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Editorial

The European Union as an Actor Navigating International Regime Complexes

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Abstract

Global governance in many domains is increasingly characterised by the existence of international regime complexes—i.e., sets of overlapping institutional fora taking up different aspects of a broader issue area. As an international actor, the EU faces a context of such international regime complexity. Yet, little is known about how the EU navigates international regime complexes and how regime complexes impact the EU's behaviour in individual fora. This thematic issue, therefore, seeks to improve our understanding of how different manifestations of international regime complexes affect the EU as an international actor and to provide empirical insight into the ways actors like the EU navigate international regime complexes. In this editorial, we situate the thematic issue within the broader academic debates on the EU's role in international regime complexity, argue for the need to study the EU as an actor therein, and provide an overview of the thematic issue's objectives and the nine articles that comprise it.

Keywords

EU; EU external action; international organizations; regime complexity

Issue

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1. Introduction

The proliferation of international institutions over the past half-century has meant that the governance of particular issue areas, such as climate change, security, and human rights, no longer falls under the purview of one single institution but is instead spread across an international regime complex—i.e., a set of overlapping institutions (which we refer to as “fora”) that take up different aspects of a broader issue. While there have been debates on the defining characteristics of an international regime complex and what precise terminology to use, the consensus in the literature points to an assortment of fora that at least partly overlap with respect to the issues they deal with and the actors that participate in them (Alter, 2022; Eilstrup-Sangiovanni & Westerwinter, 2022; Orsini et al., 2013; Raustiala & Victor, 2004).

Within an international regime complex, we distinguish between two elements: the (partially) overlapping fora, and the actors participating therein (see Figure 1). First, *fora* are institutional arenas that are the constitutive units of an international regime complex. Types of fora include, among others, formal international organisations, informal clubs, international agreements, and public-private arrangements. Second, *actors* are the participants in the fora of a regime complex. This can include governmental actors (such as states, but also actors like the EU), as well as private and transnational stakeholders. In the context of this thematic issue, the focus will be on the EU as an actor.

The fact that fora in an international regime complex at least partially overlap, for instance regarding competences or membership, creates a situation in which action by an actor in one forum can impact outcomes in another forum. Consequently, international regime

complexes carry significant implications for how actors engage at the international level and for global governance in general (Alter, 2022). This is especially the case for the EU, which has sought to portray itself as an advocate for multilateral solutions to global problems (Marx & Westerwinter, 2022).

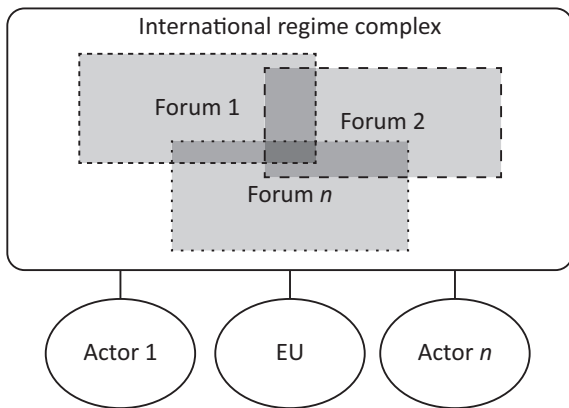


Figure 1. Elements of an international regime complex (fora and actors).

This thematic issue seeks to bridge the literature on the EU as an international actor and the literature on international regime complexes. In this introduction, we briefly discuss the existing literature on the EU as an international actor and the need for incorporating an understanding of international regime complexes. Then, we present the literature on international regime complexes and argue for the added value of studying the EU as an actor therein. Finally, we provide an overview of the thematic issue’s objectives and the nine articles that comprise it.

2. The EU as an International Actor

The EU’s place and role as an actor in single international fora is well-established, though its actorness is more developed in some areas than others (Damro et al., 2017; Drieskens, 2017). Practically speaking, the EU’s ability to act within international fora depends on, among other things, its legal status, relevant competences, coordination mechanisms, and ability to agree on a common position (Keukeleire & Delreux, 2022).

