the%20UK,cooperation%20with%20North%20Seas%20neighbours.&text=Initiative%20expected%20to%20support%20the,fivefold%20to%2050GW%20by%202030>.

UNITED STATES

Michelle Egan*

1. BACKGROUND OF DIPLOMATIC RELATIONS WITH THE EU AND REFERENCE TO RELEVANT INSTRUMENTS

Although performance evaluation has been a major topic inside individual organizations and in the policy literature, it has not been applied to European public diplomacy. How do we measure performance and effectiveness of European diplomacy? Focusing on the perspective from the United States, this brief memo stresses the importance of performance evaluation given that much of the existing literature on European diplomacy remains focused on distinct questions of institutional creation and policy preferences rather than on the extent to which external observers evaluate diplomatic engagement and performance.

The European Community opened its first overseas representation in Washington in 1954.¹ This Delegation works with member state Embassies as well as the European Parliament Liaison office (EPLO) to engage with a range of public and private actors as well as international organizations based in the United States. With both diplomats and local staff engaged in various economic, political and cultural diplomacy efforts, public engagement has evolved to include strategic messaging through diffuse channels and networks. Much of European diplomacy is strongly focused on the 'beltway' given the multiplicity of government agencies in Washington DC and the significant number of think-tanks, trade associations, and equally important Congress.

Equally important, is the deeply political and polarized environment in which diplomats must operate in Washington. This leads to some striking differences with how Europe must engage in their diplomatic activity. Given the fact that there are not many positions in the government focusing on Europe – many of the occupants – have moved between Policy Planning staff, National Intelligence Council (NIC), National Security Council (NSC), and the Bureau of European and Eurasian Affairs (State)– and other government roles and think-tanks leading to a revolving door of experts in the policy community. Unlike the career profiles of the EEAS, in the US, the Under Secretary of State for European and Eurasian affairs has been 66% career diplomats; for Deputy Secretaries and Under Secretaries of State 21% are career diplomats; the Under Secretary of State for Public Diplomacy and Public Affairs are 0 % diplomats; and the same

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¹ Markus Thiel (2023) EU public diplomacy in the United States: socio-political challenges & EU delegation agency, *Journal of Contemporary European Studies*, 31:1, 8-20, DOI: 10.1080/14782804.2022.2084049.

0% for the Under Secretary of State for Civilian Security, Democracy, and Human Rights. There is some pressure to reduce the number of political appointments of Ambassadors and expand the number of senior Washington assignments for career diplomats.

However, public diplomacy must also engage with other public officials including legislative officials at the state and national level. Within Washington, this requires Congressional liaisons within both EPLD and the EU Delegation. Knowledge of Congress is a must to be effective. While there is often a stress on European investment and jobs in the respective states of Congressional members, interest in the European Union varies dramatically among members. However, the creation of an EU caucus supported by Javier Solana when serving as EU High Representative signalled a greater awareness to promote the EU as distinct from member states. The EU caucus competes for member's attention with a diversity of other regional and thematic interests but it is a bipartisan initiative with Congressman Joe Wilson (Republican-SC) and Congressman Brendan Boyle (Democrat-PA) serving as co-chairs. This engagement is coupled with outreach to Congressional staffers that includes a mix of meetings and visits to learn about the EU decision-making process.

Such efforts are not confined to the national level. Many Ambassadors attend the Democratic and Republican conventions. This is coupled with outreach to states – notably to Governors/Lieutenant Governors –who may be of different political parties - as well as the seven sister organizations focuses on state and local issues.² The latter efforts are more traditional efforts of public diplomacy and outreach as much of the agenda of these state organizational agenda is domestic in orientation.

That said, there is growing recognition of the importance of engaging states. The US has recognized American cities and states as active participants in global diplomacy. From transnational issues such as global warming and pandemic response to terrorism and economic development, local institutions are seeking to engage more than ever before with the State Department and international partners. Think of the Paris Climate, Strong Cities Network, and other transnational collaborations. The new Office of Subnational Diplomacy at State department is to help mayors and governors engage with their foreign counterparts, coordinate with the interagency and promote U.S. foreign policy goals through support for subnational engagements. Such paradplomacy reflects the growing activism of US states in foreign affairs and the new portfolio in the State department -focusing on economic justice, democratic renewal and climate affairs makes this an additional avenue for European public diplomacy. Not all of these discussions with state actors revolve around foreign policy. European diplomacy is vocal regarding capital punishment; often with diplomatic outreach on death

² Council of State Governments International City/County Management Association National Association of Counties National Conference of State Legislatures National Governors Association National League of Cities United States Conference of Mayors.

penalty cases to governors; but silent on abortion rights and racial reckoning in the US. Yet engaging states is crucial given that European diplomats often talk of the “Brussels” effect to highlight European regulatory influence in the area of technology standards and data privacy for example. States are often perceived as innovators on regulatory issues if the federal level is unable to act. This has translated to a corresponding satellite office under the EU Delegation in San Francisco to strengthen cooperation with US stakeholders in the digital and technology sector, given the advent of new European rules pertaining to AI, Digital Markets Act and Digital Services Act. Interestingly, despite increased state engagement and paradiplomacy, there is no corresponding US state level representation in Brussels except for one state. States have either shifted their presence to other member state capitals or have not felt the need for a presence in Brussels. While some of this limited overseas representation may be resource driven, there is no common office at the state level to deal with trade, investment, technology and other issues, making this a substantial outreach effort as this could involve a myriad of different state agencies, administrations and officials.

