‘How to lose friends and alienate people’? The EU as a global social power\(^1\)\(^*\)

Robert Kissack

As Tortell and Orbie have set out in their introduction, this symposium seeks to bring insights from other disciplines to social policy studies, and endeavours to reduce the isolationism rife among the social sciences. To this end, this contribution considers ‘social policy as foreign policy’, firstly through the EU’s promotion of the social dimension of globalization, and secondly the ability of EU member states to upload the European social model into ILO conventions. It argues that the best the EU can aspire to be is a regional social power.

Social power and foreign policy

It would be useful to consider an existing global social policy to contrast with the efforts of the EU. An interesting, albeit controversial, case is the US government’s President’s Emergency Plan for AIDS Relief (PEPFAR). The $15bn programme won praise for being the largest single effort to combat the disease to date, and for its primary focus on Africa, yet it has also been criticised by groups such as Human

\(^1\)\(^*\) I would like to thank Lisa Tortell and Jan Orbie for their invitation to contribute to the symposium, and William Vlcek for comments on an earlier draft. The title borrows from Young, T. (2001) *How to Lose Friends and Alienate People*, London: Abacus.
Rights Watch for being ideologically driven to the point where it could ‘undermine HIV prevention’. This policy is clearly linked to US domestic political interests and made possible by American material capabilities to fund the programme. Moreover, since its intention is to change the behaviour of citizens and governments in third states it meets the criteria for being ‘foreign policy’. It would seem, therefore, that this is an example of a global social policy and that the US is a global social power. To what extent can the EU emulate the US, and what social policy would it choose?

Can the EU become a global social power by promoting the social dimension of globalization? A barely questioned assumption in much of the literature is that a natural synergy exists between the EU and the ILO, which at the rhetorical level makes them ideal partners. Why should the EU be trusted to promote the social dimension of globalization? As the PEPFAR case illustrated, ulterior motives linked to domestic interests often lurk behind seemingly altruistic actions. Mainstream theories of international politics tell us that states are in competition with each other, and while co-operation is often necessary to solve certain problems (Keohane & Nye 1989), ultimately state interests prevail (Grieco 1988). However, students of International Relations familiar with the literature framing the EU as a normative power (Manners 2002), or its post-modern approach to politics (Cooper 2000) are less inclined to automatically ask ‘what’s in it for the EU?’ These authors argue that the

---


3 See Orbie and Tortell’s introduction for a longer discussion.
EU is a different type of international actor, one that is *sui generis* and does not behave like Westphalian states. Borrowing from Arnold Wolfers, Karen Smith (2003) argues that EU foreign policy often seeks ‘milieu goals’ over ‘possessive goals’, where the former produce system-wide gains (such as improved labour standards) while the latter only yield gains to a single state. In summary, from within the field of EU foreign policy studies it is uncontroversial to argue that the EU is capable of promoting social dimension of globalization more credibly than a nation state.

The EU’s interest in promoting social dimension of globalization can also be understood as part of a broader political project. Robert Kagan (2003) argues from a realist perspective that weak states favour international law over *realpolitik* in an effort to control the powerful. The World Commission on the Social Dimension of Globalization’s report asserts that globalization makes ‘multilateralism both indispensable and inevitable’ and that it ‘provides a time-tested framework to guide the process of globalization in accordance with the international rule of law’ (World Commission 2004: 6). The European Security Strategy states ‘a rule-based international order is our objective. We are committed to upholding and developing International Law’ (Council 2003b). Ratification rates of ILO conventions reinforce this distinction, as the US has ratified 14 out of 187 ILO conventions, Canada 28 and Japan 41, while the new economic powers of China and India have ratified 22 and 38 respectively. By contrast, the EU27 average is 68, ranging between 109 (Spain) and 32 (Estonia). European states are more committed to ILO conventions than either other rich states or the emerging economic powers, suggesting that EU promotion of

---

social dimension of globalization is a veiled attempt to reign in unbridled economic development elsewhere.