While a rich literature exists regarding the EU’s action, performance, and effectiveness within international fora (Blavoukos & Bourantonis, 2017; da Conceição-Heldt & Meunier, 2014; Jørgensen et al., 2011), the focus has been on studying the EU in these fora in isolation from each other. The literature thereby largely ignores that these fora are now embedded in broader international regime complexes. While the work by Hofmann (2018), the edited volume of Christou and Hasselbach (2021), and particularly the special issue edited by Marx and Westerwinter (2022) are notable exceptions, EU-related literature incorporating regime

complexes has been quite sparse. Yet, even the aforementioned publications do not explicitly look at the consequences of regime complexity on the EU’s role as a global actor. Overall, our current understanding of the EU as an international actor, therefore, does not sufficiently take into account the complexity of today’s global governance architecture. There is thus a pressing need to expand the scope of analyses on the EU as an international actor beyond singular international fora towards the entirety of international regime complexes, in order to take into account important factors that might otherwise be missed.

3. International Regime Complexes

While the literature on international regime complexes has evolved significantly since the concept was introduced two decades ago, most work continues to take the regime complex and its constitutive fora as the units of analysis. Earlier work focused on theorising the causes, characteristics, and consequences of international regime complexes. However, scholars have increasingly acknowledged the diverse manifestations of regime complexes and sought to understand how international regime complexes affect governance outcomes (Alter, 2022; Eilstrup-Sangiovanni & Westerwinter, 2022; Gomez-Mera, 2021). The literature has to a lesser extent focused on how actors navigate international regime complexes. In other words, the literature on international regime complexes has mainly paid attention to the (interaction between the) constitutive fora and less to the participating actors.

The existing actor-focused work has provided an inventory of strategic behaviours an actor might employ in the event they seek to overcome the status quo in a constitutive forum. Such behaviour includes forum shopping (Busch, 2007), regime shifting (Helfer, 2009), contested multilateralism (Faude & Parizek, 2021), institutional use, selection, change, and creation (Jupille et al., 2013), and orchestration (Abbott & Faude, 2022). This literature has mainly focused on explaining the situations in which actors might look elsewhere in a regime complex and on the impact of such behaviour on the complex. There has been little work examining how an actor works across fora, by for instance negotiating simultaneously in several fora or connecting its diplomacy in one forum of the regime complex to negotiations in another forum.

While the aforementioned concepts of strategic behaviour are well-developed, they are insufficient for unpacking how the EU (and other actors) navigate regime complexes for two main reasons. First, they largely revolve around the strategic selection of one single forum for action, which ignores the potential for simultaneous action across multiple fora, as well as the associated challenges and opportunities. Second, the literature on actor behaviour across different fora in a regime complex often lacks empirical evidence. Since the EU possesses significant resources and technical

expertise—criteria which Drezner (2009) argues facilitate an actor’s use of a regime complex—it is a likely case of an actor linking its behaviour in the fora of the international regime complex. In that sense, case studies on the EU’s behaviour in a variety of regime complexes have the potential to provide significant insights into actor behaviour in regime complexes more generally.

4. Objectives and Contributions of the Thematic Issue

Despite their potential complementarity, the literatures on the EU as an international actor and on international regime complexes have largely remained separate from one another. As we have laid out, neither of these alone provides sufficient insight into how we might expect an actor like the EU to respond to international regime complexes. A wide range of questions is therefore on the table: Is the EU an active shaper of regime complexes? What is the effect of the multitude of international fora dealing with (aspects of) the same issue on the EU’s performance or effectiveness? To what extent and how does the EU strategically use the different fora of a regime complex to achieve its objectives?

This thematic issue seeks to fill this gap and bring the two literatures together to gain a better understanding of the EU as an actor in an increasingly complex global governance landscape, while also taking part in a larger discussion on how actors navigate regime complexes. More specifically, this thematic issue has two main objectives: (a) to understand how different manifestations of international regime complexes affect the EU as an international actor, and (b) to provide empirical insight into the ways actors like the EU navigate international regime complexes and the factors influencing this.

Along those lines, most articles in the thematic issue explore the EU’s involvement in specific international regime complexes, including those dealing with climate, finance, food aid, human rights, migration, nuclear weapons, security, and transport. Together, the following contributions help explain how the EU navigates international regime complexes.

Quaglia and Spendzharova (2023) examine the influence of the EU within the global regime complex on shadow banking. They find that the EU’s internal cohesiveness is a key variable in explaining the EU’s uneven influence on how hedge funds and securitization are governed within the regime complex. Furthermore, they note that the EU generally prefers to manage regime complexity via multilateral bodies (notably international financial regulatory fora) rather than bypassing it with regional or bilateral agreements.