2. THE UNITED STATES PERSPECTIVE ON THE EUROPEAN UNION

US public opinion reflects well on the European Union. The recent Pew poll (Spring 2023) indicates that about six-in-ten (61%) hold a favorable view of the organization. There is a continued perception of the European Union as a reliable partner. While there is considerable attention among the think-tank community towards the European Union, along with various trade associations promoting their position on a range of issues, there is a sense of missed opportunities. The recent US-EU summit focused on the ongoing conflicts in the Middle East and Ukraine but there were no deliverables. The relationship – especially given trade and regulatory differences – across a range of issues from green subsidies to tariffs on steel and aluminum – was described by US Trade Representative Katherine Tai as “star crossed lovers.”

Saddled with a dysfunctional Congress, many of the shared priorities depend on getting a budget through Congress to sustain military and financial support for Ukraine and negotiate the humanitarian crisis in Gaza with support for Israel. That said, any political agreement will also hinge on upcoming elections both in the United States and in the European Parliament. For Europe, the sanctions imposed on Russia have resulted in multiple packages that have direct effect in all Member States of the European Union. The seized assets in Europe are much larger than that of the United States. While there has been political pressure from the US to use them for Ukrainian reconstruction, the EU has responded with caution given the legal and financial risks. This effort reflects again some of the more assertive position of the European Commission under von der Leyen who has been more visible in the United States on the sanctions issue. While Biden is supportive of European Commission President Ursula von der Leyen’s economic security strategy, there remain differences on subsidies, climate, and

technology, and within Europe towards China. Commission President von der Leyen has come under increased scrutiny for her independent positions and proclaimed commitments that have not been discussed with member states. The recent trip to Israel in the aftermath of the Hamas violence coupled with commitments to outbound investment screening and revisions on export controls highlight the tense relationship with the member states. The problematic issue for the EU diplomatically is that internal divisions generates difficulties regarding the responsibility and messaging on foreign policy. The EU decision for the Commission and Council Presidents to hold separate meetings with President Biden during the recent October summit reinforces this image. That said, American policymakers have to contend with differences between member states on key foreign policy issues, and in some cases within foreign governments. And there is concern in Europe that future US administrations could deprioritize the transatlantic relationship so the European Union needs to be continue to make its policy arguments behind the scenes even if it appears that intense and often ideological debates are taking place within Washington.

Yet a cursory review of the recent US-EU summit highlights that it had limited media coverage in the United States beyond official government releases. Media coverage is low compared to Europe and interested is confined to mainly think-tanks. However, European diplomatic efforts are more akin to what Anne-Marie Slaughter previously described as a growing array of international *networks* of government officials. While some of this is the byproduct of the Trade and Technology Council (TTC) established in 2021, there is also engagement on a wide range of issues as both the EU Delegation (as well as US Embassies and Missions) have staff from multiple agencies posted overseas to deal with their respective counterparts.

To evaluate American perspectives, we might broaden the focus beyond the singular EU Delegation and EPLO to consider ways in which member states may cohere together, create informal alliances or joint efforts on specific issues. This suggests that we need more attention to how some European states use the collective opportunity of the EU presence through regular meetings of political counsellors/deputy heads of mission brought together by the EU to state European positions within the US. Who are the information providers and receivers? How does collective messaging evolve? What issues do they provide collective information on to persuade US policymakers?

3. RECOMMENDATIONS

- **Subnational diplomacy:** Increased focus on the growth of subnational diplomacy in the United States through greater engagement with cities and states across all aspects of EU policymaking including the organizations that represent state and local government.³

³ Council of State Governments International City/County Management Association National

- **Training, Recruitment and Diversity.** The US Foreign Service Institute (FSI), Military Academies and Defense Universities have continued professional opportunities for strategic leadership and educational training that is still in the fledgling stages in the EEAS. The US State Department has also made strong efforts on diversity of recruitment through specific fellowship pipelines such as Payne and Rangel for minority applicants as well as Franklin Fellows from the private sector. The EEAS has an Ambassador for Gender and Diversity but the focus is on gender equality and women's empowerment in external policies of the European Union. The lack of diversity needs to be addressed. When engaging foreign governments the performance of the EU lags in this area given the racial, ethnic and gender diversity within the EU.
- **Strategic Planning and Reform.** Many national governments are undertaking reviews of their diplomatic efforts. The United States, for example, launched its "Modernization of the State Department" exercise in October 2021 (prior to this, its last major change was the adoption of the landmark Foreign Service Act in 1980). The US Congress has requested reform and modernization of the State department -a rare bipartisan initiative -that may reshape the State Department in 2024-2025. There are specific non-partisan, independent evaluations that can be carried out by the Inspector-General and General Accounting Office in the US. It may be fruitful to follow such review efforts underway in the US, Canada and France as a means to focus on the cumulative impact on overall diplomatic relations for Europe, and to encourage such strategic performance evaluation in the EEAS.
- This is salient given on-going reforms within the State Department may impact diplomatic efforts. Previously, State's responsibilities have been transferred elsewhere in the past, as the Treasury Department began to represent the United States at international financial institutions and the Foreign Commercial Service moved to the Commerce Department. The Office of the Special Trade Representative was established to make sure business interests would not be highlighted and not sidelined in the conduct of diplomacy.
- **Look Beyond the Daily Commotion.** Build relationships across agencies, think tanks, and state level organizations. Be able to articulate deliverables. Recognize that support from the Administration is important but may require additional engagement from the business sector, congressional members, or regulatory agencies depending on the issue.