**Exporting the European social model into the ILO**

Let us turn to look at the potential social power of the EU by promoting the European social model beyond its borders. One way this is done is by the ‘everything but institutions’ promised in the European Neighbourhood Policy. In the ILO it is done by EU member states (or European Commission delegates) speaking during drafting sessions preparing new labour standards to propose the *acquis communautaire* as a template for ILO standards, which *prima facia* appears a sensible application of existing ‘best practice’. Novitz argues that the EU uses ‘labour standards to serve an internal market agenda by setting fair terms of competition, promoting freedom of contract and enhancing labour market productivity’ (2008: 71). Empirical evidence demonstrates that the more involved the EU member states are in the drafting process, the fewer ratifications the resulting convention receives from ILO members (Kissack 2008a). The underlying assumption to this work is that EU member states most readily agree on common interventions based on existing policy, thus uploading the *acquis*. Here I wish to differentiate between low levels of ratification due to excessively high standard-setting, and those due to an underlying lack of consensus between ILO members. In the former, exporting the EU model into the ILO creates a lose-lose scenario, where the ILO gets a widely ignored maximal standard, and the EU gets a negligible extension of its own standards internationally. In the latter, a broad coalition of ILO members recognizes EU best practice and attempt to upload it, yet ultimately fail to create a widely ratified standard.
Four examples illustrate these two points.\(^5\) The first three examples illustrate two strategies where EU member states upload EU law into ILO standards by citing the *acquis* as best practice, or ‘threatening’ non-ratification. Examples of uploading were rife in the Health and Safety in Agriculture Convention, 2001 (No. 184), when three the EU framework directive on health and safety, Directive 2000/54/EC and Directive 1994/33/EEC were mentioned by name (ILO 2000b: §78, §88; 2001: §366, §423).\(^6\) In the Promotional Framework for Occupational Safety and Health Convention 2006 (No. 187), EU Directives were mentioned in passing in both drafting sessions but not explicitly cited nor their contents elaborated upon (ILO 2005: §80). What may come as a surprise is that neither practice is new, with evidence of this happening in the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153) through a number of references to EEC Regulation No. 543/69 (ILO 1979: §18).

The second strategy asserting that ILO conventions must be congruent with existing EU law also has a long history of use. In the 2005 (Convention No. 187) negotiations the Luxembourg Presidency wanted to insert a reference to ‘non-binding collective agreements’, ‘explaining that in the European Union many other agreements were used as part of national systems for occupational safety and health’ (ILO 2005: §161). While acceptable to the workers, it was not to employers, nor the

---


\(^6\) The Norwegian government referred to the Directive to illustrate existing practice elsewhere, discussed below.
government members of MERCOSUR. Yet after two sub-amendments attempting to resolve the wording dispute,

The Government member of Luxembourg, after consulting with the Government members of the Committee Member States of the European Union, opposed the new text, as it was necessary to have the term “collective agreement” in the Convention for it to be ratified by European Union Member States.

(ILO 2005: §162)

A third sub-amended text was finally agreed, and the text was accepted by the EU member states. Likewise in 1978 and 1979, the drafting of Convention No. 153 was often framed as an exercise in reconciliation with EU law. Terms like ‘it would be difficult for the countries of the European Communities to ratify’, and ‘incompatible with the provisions of the regulation of the Communities’ were used (ILO 1978: §186, §238). Most audaciously:

[EEC governments] did not claim that the provisions of Regulation No. 543/69 of the European communities should be applied on a world-wide scale. Their concern was rather to help in the framing of an ILO Convention which they could subsequently ratify and which could be applied on a wider scale that that constituted by their nine countries’.

(ILO 1979: §18)
These three conventions share a high level of EU member state input in the drafting process, yet none have received much support from any ILO members, with just ten, two, and eight ratifications respectively (by comparison the Forced Labour Convention, 1930 (No. 29) has 172 ratifications out of a possible 181).\footnote{Only Spain has ratified C153; Luxembourg, Finland, Sweden and Slovakia have ratified C184, and none have ratified C187.}

