

# What role for the EU in the world? Towards EU leadership based on values

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## Executive Summary

> In October 2021, the Belgian Ministry of Foreign Affairs launched a national consultation process on the role the EU should play in the world, inviting European citizens to evaluate the Union's foreign policy and reflect on its future. This policy brief contributes to that discussion.\*

> In striving for a different role in a rapidly changing world, the EU should practise what it preaches by addressing the largely undefined and ineffectively applied values underpinning its external action.

> Beyond addressing internal challenges, the EU should also look at how it can continue to translate its capacity to exercise leadership in the world into a foreign policy that systematically uses its foundational values to advance its interests.

> In this respect, the EU should utilise its values as a counter-narrative against actors challenging them. This should be done by embedding EU values in human rights instruments and targeting like-minded partners around the world. Special attention should go to the EU's neighbourhood.

> A less incoherent and more value-based EU global leadership must be underpinned by an effective decision-making process. Use should therefore be made of the passerelle clause provided by article 31(3) TEU enabling the extension of qualified majority voting to foreign affairs matters.

The Conference on the Future of Europe (CoFoE) involved numerous civic events across the European Union (EU) and beyond to give the Union the change many have been asking for. National governments also promoted dialogue to determine their citizens'

priorities. In Belgium, the Minister of Foreign Affairs had officially launched the national consultation process on 8 October 2021 with a panel discussion on the role of the EU in the world. While the event did not establish a novel global vision for Europe, it became apparent that EU external action should not necessarily strive for more, but for a different approach in a rapidly changing world.

This policy brief argues that the EU should aspire to global leadership driven by its values articulated in article 2 of the Treaty on European Union (TEU). To achieve this, the EU must address a set of internal and external challenges. Internally, it is hampered by Member States challenging its values as well as a lack of consensus regarding foreign policy decision-making. Externally, the decline of the rule of law in some EU Member States not only prevents the EU from practising what it preaches but – more broadly – deprives its external action of the principles underlying its very creation. The EU is faced with a geopolitical context which often poses the dilemmas of having to decide whether its interests or values should prevail. The so-called 'migration crisis' in 2015 illustrated how EU values tend to be forgotten when security interests are at stake.

The policy brief starts by conceptualising EU leadership, outlining its value-driven nature and explaining that EU values remain undefined to a certain extent. It continues by outlining that an ineffective application of EU values internally has strong external repercussions by diminishing the Union's credibility in the eyes of third parties. It then argues what role values should play in EU external action to explore what values-based EU leadership can look like.

### EU leadership driven by values

In her 2021 State of the Union address, Commission President von der Leyen proudly announced that "against all critics, Europe is among the world leaders" (von der Leyen 2021). Whether referring to combatting the COVID-19 pandemic, preserving interconnectivity through European satellites and investments in cyber security, or

fighting climate change with ambitious emissions reduction targets, the EU wants to present itself as a leader that advocates for the causes it believes in. However, conceptualising EU leadership is challenging, not the least because “there are almost as many different definitions of leadership as there are persons who have attempted to define the concept” (Stogdill 1974, 7). Although recognising its historical and cultural contingency, it is generally assumed that leadership involves an actor that can guide and influence others towards achieving predefined goals.

The EU has the capacity, at least in theory, to exercise leadership on the international scene because of the competences conferred to it by the Lisbon Treaty. The Treaty on European Union not only enumerates the Union’s objectives but also indicates that the means to achieve them are (partially) value-based. Concretely, articles 3(5) and 21 TEU state how the EU seeks to engage in its relations with the wider world. Examples include the indivisibility of human rights and fundamental freedoms, the principles of equality and solidarity, democracy, and the rule of law.

When the EU tries to exercise leadership, it is primordial that others acknowledge and follow its guidance. Many EU foreign policy agents have outlined that credible and effective EU leadership inevitably starts at home: internal coherence, which aligns Member States’ policies to EU positions, and international relevance are closely intertwined (Barroso 2013). Yet in practice, those who advocate for a stronger EU role in the world often tend to disregard the link between internal and external policies, most notably when applying the EU’s values articulated in art. 2 TEU. The question thus arises how the EU can legitimately expect third countries to adhere to its values, e.g. in the framework of accession negotiations, when its Member States openly question and disregard them.