4. CONCLUSION

Existing research on the modalities of European diplomacy focuses on history, toolkits, objectives and global perceptions. There are a lot of 'adjectival' diplomacies – including digital, cultural, public, or soft diplomacy – that demonstrates the broad institutional and conceptual boundaries of research on public diplomacy. Yet European diplomacy is variable as the EU has deep and sustained competence in trade and humanitarian assistance and development but what happens in other areas such as intelligence where there is no expertise in EU Delegations in comparison to member states diplomatic practices?

This suggests that performance evaluation is a key benchmark for assessing the EEAS. Performance assessment is common in public management but focuses on national (or domestic) rarely on the diplomatic context. Viewed from the United States, European diplomacy is rooted in multilateral rules and international cooperation. That mode of governance does not necessarily fit the more polarized US environment so European diplomacy needs to be much more receptive to the informal, non-binding, and often transient methods of policymaking that increasingly occurs in the United States through executive agreements as well as the surge of state level policies and practices that led to a regulatory patchwork.

BRAZIL

Jamile Bergamaschine Mata Diz*

1. BACKGROUND OF DIPLOMATIC RELATIONS WITH THE EU AND REFERENCE TO RELEVANT INSTRUMENTS

Brazil and the European Union have had diplomatic relations since 1960, and, since then, bearing in mind common values and principles, they have signed several agreements and established a strategic partnership at several levels. As an example we have the Cooperation Framework Agreement signed in 1992, the Scientific and Technological Cooperation Agreement signed in 2004, the EU-Mercosur Cooperation Framework Agreement signed in 1995 and the Strategic Partnership between the EU and Brazil signed in 2007 and covering dialogues in areas such as technology, trade, energy, climate change, and innovation.¹

Regarding the economic aspect, there is also great relevance, since, according to data from ApexBrasil², the European Union, as an economic bloc, is the second main destination for Brazilian exports, which reached US\$50.8 billion in 2022. The main destinations for shipments from Brazil to the EU were the Netherlands (23.4%), Spain (19.2%) and Germany (12.3%). Furthermore, the European Union is the main destination for Brazilian investments. The stock of Brazilian FDI in the European Union grew 29% between 2012 and 2021, registering US\$ 168.8 billion and a 36% share of Brazilian investments in 2021³. Also, from an agricultural perspective, some of the main products exported by Brazil to the European Union (2019) are: soybean (9.2%); unroasted coffee (6.5%); and iron ore (5.9%).⁴

In the area of science and technology, Brazil and the EU cooperate in joint research and investments in areas such as biofuels and information technology. The EU is a fundamental partner in Brazilian technology and innovation

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¹ MINISTÉRIO DAS RELAÇÕES EXTERIORES. União Europeia. Available in: <https://www.gov.br/mre/pt-br/assuntos/relacoes-bilaterais/todos-os-paises/uniao-europeia>. Access in: December 10th, 2023.

² APEX BRASIL. Perfil União Europeia, da ApexBrasil, apresenta mais de 8 mil oportunidades para exportadores brasileiros. <https://apexbrasil.com.br/br/pt/conteudo/noticias/perfil-uniao-europeia-da-apexbrasil-apresenta-oportunidades-para-exportadores-brasileiros.html>. Access in: December 10th, 2023.

³ APEX BRASIL. Perfil União Europeia, da ApexBrasil, apresenta mais de 8 mil oportunidades para exportadores brasileiros. <https://apexbrasil.com.br/br/pt/conteudo/noticias/perfil-uniao-europeia-da-apexbrasil-apresenta-oportunidades-para-exportadores-brasileiros.html>. Access in: December 10th, 2023.

⁴ MINISTÉRIO DAS RELAÇÕES EXTERIORES. União Europeia. Available in: <https://www.gov.br/mre/pt-br/assuntos/relacoes-bilaterais/todos-os-paises/uniao-europeia>. Access in: December 10th, 2023.

projects. Brazil and the EU have also sought to advance in the establishment of structures that allow expanding the scope of cooperation, such as trilateral cooperation. This modality complements South-South cooperation, which is considered a priority for Brazilian foreign policy, as it promotes the exchange of experiences on how to deal with challenges common to developing countries.⁵

2. COUNTRY'S / REGION'S PERSPECTIVE ON THE EU AND REASONS UNDERPINNING THIS

The European Union is a strategic partner of both Brazil and Mercosur, which is why efforts have been made to finalize the Mercosur-European Union Association Agreement.

It is noteworthy that, about Brazil's position concerning environmental issues and sustainable development, President Luiz Inácio Lula da Silva stated in a speech on July 8, 2023 that: "A fair ecological transition requires resources and technology transfer. It cannot be based on the predatory exploitation of natural resources, nor can it justify new protectionism. In short, it cannot serve as a façade for neocolonialism." Furthermore, on August 22, 2023, at the Brics Business Forum, in Johannesburg, South Africa, the President also highlighted that it is not possible to accept "a green neocolonialism that imposes trade barriers and discriminatory measures, under the pretext of protecting the environment".

In this sense, the new European Union Regulation for Deforestation-Free Products (EUDR) has a significant impact on Brazil and other Latin American countries. In this sense, the classification of countries by deforestation risk has been considered arbitrary. According to the director of the Department of Commercial Policy at Itamaraty, ambassador Fernando Pimentel, the classification brought by the regulation could lead to a "spiral of retaliation" around the world, weakening international trade, in addition to imposing costs on exporters that do not exist for local producers.⁶

Recently, 17 countries from Latin America, the Caribbean, Africa and Asia sent a letter to European authorities, reinforcing concerns with the implementation of the regulation and requesting the adoption of effective cooperation processes and more meaningful and open dialogues with producing countries. Countries highlight the impacts on small producers and ask the European Commission to adopt differentiated compliance and due diligence regimes for products and

⁵ MINISTÉRIO DAS RELAÇÕES EXTERIORES. União Europeia. Available in: <https://www.gov.br/mre/pt-br/assuntos/relacoes-bilaterais/todos-os-paises/uniao-europeia>. Access in: December 10th, 2023.