While there is a statistically significant association between high levels of EU member state involvement in the drafting of ILO standards and low levels of ratification (Kissack 2008a), the EU social power is not always malevolent. Non-EU negotiators attempting to shape the Maternity Protection Convention, 2000 (No. 183) by citing the *acquis*. Transnational workers’ and employers’ representatives referred to it to substantiate their claims over suitable content (ILO 1999b: §115-116, 279). By contrast, the EU member states seldom spoke collectively (five times in 19 sittings in 1999 and not at all in 2000) despite the relevance of two EU Council Directives (92/85/EEC and 96/34/EC), instead preferring to intervene individually.\footnote{The Netherlands, Italy and the UK referred to these Council Directives. France referred to Council Directive 97/80/EC regarding discrimination (ILO 2000a: §355).} In contrast to the earlier example, workers and employers’ representatives (with minimal promotion by EU member states and Presidency) ratcheted up ILO labour standards by appealing to EU best practice. Nevertheless the ratification picture is poor: Convention No. 183 has received only 13 ratifications, of which eight are by EU member states. To explain this we have to recognise that the ILO as a whole was deeply divided on the issue. A number of western and South American (GRULAC) states supported greater standard setting, while many developing states opposed it,
including some Arab states citing religious reasons. The ILO is subject to the broader political divisions found in all international organizations, the most important being between developed and developing states. European states have frequently found allies in Latin America willing to champion human rights at the global level, pitching them squarely against many Asian, Arab and some African states (Kissack 2008b). The EU is right to promote its values, and should be happy when others also cite their regional example as one to follow. However, the conclusion that the entire ILO membership is not ready to adopt EU-level standards is inescapable.

Conclusion

The discussion of Conventions 153, 184 and 187 illustrated the pitfalls of uploading the EU social model into ILO standards, with conventions remaining unratified and therefore irrelevant to actual global working practices. It would seem, therefore, that the ILO is not ready to adopt EU standards, and vertical coherence between the EU and the ILO does not appear possible because implementing complementary policies is detrimental to the objectives of the ILO. However, we should pause to reflect before assuming that there is a homogeneous ‘ILO’ that is ‘unready’ for such coherence, illustrated by the discussion of Convention 183. Despite the EU playing a less prominent role in the drafting process, workers and GRULAC states were forceful advocates of high standards, illustrating that like-minded non-EU actors (states and tripartite representatives) also upload the acquis and achieve vertical coherence as they do so. Within the ILO there is a spectrum of opinions on whether standards should be minimal or maximal, and those favouring the latter are not solely EU states. Although congruence between the European social
model and ILO standards often means that ILO conventions will be sparsely ratified, EU member states are not solely responsible for this.

Can social policy be integrated in foreign policy – in short, can there be horizontal coherence? Social policy lies at the heart of the domestic sphere so any attempt to influence it by a third state insinuates a foreign policy dimension. For example, when the EU calls for higher standards in ILO conventions it rightly claims to be promoting social policy over economic policy. However, developing states also rightly claim that higher standards impose economic costs that will damage social welfare through reduced competitiveness. In the PEPFAR example the boundary between HIV prevention and religious instruction is equally contested. The difference is that the US is indifferent to the criticism of political bias in its global social policy, explicitly because the policy is intended to change behaviour. The EU’s self-image of a normative power requires third states to want to change, not be coerced into change.

If the EU is to achieve horizontal coherence, it must upload its policies into international organizations such as the ILO to have any chance of escaping the trap of moral relativism. The ILO’s social dimension of globalization political project is designed to encourage states to change from within, dispersing the power to bring about social change across all ILO members. However, this method is slow and patchy, and the EU is faced with a set of stark realities. It is certainly a regional social power, with a regional social role and policy. But it cannot be a global social power in the US mould until it is willing to clearly articulate exactly what it expects other states to do, and provide the incentives (and/or coercion) to make them do it without hiding behind the ILO.
References (combined)


ECORYS (2007) Trade Sustainability Impact Assessment for the FTA between the EU and Ukraine within the Enhanced Agreement, Ref: TRADE06/D01, Final Report, Rotterdam: ECORYS.


International Labour Organization (1978) ‘Hours of Work in Road Transport’ (ILC 64 *Provisional Record 32*).

-- (1979) ‘Hours of Work in Road Transport’ (ILC 65 *Provisional Record 32*).

-- (1999b) ‘Revision of the Maternity Protection Convention’ (ILC 87 Provisional Record 18).

-- (2000a) ‘Revision of the Maternity Protection Convention’ (ILC 88 Provisional Record 20).

-- (2000b) ‘Safety and Health in Agriculture’ (ILC 88 Provisional Record 18).

-- (2001) ‘Safety and Health in Agriculture’ (ILC 89 Provisional Record 15).


Kissack (2008b) ‘Outreach, Overstretch or Underhand? Strategies for cross-regional consensus in support of a UN General Assembly Resolution on a Moratorium on the