Kissack (2023) looks at EU efforts to shape how the issue of capital punishment has been addressed within the international regime complex on human rights. Through framing the death penalty initially as a form of cruel treatment and later as a form of torture, supporting civil society and transnational advocacy networks, and consistently challenging the legitimacy of capital punish-

ment in its foreign policy demarches, the EU contributed to incorporating capital punishment in the human rights regime complex. His findings show the EU demonstrated actorhood in this UN-centred regime complex.

Focusing on the EU’s approach to negotiations in two different fora of the international regime complex on food aid, Margulius (2023) develops the concept of “backdoor bargaining” as a strategy to use negotiations in one forum to gain an advantage in negotiations in another forum. In demonstrating the EU’s successful use of the renegotiation of the Food Aid Convention to gain leverage in agriculture negotiations at the World Trade Organization, the article underscores the EU’s strategic, yet fragmented, use of overlapping fora and the consequences of this approach on the coherence of the EU’s foreign policy.

In her contribution, Dee (2023) unpacks the EU’s use of orchestration as a means of soft and indirect governance within the nuclear weapons regime complex. She finds that orchestration by the EU was facilitated by the EU’s tradition of multilateralism, its functional limitations, the political context of the regime complex, and the presence of like-minded intermediaries. Although the EU has struggled to directly influence individual nuclear negotiation forums, its use of orchestration is increasingly developed. As the EU appears particularly well suited to serve as an orchestrator, the article presents a new benchmark for evaluating the EU as an international actor.

Hoffmeyer-Zlotnik et al. (2023) examine the EU’s use of preferential trade agreements (PTAs) within the broader context of the migration regime complex. The inherent fragmentation of the migration regime complex and the EU’s shared competence on the matter limit the EU’s capacity to establish itself as a global actor in international migration. These constraints have led the EU to make use of PTAs as an alternative venue to pursue its migration policy goals. Hence, rather than sustaining multilateral commitments, most often, it uses PTAs to promote its migration policy objectives, notably in the areas of service mobility and migration control. The contribution thus highlights the potential use of bilateral venues such as PTAs as a response to regime complexity.

Dikaios and Blavoukos (2023) look at how the EU advances climate change mitigation measures in the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO)—two constitutive fora of the international transport regime complex. They find that the EU’s actions in ICAO not only contributed to an agreement on an emissions offsetting mechanism in that forum but also helped create a favourable context for the negotiations on a climate agreement in IMO. Accordingly, the findings demonstrate how the EU can learn from its action in one forum to enhance its impact on the outcome in another forum of the regime complex.

Brosig et al. (2023) investigate the EU in the Sahelian security regime complex. They note the role of the EU’s

Regional Advisory and Coordination Cell for the Sahel as a secretary and on-the-ground coordination forum for facilitating resource exchange and system complementarity amongst the different actors and initiatives in the regime complex. At the same time, they stress the importance of the actions, preferences, and receptiveness of regional and local actors in the security regime complex. In that regard, while the findings point to the added value of creating a coordination hub (forum), doing so is by no means a panacea for managing regime complexity.

In their article, Orsini and Kang (2023) study the role of European youth organizations within the international regime complex on climate change. In doing so, they examine the extent to which the EU and European youth climate activists interact within the regime complex. They find that the EU's support of youth climate activism is, in fact, relatively limited in scope and largely confined to a single forum of the regime complex, the United Nations Framework Convention on Climate Change. In other words, the EU does not (yet) appear to use European youth activism to shape the broader regime complex on climate change.

Finally, Panke and Stapel (2023) investigate how and why the EU cooperates with other regional organisations of the regional regime complex. They find that the EU has sought to actively shape the regime complex via established cooperation agreements with nearly all the regional organizations in which there is an overlap of membership and policy competences. The EU is arguably well-suited to navigate regional regime complexity because of its autonomy and capacities; as a result, it proactively tries to shape the regime complex.

Together, the nine articles make an important contribution to the literature on the EU as an international actor and the literature on international regime complexes. As for the EU as an international actor literature, the articles expand the scope of analysis beyond the EU's dyadic relationship with single fora. They shift the attention from a dyadic one-to-one relation (i.e., EU-single forum) towards a more comprehensive one-to-many relation (i.e., EU-international regime complex). Doing so not only acknowledges the realities of international governance in the 21st century but also provides opportunities to identify new strengths and weaknesses of the EU as an international actor. With respect to the literature on regime complexes, the articles provide empirical material on the ways in which an actor navigates a diverse array of regime complexes. Via the case study of the EU, they offer novel insight into how an actor approaches regime complexes, notably regarding simultaneous action in multiple fora.

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Conflict of Interests

The authors declare no conflict of interests.

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