### **EU values remain insufficiently defined...**

One hindrance to the EU’s exercise of global leadership relates to an insufficient translation of key concepts underlying its external action into legally sound definitions. No EU legislation comprehensively sets out its understanding of, for instance, the rule of law and gender equality, which results in the EU Member States interpreting them differently. Regarding the rule of law, for instance, the EU’s ambivalent narrative stems from a lack of theorisation, as well as the intra-institutional debate on whether to adhere to a ‘thin’ or ‘thick’ description of the notion. Proponents in favour of a ‘thick’ understanding, such as majorities in the European Parliament, believe that the rule of law is inherently related to concepts such as human rights and democracy. Opponents of this view, like the European Commission, prefer a ‘thin’ vision of the concept, one that is limited to a set of formal requirements, such as predictable, certain and public laws (Westerman 2017, 173).

As a result, it may be far from evident for third countries to understand the foundations of EU external action and grasp which precise values it tries to export, in turn hampering the Union’s value-based leadership. To remedy this problem, the EU should provide clarity in defining its values, either by advancing its own definitions that move beyond a set of indicators or through adhering to an authoritative interpretation. In the case of the rule of law, the EU could draw inspiration from efforts undertaken by the United Nations Security Council, the World Bank, the Council of Europe, or multiple private organisations, such as the World Justice Project or the Bertelsmann Stiftung.

More clarity about the understanding of EU values has multiple implications. Internally, the Member States can no longer allege a breach of the principle of legal certainty as far as the concepts are not defined, an argument regularly invoked in litigation before the Court of Justice of the EU. Furthermore, it could end interinstitutional discussions on how EU values should be interpreted and shift the focus to the monitoring of their implementation in internal and external policies. Externally, third countries, most notably candidate countries in the framework of the pre-accession negotiations, would gain a better understanding of the values the EU tries to diffuse internationally and the value bases of its polity.

### **... and ineffectively applied internally**

Another obstacle to the effective exercise of EU global leadership is a recurrent lack of internal discipline when it comes to upholding common values. The lack of strong institutions safeguarding EU values, high corruption rates, challenges to the independent and impartial judiciary, backsliding democracies and a hostile climate for the free press as well as critical voices across the EU’s Member States, all amplified by the COVID-19 pandemic, pose significant challenges. As guardian of the Treaties, the European Commission is the principal actor in urging the Member States to comply with the values enshrined in art. 2 TEU. While it has done so (albeit late) by referring to the (ineffective) rule of law framework outlined in art. 7 TEU and to violations of EU secondary legislation, this has not led to any major improvements.

Ever since the values stated in art. 2 TEU began to come under pressure in Hungary in 2011, the situation turned into an ‘EU values crisis’, expanded geographically to Poland, Romania, Bulgaria and Malta, and caused political and societal unrest across Europe. While diplomatic efforts and political dialogue with the Member States concerned as well as litigation in front of the Court of Justice of the EU have reached their limits, the institutions stand ready to apply a new tool: rule of law conditionality. In the meantime, however, the (risk of) serious breaches of the art. 2 TEU values in Hungary and, especially, Poland already endanger(s) the Union’s area of freedom, security and justice. Indeed, not only do some national courts question the primacy of (parts of) EU law, but others put

judicial cooperation in the EU at peril by refusing to execute European Arrest Warrants, thus raising concerns regarding the impartiality and independence of other national courts. Although the difficulties regarding the respect for EU values internally do not directly impede its external action, they have strong indirect repercussions by diminishing its credibility in the eyes of third parties.

### **What role for values in EU external action?**

Against the backdrop of the difficulties the EU encounters internally in relation to its core values, this section considers the role that these values can still play in its external action in a geopolitical context. It argues that the EU should reinforce its cooperation with like-minded partners to provide a counter-narrative against states seeking to extend their power by challenging EU values. Furthermore, and relatedly, the EU should further embed its values in its human rights policy and the European Neighbourhood Policy (ENP). Lastly, EU values can be best defended by more streamlined procedures.

#### *EU value-based leadership as a counter-narrative*

The leading powers in today's multipolar world display different world views, using the decline of American hegemony to spread their political, socio-economic and military models. This is exemplified by the Russian invasion of Ukraine and the Chinese dismantling of liberties in Hong Kong. The 'Strategic Compass', the EU's most recent assessment of its strategic environment, recognises that the world is facing a battle of narratives (Council of the EU 2022, 5). To provide a counter-narrative against those states seeking to extend their power and challenge EU values, the EU must play a leadership role centred on its *raison d'être* as a peace project based on common values.