⁶ AGÊNCIA CÂMARA DE NOTÍCIAS. Diante de impactos comerciais, Brasil pode recorrer à OMC contra lei europeia sobre desmatamento. <https://www.camara.leg.br/noticias/979331-diante-de-impactos-comerciais-brasil-pode-recorrer-a-omc-contr-lei-europeia-sobre-desmatamento/>. Access in: December 10th, 2023.

goods originating from small producers in developing countries.⁷

Furthermore, the EUDR ends up favoring countries that have expanded agricultural production at the expense of converting their natural vegetation and fails to consider the perspective of countries that need to conserve their forests. Brazil is one of the largest food producers and exporters in the world and is still covered, mostly by native vegetation.⁸

According to recent data from the Foreign Agricultural Service (FAS), of the United States Department of Agriculture, Brazil is the largest soybean producer in the world, accounting for 41% of global production. Brazil is still the largest coffee producer in the world today, with an estimated production for the year 2023 of 54.94 million bags, and the second largest producer of beef in the world, with a forecast production in 2023 of 10.57 million tons.⁹

Furthermore, the EUDR ends up favoring countries that have expanded agricultural production at the expense of converting their natural vegetation and fails to consider the perspective of countries that need to conserve their forests. Brazil is one of the largest food producers and exporters in the world and is still covered, mostly by native vegetation.¹⁰

3. CONCRETE RECOMMENDATIONS FOR POLICY-MAKERS IN THE EU

- Encourage and deepen applications of the principle of common but differentiated responsibilities in the interaction between the environment and trade;
- Consider and allow the participation of external actors in discussions that deal, above all, with sustainability, given the cross-border and transversal nature of sustainable development;

⁷ AGÊNCIA CÂMARA DE NOTÍCIAS. Diante de impactos comerciais, Brasil pode recorrer à OMC contra lei europeia sobre desmatamento. <https://www.camara.leg.br/noticias/979331-diante-de-impactos-comerciais-brasil-pode-recorrer-a-omc-contr-lei-europeia-sobre-desmatamento/>. Access in: December 10th, 2023.

⁸ AGÊNCIA CÂMARA DE NOTÍCIAS. Diante de impactos comerciais, Brasil pode recorrer à OMC contra lei europeia sobre desmatamento. <https://www.camara.leg.br/noticias/979331-diante-de-impactos-comerciais-brasil-pode-recorrer-a-omc-contr-lei-europeia-sobre-desmatamento/>. Access in: December 10th, 2023.

⁹ Leading beef and veal producing countries worldwide in 2022 and 2023. Available in: <https://www.statista.com/statistics/263990/leading-beef-producers-around-the-world-since-2007/#:~:text=The%20statistic%20shows%20the%20forecasted,following%20only%20the%20United%20States>>. Access in: December 10th, 2023.

¹⁰ LOPES, Cristina Leme; CHIAVARI, Joana; SEGOVIA, Maria Eduarda. Brazilian Environmental Policies and the New European Union Regulation for Deforestation-Free Products: Opportunities and Challenges. <https://www.climatepolicyinitiative.org/pt-br/publication/politicas-ambientais-brasileiras-e-o-novo-regulamento-da-uniao-europeia-para-produtos-livres-de-desmatamento-oportunidades-e-desafios/>. Access in: December 10th, 2023.

- Reflect and propose new ways of financing and incentives for foreign producers in implementing European quality standards.

AUSTRALIA

Jed Odermatt*

1. BACKGROUND TO EU-AUSTRALIA DIPLOMATIC RELATIONS

Australia and the European Union have overlapping and intersecting policy goals in areas such as support for human rights, action on climate change, global security, and support for the rules-based international order. These goals are highlighted in instruments setting out the foreign policy priorities of both Australia and the European Union. According to the Australian Department of Foreign Policy and Trade *2017 Foreign Policy White Paper*, the European Union is an “increasingly important partner in protecting and promoting rules-based international order”.¹ The *EU Strategy for Cooperation in the Indo-Pacific* similarly mentions Australia as a regional partner in research and innovation, oceans governance, transport and digitization.²

Despite these areas of shared interests and values, the Australia-European Union relationship has ranged from ambiguity and indifference to antagonism. The European Union does not feature prominently in Australian news media or in public debates. The European Union is often presented in a negative light, especially following the European debt crisis and other challenges facing the Union. From an Australian perspective, the European Union tends to be viewed as an economic bloc, primarily concerned with trade issues. This image has started to change, however, as Australia and the EU have cooperated on other issues, such as global and regional security. From the EU side, Australia is viewed as a small economy that is geographically distant.

Australia’s relationship with Europe has historically been understood within the context of Australia’s relationship with the United Kingdom.³ When the UK joined the European Economic Community in 1973, Australia no longer would have privileged access to the British market. The UK’s withdrawal from the European Union has also affected this relationship. In 2021, Australia and the UK signed the Australia–United Kingdom Free Trade Agreement. In addition to close ties with the UK, Australia has also kept close diplomatic relations with individual EU

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¹ Australian Government, 2017 Foreign Policy White Paper, <<https://www.dfat.gov.au/sites/default/files/2017-foreign-policy-white-paper.pdf>>.

