

## **How Small States Influence Diplomatic Practice: A Look at the Fourth Round of Accession Negotiations to the European Union**

It may be said that there are three sets of actors, operating at global level, whose decisions and actions affect individuals world wide. These are the transnational corporations, the multilateral institutions and the nation states. It is the case that in our day the nation state remains the more dominant of these three actors.

A surprising reality of our times is that we are still living in an international environment which is primarily defined by a multitude of nation states. A significant number of these states are small in absolute terms. Most of them can also be considered as small in relative terms. Yet all of these states, large or small, act and expect to be treated as sovereign and independent members of the international community.

The notion of state sovereignty as we know it today is an inheritance of the great power system as it developed mainly in Europe between the seventeenth and nineteenth century.

This great power system produced the global catastrophe of the two world wars. In the wake of this catastrophe the United Nations came into being. The old world started tearing itself apart into an ideologically nurtured East West confrontation. The remaining empires disintegrated, leading to the birth of a large number of new states. Each of these new states was automatically endowed with all the prerogatives of sovereignty, even though a number lacked some of the key attributes of this sovereignty.

The emergence of an alternative supranational order superseding the individual state system, for a time in the mid-20<sup>th</sup> century therefore appeared both logical as well as inevitable. The only question seemed to be whether the evolving supranational order would take the form of an Orwellian nightmare, or that of an institutional utopia.

For reasons that appear self-evident in retrospect, neither the dream nor the nightmare have materialized. The nation state has flourished, proving itself to be much more deeply and widely entrenched, and resistant to change, than some had earlier believed.

The international order we have today consists of an uncomfortable amalgam. On the one hand it legitimizes and perpetuates the notion of state sovereignty thriving on power relationships. At the same time it promotes and gives prominence to the notion of collective reliance on the rule of international law, as exemplified in the global institution of the UN, and such regional experiments as the European Union, the African Union, Asean and others.

It is as an integral, relevant, and even vital part of this order that I would like to look at the subject of small states and the diplomacy they pursue.

Echoing received wisdom Alan Henrikson defines diplomacy as “the highest and truest expression of the state”.<sup>1</sup> Embedded in this wisdom are a number of undefined assumptions about the autonomy and freedom of manoeuvre of the sovereign state when it inter-acts with other states. This leads to further undefined assumptions about the role of the diplomat as the frontline spokesperson and representative of that state. An equally undefined set of assumptions concerns the question of the relationship between diplomacy and foreign policy.

In a more pragmatic mode Josef Batora defines diplomacy as the set of norms and rules regulating relations between states<sup>2</sup>. This definition highlights the professional dimension of diplomacy and the methods through which it can accomplish its tasks.

Neither of these definitions touches directly upon some key questions that arise in relation to the diplomacy of small states. Does size affect small state diplomacy in a fundamental way? Are small states full partners in the international community? Is their diplomacy a relevant factor in setting the long term trends of global diplomacy? Or is it mainly a diplomacy restricted to those limited and practical issues that are of immediate and internal concern?

In our day, diplomacy operates within a conceptual framework which is delimited by two weakly coordinated sets of considerations. On the one hand there is the inherent, but generally camouflaged, role of power - military or economic - in determining the relationships between sovereign entities. On the other hand there is the ostensible, but somewhat ambivalent, role of the diplomat as an instrument for promoting his or her state's interests while trying to forge stable and peaceful inter-state relationships.

UK Prime Minister Blair put the issue very succinctly in the speech he delivered a few weeks ago. He said: “There are two types of nations similar to ours today. Those who do war fighting and peacekeeping and those who have, effectively, except in the most exceptional circumstances, retreated to the peacekeeping alone.” I find his use of the verb “retreated” particularly indicative.

In the nineteenth century Clausewitz concluded that war is a continuation of policy by other means. Is the state of affairs that I have just described much different from what led Clausewitz to his conclusion?

I do in fact believe that we have moved significantly, but not completely, and perhaps not irrevocably, away from Clausewitz.

One reason for my limited optimism arises from my understanding of the way multilateralism has invaded the realm of diplomacy, especially by virtue of the diplomacy as practiced by the smaller states.

Multilateralism offers states a new and different security option from the only one that was often available to them in the past - namely their merging into an alliance,

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<sup>1</sup> “Diplomacy and Small States in Today's World” Alan K Henrikson in *In Face of Man*, Vol. 2, *The Dr. Eric Williams Memorial Lectures* (Central Bank of Trinidad and Tobago, 2005).

<sup>2</sup> “Public Diplomacy in Small and Medium-Sized States: Norway and Canada”: paper presented at the International Conference on Multistaker Diplomacy, Malta, February 11-13 2005.

or perhaps more realistically speaking a relationship of subordination, with either their larger and stronger neighbours, or even the more powerful of their enemies. This former option was an inevitable dimension of the era of unrestrained power politics, only exceptionally attenuated by the formula of permanent neutrality. Today's multilateral option offers an opening towards an alternative system of inter-state relations, where relations based on dominance give way to relations based on consensus and the rule of law.