The Court of Justice of the EU has confirmed that the values enumerated in art. 2 TEU define the EU's identity and, therefore, must be defended (CJEU 2022). While this process takes its roots internally, its external dimension cannot be neglected. For that reason, also in a more geopolitical context, the EU should reinforce the role of values at the heart of its action on the international scene. Successive EU foreign policy documents, including the 2003 European Security Strategy, the 2016 EU Global Strategy and the 2022 EU Strategic Compass, underline the importance of values in EU external action. However, the EU currently seems to give priority to security- and defence-related means to defend and advance its objectives in the world. While this is understandable in the context of a war at its borders, the key role attributed to EU values must not be forgotten in the global leadership that the Union desires to play.

The EU can affirm its value basis in different ways. Overall, it must systematically extend the scope of its global human rights policy to include the values enumerated in art. 2 TEU. In so doing, it would turn into practice its commitment to underpin all aspects of its external policies

with its values (Council of the EU 2020). Concretely, the EU has to use the wide range of human rights tools at its disposal, ranging from human rights dialogues to human rights conditionality in international agreements to tailor-made tools to promote values in its bilateral relations. It can approach the actors not sharing its values directly, or it can team up with like-minded countries and regional organisations sharing (a set of) its values to convince others of the merits of an international rules-based order underpinned by a common set of principles and values. Potential partners in this regard include the African Union, the Organisation of African, Caribbean and Pacific States, the Association of Southeast Asian Nations, Canada, Kenya, Mexico, Norway, Japan, South Africa, the United Kingdom, the United States and Switzerland. These actors can become regional entry points and multipliers for a greater role for EU values in the world, serving as valuable role models for their geographical neighbours.

Lastly, the EU should also target those actors in its neighbourhood who are more receptive to its values, either in the framework of the accession negotiations or the ENP. While candidate countries are subject to EU values as a precondition for membership according to art. 49 TEU, values will also continue to be at the centre of the EU's relations with its partners in the Eastern and the Southern Neighbourhood (Council of the EU 2021; European Parliament et al. 2021). To do so, the EU must consider even more applying the funds allocated to its neighbourhood in the framework of the Neighbourhood, Development and International Cooperation Instrument (NDICI) for the promotion of its values. In so doing, the EU would strengthen financial instruments, e.g. the European Instrument for Democracy and Human Rights, aiming to "uphold and promote the Union's values, principles and fundamental interests worldwide" (European Parliament and Council 2021). In turn, it would clearly underscore what it stands for, providing a counter-narrative against those actors putting forward alternative world views.

#### *Efficient and credible decision-making processes: dare qualified majority voting at the Council*

A less incoherent and more value-based EU leadership on the international scene must be underpinned by an effective decision-making process, enhancing the EU's credibility. The reign of the unanimity rule in the EU's Common Foreign and Security Policy, which often leads to lowest common denominator decisions or unnecessary delays due to the veto power of certain Member States, must therefore be overcome. To be perceived as credible on the international scene, the Union cannot afford one or a few Member States regularly blocking EU positions, especially in conflicts over values. For example, in 2017, Greece blocked an EU statement at the UN Human Rights Council criticising China's human rights record. Furthermore, in 2019, an EU statement on Israeli abuses in Palestine was delivered at the UN Security Council

despite a Hungarian veto, raising many legal and procedural questions. Such situations need to be avoided for the EU to play a value-based, credible leadership role.

Hence, in line with the Juncker and von der Leyen Commissions, as well as the European Parliament, we recommend using the passerelle clause provided by art. 31(3) TEU enabling the extension of qualified majority voting to foreign affairs matters, unless decisions have military or defence implications (art. 31(4) TEU).

### Conclusion

The CoFoE constitutes an ideal opportunity to reflect on the type of leadership Europeans want the EU to pursue on the world stage. Currently, the EU is at crossroads: Brexit, the COVID-19 pandemic, the climate crisis, the internal contestation of European values, the Strategic Compass and, more generally, the shifting world dynamics all represent opportunities to rethink the EU's external engagement.

More recently, the EU's response to the war in Ukraine arguably marked the Union's real birth as a geopolitical actor. This war is just another call to conceptualise its leadership in the world and the role EU values play in it. Such conceptualisation must start with an inward-looking process on how to define its values further and how to counter the values contestation by some Member States. Externally, the EU must move away from security- and defence-related means to advance its objectives and act upon the key role attributed to EU values in the leadership its desires to play in the world. It can do so by using its values as a policy tool, exemplified by our proposals to further embed them in human rights instruments, use them as a basis for close cooperation with like-minded partners and spend NDICI funds thematically rather than geographically. Underpinned by more streamlined procedures, EU values can provide a counter-narrative against those actors challenging them, as they define the Union's identity, both at home and abroad.

## Further Reading

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