² Joint Communication to the European Parliament and the Council, EU strategy for Cooperation in the Indo-Pacific, 16 September 2021, <https://www.eeas.europa.eu/sites/default/files/jointcommunication_2021_24_1_en.pdf>.

³ L. Allison-Reumann, M. Matera & P. Murray (2018) ‘Assessing Australia’s options in the context of Brexit: engaging with the UK and the European Union’, *Australian Journal of International Affairs*, 72:3, 287-303.

Member States. Due to migration from Europe, Australians also have historical and cultural ties with European countries. Australia's relations with Europe have tended to be through bilateral relations rather than with the Union.

Australia first established diplomatic representation to the EC Brussels in 1962. The EC established a diplomatic presence in Canberra in 1982. In recent years, there has been a move to formalize EU-Australia relations in the form of a free trade agreement. Despite being "like-minded partners" as liberal democracies that support free trade, there have been difficulties in reaching mutual agreement.

1.1 Relevant Instruments

Until recently, the EU-Australia relationship was based on the 1997 *Joint Declaration on EU-Australia relations*⁴ and the 2008 *European Union–Australia Partnership Framework*.⁵ These established a framework for dialogue on areas of shared interests with a view to a legally-binding agreement. Current relations are based on the *Framework Agreement between the European Union and its Member States, of the one part, and Australia*⁶ which entered into force on 21 October 2022. This replaces, and expands upon, the 1997 Joint Declaration. The Framework Agreement seeks to foster closer cooperation in the fields of climate change and the environment, sustainable development, human rights and democracy, education, culture, research and innovation, trade and investment, tourism, and security.

There are some smaller sectoral international agreements between the EU and Australia. These include the 2008 *Agreement between the European Community and Australia on Trade in Wine*; 2012 Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) and the 1994 Agreement Relating to Scientific and Technical Cooperation.

On 22 May 2018, the Council authorized the opening of negotiations on a free trade agreement between the EU and Australia.⁷ The current negotiations on the EU-Australia FTA are stalled due to lack of access for beef, sheep, dairy and sugar exporters and disagreements over the EU's protective rules on geographical indicators (such as parmesan, feta, and prosecco). In recent years, discussions about the EU's access to critical raw materials from Australia has also grown in importance. In October 2023 it was reported that negotiations had

⁴ Joint Declaration on Relations between the European Union and Australia, 26 June 1997, <https://www.eeas.europa.eu/node/3589_en>.

⁵ European Union–Australia Partnership Framework, <https://www.europarl.europa.eu/cms-data/124240/partnership_framework2009eu_en.pdf>.

⁶ Framework Agreement between the European Union and its Member States, of the one part, and Australia, OJ L 237, 15.9.2017, p. 7–35.

⁷ 'Council gives the go-ahead to trade negotiations with Australia and New Zealand', Council of the EU, 22 May 2018, <<https://www.consilium.europa.eu/en/press/press-releases/2018/05/22/council-gives-the-go-ahead-to-trade-negotiations-with-australia-and-new-zealand/>>.

been terminated due to disagreements over agriculture, and that they may not resume before next Australian federal election in 2025. While the EU was able to conclude an FTA with New Zealand in 2022, concluding a similar deal with Australia has proven challenging.

2. AUSTRALIA'S PERSPECTIVE ON THE EU

The EU-Australia relationship has been somewhat strained due to disagreements concerning issues related to trade. In Australian political circles, the European Union has often been viewed as a protectionist trading bloc, and is often viewed in only economic terms. Agricultural exports and commodities make up a large sector of the Australian economy. As a member of the Cairns Group of 19 agricultural exporting countries, Australia has opposed protectionist policies in the context of the World Trade Organization. These disagreements have also led to tensions between the EU and Australia over the years, and have continued in current negotiations.⁸

Both the European Union and Australia seek to play a greater role in the Indo-Pacific region. The European Union and Australia are both participants in the ASEAN Regional Forum, a meeting established to foster dialogue and consultation on political and security issues. Australia is also a partner in the Asia-Europe Meeting (ASEM). Australia and the EU are both members of the Group of Twenty (G20). These are meetings at the head of state and ministerial level have allowed dialogue between the Australian government and representatives of the European Union outside the context of formal bilateral meetings. While Australia has now views itself as belonging to the Asia-Pacific region, the European Union does not seem to perceive Australia as part of Asian regionalism. The overlapping regional interests of the EU and Australia could be an area of further mutual co-operation.

From the low points of the 1990s and 1980s where there was disagreement over issues of trade and agriculture, the EU-Australia relationship has improved in recent years. One area of disagreement has been the inclusion of issues that are not directly related to trade in international agreements. The EU seeks to include clauses on issues related to human rights and the environment, but these can be viewed as unrelated to core economic issues.

Australia's close relationship with the United States has also raised diplomatic concerns in European capitals. A 2023 Agreement between France and Australia on reciprocal access to military bases has sought to calm tensions after the diplomatic incident caused by Australia's decision to cancel submarine contracts with France.⁹

⁸ See P. Murray (2018) 'Australia's engagement with the European Union: partnership choices and critical friends', *Australian Journal of International Affairs*, 72:3, 208-223.