So I consider that today's diplomacy does indeed navigate within a continuum of choices ranging from the discretionary exercise of power to a strict adherence to the collective application of the rule of international law. Within this framework the effect of small states operating within the multilateral system is to create a marked bias in favour of consensus and the rule of law.

This bias is far from sufficient to overcome the inclination and temptation of the more powerful members of the international community to retain the discretionary exercise of power as a viable policy option.

It does however create an environment where the overt adoption of this option, outside a consensual multilateral framework, becomes increasingly problematic. This is due to the intensity and pervasiveness of the commitment that small states can bring to the notion of international legality. They do so out of a deep-rooted and quite logical conviction that therein lie the best long-term guarantees for their own security and autonomy.

In turn this leads to the emergence of solidarity among smaller states as a way of counteracting the presumed freedom of manoeuvre by the larger and more powerful states. It puts a premium on notions of legitimacy, to which all states, large or small, powerful or weak, attach importance, if only for internal reasons. In such an environment, attention shifts towards the longer term benefits arising from diplomacy based on persuasion, in contrast to the shorter term gains that might result from diplomacy based on coercion.

In his history of the Peloponnesian War Thucydides reports a dialogue that took place in 431 BC<sup>3</sup> between the warring Athenians and their much smaller and weaker neighbours the Melians "Right, as the world goes," the Athenians said "is only in question between equals in power, while the strong do what they can and the weak suffer what they must."

In the less stark reading of the present day international scenario, I maintain that small states can, and often do, have a role in determining issues of right or wrong.

This reading gives prominence to a qualitative rather than a quantitative definition of what constitutes a small state.

Quantitative definitions use the criterion of absolute size - based on demographic, geographical, or economic factors - singly or in different combinations. This type of definition seeks to focus attention on the weaknesses and vulnerabilities which, in one form or another, are the by-product of smallness - insufficient resource endowment, unsustainable market base, inadequate security capability, exposure to environmental hazards.

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<sup>3</sup> History of the Peloponnesian War by Thucydides. Chapter XVII

Such considerations tend to circumscribe the diplomacy of small states as primarily directed to those tasks which somehow cushion or avoid these weaknesses and vulnerabilities. They have little to say about the role that small state diplomacy can play in giving shape and direction to the political order of which all states whatever their size are members.

Furthermore the quantitative approach devotes a significant amount of attention to the question of benchmarks. If size is a criterion, there arises the need to define an objective breaking point between those who are small and those who are large. This tends to create logical inconsistencies.

It is the case that, in the context of development assistance programmes, the quantitative approach has the practical purpose of identifying a distinct group of states facing common problems and concerns. This facilitates both the programming and the delivery of development assistance.

The Commonwealth for example uses the benchmark of 1.5 million population. This serves, to encompass the significant number of small, remotely located island members, which need help on such specific aspects as environment protection, trade facilitation, infrastructural development and so on.

The inconsistency which arises from the fact that Malta and Cyprus, both commonwealth islands with populations smaller than 1 million, fit uncomfortably within this definition is quietly overlooked.

In spite of such inconsistencies definitions of smallness based primarily on quantitative criteria have their practical use, in the context of such development oriented organizations as the Commonwealth or the World Bank. However they only serve within this limited context. They cannot serve as a tool for the understanding of small state diplomacy in a broader sense.

One interesting example of a quantitative categorization with a limited and specific purpose was the formation of an AOSIS group in the UN in the early nineties. This grouping sought to highlight a very clearly defined problem - the impact of climate change on the economic development, even the survival, of very small states.

The AOSIS negotiating agenda was therefore useful in a very specific context. However its limited scope was sensed as a constraint even by the AOSIS members themselves.

In fact after an initially very active period, this group's objectives became diluted and it started identifying itself more directly with the broader development concerns of developing countries as a whole. To enhance its relevance it merged into a wider grouping known as the SIDS (Small Islands development states).

The current composition of AOSIS/SIDS is eclectic. It ranges from populations as small as 13,000 (Nauru) to the 11 million inhabitants of Cuba. However the main problem with the SIDS is that, apart from the original core AOSIS agenda, its broader agenda is indistinguishable from that of the rest of the developing countries within the group of 77.

The qualitative approach to smallness concentrates on relationships - and the perceptions which define those relationships. A basic premise of the qualitative approach is that in most cases relationships are among unequals. Size plays a

part in these relationships - but only in relative terms and is never the only or even a main consideration.

Aspects come to the fore which compensate for difference in size - these include such aspects as level, rather than size, of economic development, a firm sense of identity, coherence and single-mindedness of policy objectives, historical and cultural backgrounds. These aspects are not always readily quantifiable. But they do constitute an important dimension of any diplomatic effort, both within the bilateral as well as the multilateral context.