⁹ 'Australia and France Sign Military Access Agreement as post-Aukus Tensions Ease', *The*

3. CONCRETE RECOMMENDATIONS FOR POLICY-MAKERS

- The EU-Australia relationship has focused on the field of trade. With the breakdown in negotiations, cooperation can continue in other areas of common concern such as security, research and innovation, education, and Australia and the EU's support for the rules-based system.
- The EU and Australia share common interests in the Indo-Pacific region. Cooperation in this field, in particular through overlapping participation in regional bodies, can help strengthen EU-Australia relations. Outside the framework of trade negotiations, dialogue can continue in the context of regional meetings.
- EU-Australia relations are not viewed as a high priority in both European Union and Australian foreign policy documents. Outside economic relations and the negotiations on a free trade agreement, there are potential areas of common agreement that could foster closer relations.

Guardian, 4 December 2024, <<https://www.theguardian.com/world/2023/dec/04/australia-france-military-access-agreement-bases-details-aucus-aftermath-submarines>>.

CHINA

Jing Men*

1. BACKGROUND OF DIPLOMATIC RELATIONS WITH THE EU AND REFERENCE TO RELEVANT INSTRUMENTS

China's diplomatic ties with the European Union/European Economic Community were significantly impacted by U.S.-China relations. The U.S. actively dissuaded European countries from forging diplomatic ties with China until a turning point came with Nixon's unexpected visit to Beijing. In response, a number of member states of the EEC proactively acknowledged the People's Republic of China, and closed their embassies in Taipei. Consequently, diplomatic relations between the EEC and China were formalized in May 1975.

In 1978, China and the EEC inked a trade agreement, followed by an agreement on trade and economic cooperation in 1985. By the time when the EU was founded in 1993, China had achieved remarkable economic progress through its reform and opening-up policies initiated in the late 1970s. Captivated by the burgeoning Chinese market, the European Commission released its first China Communication in 1995, titled "A Long-Term Policy for China-Europe Relations." This marked a shift in the EU's approach, emphasizing strengthened economic cooperation as a means to facilitate political transformation in China.

In the years leading up to 2019, the European Commission issued several communications to adapt its China policy to the evolving partnership. China's rapid rise to the position of the world's second-largest economy and the EU's second-largest trading partner prompted both entities to benefit significantly from their close economic and trade ties. However, as time progressed, the EU recognized issues related to a level playing field and reciprocity, adopting a more defensive stance and increasingly relying on anti-dumping tools to safeguard its market.

In the 2006 communication paper, the European Commission explicitly identified China as "the single most important challenge for EU trade policy." This perception further evolved, and by 2016, the Commission underscored a "principled, practical, and pragmatic" approach in an updated communication to address its interactions with China. However, the most recent China policy paper, issued in 2019, signifies a fundamental shift in the EU's stance. It characterizes China as a multifaceted entity: a cooperation partner, a negotiating partner, an economic competitor, and a systemic rival. This three-pronged perspectives in its relations with China had officially been endorsed by the member states, as evidenced by the Council Conclusion released following the Council meeting at the end of June 2023.

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In recent years, the EU has introduced more than a dozen strategies, policies, and regulations across diverse areas, including industrial capacity, digital technology, crucial minerals procurement, climate change, and global cooperation. These initiatives are designed to strengthen the EU's abilities in confronting external challenges, particularly those originating from China.

2. CHINA'S PERSPECTIVE ON THE EU

The Chinese government maintains a relatively static perspective on the EU. Throughout the three EU policy papers published in 2003, 2014 and 2018, Beijing consistently portrays Brussels as a partner for cooperation. Despite the EU's designation of China as a systemic rival, China persistently rejects this characterisation.

In the most recent China-EU summit, Chinese President Xi stated that the two sides "should not view each other as rivals just because our systems are different, reduce cooperation because competition exists, or engage in confrontation because there are disagreements". According to Chinese Foreign Ministry, China sees the EU as a key partner for economic and trade cooperation, a preferred partner for scientific and technological cooperation, and a trustworthy partner for industrial and supply chain cooperation.

The Chinese government has not revised its policies on China–EU relations so far. However, a group of Chinese experts on European studies have explored in depth the factors that influence the EU's reorientation of its China policy, as well as the significant policies taken by the EU that affect the EU–China relationship.

Chinese observers concur on the shifting balance of power between the EU and China and point out that China's ascendance triggers the EU's "strategic anxiety": the reorganisation of the contemporary international structure and the intensification of geopolitical competition among major powers, combined with internal EU crises, fuel concerns in Brussels about being marginalised. This manifests as unpreparedness and powerlessness of the EU in handling geopolitical rivalry between the United States and China.

In view of Chinese analysts, the EU previously accommodated China in bilateral relations, assuming that economic interdependence would align China more closely with EU values and political practices. Yet, such pragmatic and economically-driven approach had been changed because China's adherence to socialism diverged from the Western development model and disappointed the EU. This led to a more assertive EU stance in security, political and economic relations with China, accompanied by proactive measures to address the competitive aspect of the relationship, while highlighting the role of values. By doing so, the EU intends to bolster its security on multiple fronts, spanning strategic, political, economic, trade, supply chain and technological dimensions.

Chinese experts emphasise the longstanding significance of China and the EU as economic and trade partners, with economic and trade relations consistently serving as a stabilising force in China–EU relations. According to Chinese experts, the FDI screening regulations prioritise security and public order, legislation on foreign subsidies aims to promote fair competition, and supply chain due diligence as well as the carbon border adjustment mechanism, seek to advance human rights and environmental protection. Despite their diverse goals, these policies share a common focus on safeguarding and enhancing the competitiveness of EU industries, while also taking into account the political and ideological aspects. By designating China as a “systemic rival”, the EU legitimises its adoption of protectionist economic policies, positioning itself more favourably in economic competition with China.

Chinese analysts maintain that the EU often employs confrontational political logic in its handling of economic and trade relations with China, accentuating “geostrategy” to magnify China’s perceived threat to the West, ultimately “politicising” economic and trade issues. This approach serves as a significant obstacle in China–EU economic and trade relations. As ideology, human rights and economic factors converge, supply chain due diligence introduces an uncertain element affecting China–EU supply chain cooperation. Chinese observers also contend that the process of changing and reshaping supply chains can be costly, and an excessive emphasis on political risk is highly detrimental. Regardless of the EU’s actions, China’s current industrial foundation, geographical specificity, consumer market and other advantages remain resilient, making them not easily undermined.

Overall, Chinese experts tend to concur that the EU is becoming more protective and assertive. The EU’s approach toward China has been recalibrated to be both competitive and defensive. The EU’s China policy is characterized by two key aspects: one acknowledges concerns about China’s ascent, portraying it as a “competitor” and labelling it a “systemic rival”; the other reflects the EU’s reluctance to disengage from the Chinese market. However, as the EU places a significant emphasis on security and integrates human rights and other values into its interactions with China, the competition between the two sides is anticipated to escalate.

3. POLICY RECOMMENDATIONS

- The boundaries between partnership, competition and rivalry need to be determined. The EU’s nuanced definition reflects the complexity of the relationship between Beijing and Brussels. However, the EU decisionmakers have not explained how this threefold definition will be implemented in daily interactions with China. The EU needs to assess the feasibility and implications of defining China as a “systemic rival”.

- The deep-rooted economic connections have significantly benefited both the EU and China during all these years. The politicization of the economic relationship poses a potential threat to pragmatic interests. The EU must strike a delicate balance between “de-risking” and fostering “interdependence” in its economic and trade ties with China.
- While high-level dialogues and meetings play a crucial role in improving communication and engagement, the significance of people-to-people contacts should not be underestimated. Encouraging and facilitating increased cultural, social, economic, and educational exchanges among individuals from the EU and China is equally vital.

PERSPECTIVES FROM THE ASEAN SUB REGION OF THE INDO-PACIFIC

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1. BACKGROUND OF ASEAN'S DIPLOMATIC RELATIONS WITH THE EU

The European Union (EU) has had a longstanding engagement in Southeast Asia – with the international organization of the Association of Southeast Asian Nations (ASEAN) and with its individual members (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam). The European Economic Community became ASEAN's Dialogue Partner in 1977 and the EU and ASEAN elevated their relations to a Strategic Partnership in 2020 to enhance economic, socio-cultural, and security cooperation.¹

Currently, the EU and ASEAN are each other's third-largest trading partner (after China and the United States).² The EU is also ASEAN's second-largest investor and its largest aid donor.³ On political-security matters, the EU engages with ASEAN through the ASEAN Regional Forum and on tackling transnational crime and maritime security issues.⁴ In the socio-cultural arena, the EU (especially through its *Enhanced Regional EU-ASEAN Dialogue Instrument*, E-READI) supports cooperation on a broad range of issues such as education and health, land use and forestry, disaster management, biodiversity protection and sustainability, and improving gender equality and human rights.⁵

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¹ 'EU-ASEAN Strategic Partnership' (EEAS, 1 December 2020) <https://www.eeas.europa.eu/eeas/eu-and-asean-elevate-relations-strategic-partnership_und_en> accessed 30 November 2023.

² EU trade relations with the Association of Southeast Asian Nations. Facts, figures and latest developments' (European Commission, undated) <https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/association-south-east-asian-nations-asean_en> accessed 30 November 2023.

³ Tommy Koh and Yeo Lay Hwee, 'ASEAN and EU: The Untold Story' (Singapore Ministry of Foreign Affairs) <<https://www.mfa.gov.sg/Overseas-Mission/Ministry-of-Foreign-Affairs---Permanent-Mission-of-the-Republic-of-Singapore/Recent-Highlights/2020/10/ASEAN-and-EU-The-untold-story>> accessed 30 November 2023.

⁴ 'Overview: ASEAN-European Union Dialogue Relations' (ASEAN Secretariat, August 2019) <<https://asean.org/asean2020/wp-content/uploads/2021/01/Overview-of-ASEAN-EU-Relations-as-of-August-2019.pdf>> accessed 30 November 2023.

⁵ 'EU-ASEAN Development Cooperation' (Delegation of the European Union to ASEAN, undated) <<https://euinasean.eu/cooperation/development-cooperation/>> accessed 30 November 2023.

2. REGIONAL PERSPECTIVE ON THE EU AND REASONS UNDERPINNING THIS

Unsurprisingly, there is much goodwill in ASEAN towards the EU. The 2023 Yusof Ishak Institute of Southeast Asian Studies Institute's *The State of Southeast Asia* survey revealed that ASEAN residents perceive the EU to be in the leading position to hedge against the uncertainties of the United States-China strategic rivalry and to be a force for good in the international order.⁶ In view of this goodwill and the changing global geopolitics – the increasing tension between China and the United States, Russia's invasion of Ukraine, the Israel-Hamas conflict, and the rising voices of the Global South – there is much room for deepening the EU's engagement with ASEAN. However, besides the EU, many other powers are turning their focus to the Indo-Pacific, especially the ASEAN region. These are mainly ASEAN's dialogue partners – including the big powers such as the United States and China; and middle powers such as Canada, Australia, India, Japan, and Korea.

While the term Indo-Pacific can be a little contentious at times and the geographical extension amorphous, it arguably spans the Indian Ocean to the Pacific Ocean. The ASEAN region (which this paper focuses on) lies in the centre of the Indo-Pacific. The Indo-Pacific – especially the South China Sea within which ASEAN is situated – is where the strategic competition between the US and China occurs. Apart from the EU's Indo-Pacific strategy promulgated in 2021, the US, Australia, Canada, India have all expressed their own Indo-Pacific strategies that centre around broad security and economic themes that encompass maritime security and territory, trade, balancing China and the United States, or even China containment strategies.

Some of the more prominent initiatives include the United States-led Quadrilateral Security Dialogue ('the Quad' comprising Australia, India, Japan, and the United States) that call for a 'Free and Open Indo-Pacific' and a 'rules-based maritime order in the East and South China Seas', and the Indo-Pacific Economic Framework (comprising fourteen countries including Australia, Brunei, Fiji, India, Indonesia, Japan, Republic of Korea, Malaysia, New Zealand, Philippines, Singapore, Thailand, Vietnam, and the United States).⁷ In addition, EU members – France, Germany, and the Netherlands – have adopted their national Indo-Pacific strategies. According to Gudrun Wacker, the respective rationales for the French, German, and Dutch Indo-Pacific strategies vary. For France, there is a self-perception as a resident 'power' given its presence in the region (for example, the South Pacific islands of Vanuatu, New Caledonia, Wallis and Futuna, and French Polynesia). For Germany and the Netherlands, their focus

⁶ 'The State of Southeast Asia: 2023 Survey Report' (Yusof Ishak ISEAS ASEAN Studies Centre, undated) <<https://www.iseas.edu.sg/centres/asean-studies-centre/state-of-southeast-asia-survey/the-state-of-southeast-asia-2023-survey-report-2/>> at pp. 37, 43, accessed 30 November 2023.

⁷ Amitendu Palit, 'The Indo-Pacific Economic Framework: An Inclusive Quad-plus Initiative' (Institute of South Asian Studies, 25 May 2022) <<https://www.isas.nus.edu.sg/papers/the-indo-pacific-economic-framework-an-inclusive-quad-plus-initiative/>> accessed 30 November 2023.

is mainly economic due to their significant trading interests that are dependent on open sea lanes and a stable rules-based order.⁸

However, even as the EU and three of its members begin to focus on the Indo-Pacific, research from the European Council of Foreign Relations shows that, despite the Indo-Pacific's growing economic and political importance to the EU, other EU members are still largely uninterested in the Indo-Pacific and hold diverse positions on China.⁹ It is significant that practitioners and scholars both in the EU and ASEAN have similar observations – that the EU's Indo-Pacific strategy remain vague and unacted due to the lack of clear direction, substantive detail, and concrete projects.¹⁰

Against this background of increasing Indo-Pacific emphasis and strategies among competing and complementary actors, if the Indo-Pacific is genuinely important to the EU, it is vital that the EU defines and substantiates what it intends to pursue in the Indo-Pacific. There needs to be a central EU strategy beyond the push from France, Germany, and the Netherlands, and consequently a translation into concrete action.

3. THREE POLICY RECOMMENDATIONS

As there are common interests that bring important mutual benefits, practitioners and scholars have converged on quite similar options that could foster a coherent cooperation agenda:

- **Focus on the EU's strengths** – it is important to work effectively by concentrating on the EU's strengths. This would be in the economic and normative fields rather than military and defence. The reasons are pragmatic – EU members are unlikely to embark on military action, conversely, ASEAN (and other Indo-Pacific) states do not perceive the EU becoming a significant security player.
- **[Normative] Supporting multilateralism and the rule of law** – Where the EU has a singular advantage is as a champion of multilateralism and the rule of law. The EU should continue to champion the rules-based international order and other existing multilateral initiatives to minimize the polarization

⁸ Gudrun Wacker, 'Europe and the Indo-Pacific: comparing France, Germany, and the Netherlands' (Real Instituto Elcano, 9 March 2021) <<https://www.realinstitutoelcano.org/en/analyses/europe-and-the-indo-pacific-comparing-france-germany-and-the-netherlands/>> accessed 30 November 2023.

⁹ Frédéric Grare and Manisha Reuter, 'Moving Closer: European Views of the Indo-Pacific' (European Council on Foreign Relations, September 2021) <<https://ecfr.eu/wp-content/uploads/Moving-closer-European-views-of-the-Indo-Pacific.pdf>> accessed 30 November 2023.

¹⁰ See, for example, Frederick Kliem, 'The EU Strategy on Cooperation in the Indo-Pacific: A Meaningful Regional Complement?' (Konrad Adenauer Stiftung, 16 February 2022) <<https://www.kas.de/en/web/politikdialog-asien/panorama/detail/-/content/european-strategic-approaches-to-the-indo-pacific>> accessed 30 November 2023.

that is occurring. Areas to work on could include: the rule of law, ecological sustainability, human rights, and equitable development. A note of caution is that these programmes need to be inclusive and not 'top-down' impositions.

- **[Economic] Trade and investment** – The EU's main strength and longstanding action are indubitably economic. The EU could further support ASEAN economic integration and participate even more actively in ASEAN-EU cooperation to diversify supply chains. There needs to be visible Global Gateway projects and an emphasis on implementation and monitoring to ensure effectiveness. Areas of engagement could include digital connectivity, infrastructure, and equitable trade.¹¹ Again, these initiatives need to consider the valid concerns of ASEAN states such as the main drivers of their economies, the ability to bear the costs of sustainable action, deforestation, and the impact on major national industries (such as palm oil).

¹¹ *Supra* note 3. See also P9_TA (2022) 0276: European Parliament resolution of 5 July 2022 on the Indo-Pacific strategy on trade and investment.



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