The advantage of the qualitative approach is that it proceeds on the assumption that all states, without exception, are viable and active partners in the community of nations. It focuses on the whole range of options available to any state in the broader international setting.

This approach is the one inspiring such global groupings as the Group of 77 developing countries and the non-aligned movement.

One interesting small states grouping initiative at the UN seeks to bring this aspect to the fore. This is what is known as the FOSS - the forum of small states - states of 10 million citizens or under. This group has never developed its own negotiating agenda or action plan. It does however provide a setting where small state diplomacy is approached as part and parcel of the basic themes and methods of diplomacy as practiced by all other members of the international community.

In a survey of small-state research conducted in 2004, Neumann and Gstohl examine studies which had rejected the assumption that small-state behavior is the result of the same general processes of decision-making that are found in larger states<sup>4</sup>. They conclude that this hypothesis has subsequently been falsified.

Admittedly their findings lead them also to question whether the concept of small states was a useful analytical tool in understanding world politics.

I am here arguing to the contrary, in the belief that small state diplomacy is an identifiable element with a prominent place in an analysis of world politics.

Under this approach one useful template for a study of diplomacy may be built around two related dualities. In both the bilateral and the multilateral contexts diplomacy can be seen as operating on two levels - the specific and the normative.

In the bilateral context, the specific concerns all the single issues the diplomat has to deal with on a day to day basis - issues that may touch upon political, economic or cultural relations or matters dealing with the cases of particular individuals. The normative concerns those longer term tasks involving the conclusion of agreements that provide the framework within which specific cases are dealt with - agreements ranging from straightforward sectoral cooperation matters - investment guarantees, cultural or economic cooperation agreements and the like - to more sensitive and complex matters relating to border disputes, resources sharing, external security threats and so on.

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<sup>4</sup> "Lilliputians in Gulliver's world" Iver B Neumann and Sieglinde Gstohl. Centre for Small States Studies. University of Iceland. May 2004

A parallel duality exists at the multilateral level, where indeed the work on single cases touching upon political, economic, cultural or other matters is even more intimately related to the processes that lay down the framework of norms and rules within which such single cases are considered. In their turn the norms and rules laid down at the multilateral level provide the broader framework in which bilateral relations are conducted.

It is in the various linkages that operate within this template that small state diplomacy can come into its own. It does this in particular through the emphasis it attaches to the normative work of diplomacy, especially at the multilateral level.

In this spirit I wish to look at the experience arising from the fourth round of EU accession negotiations, which concluded with the admission of twelve new members, 10 in 2004 and two this year.

With the exception of Poland and Romania all these 12 candidates were countries with a population of 10 million or under. At the same time it should be remembered that on the other side of the negotiating divide nine of the 15 EU member countries also had populations of 10 million or less.

These accession negotiations therefore involved a majority of states that, under most circumstances, perceive themselves as small, and a minority of significantly larger states, two of which were also Permanent members of the Security Council. This is a good setting to seek some insights into various aspects of diplomacy as it is influenced by small states.

One can approach the subject in two stages. First by discussing the attitudes and positions of the two sides. Then by analyzing the purpose and methodology of the negotiating process itself.

On one side the 15 existing members of the EU represented the current phase of a long, ambitious and still evolving historical experiment.

The experiment started in the early post-second world war period when, in Winston Churchill's words, Europe was "a rubble heap, a charnel house, a breeding ground for pestilence and hate".<sup>5</sup>

Fired by their war experience, the political leaders of the original six nations involved in the experiment developed a vision of a new Europe that would transcend antagonistic nationalism and lead the continent to an era of prosperity and peace, rid of its legacy of bitterness and conflict.

A significant common experience of all these six founding members was that they all had been defeated and occupied at some stage during the war. Another significant influence on the six founding members was that their experiment was being conducted in the shadow of the then evolving military and ideological East/West confrontation.

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<sup>5</sup> Quoted in an article 'enlarging NATO: why bigger is better' by Madeleine Albright - Economist issue No 2770 February 15th-21st, 1997.

The project they devised entailed a fusion of disparate elements - a wounded but still vibrant sense of national identity and sovereignty, an awareness of strategic vulnerability, and economic and social conditions that cried out for far-reaching cooperation at functional level.

This generated a process with a broad direction but no defined finality. The 1950 Schuman plan stated "Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity". At the same time any temptation to relegate the process into the traditional type of security umbrella was neutralized by the parallel existence of NATO.

By the time it embarked on its fourth phase of enlargement in the late nineties, the European experiment had undergone extensive phases of both deepening and widening. Nine new members had been added in three successive enlargement phases. The new members had brought with them their own nuances and complexities in the definition of both the intensity as well as the direction of the process.

In particular the original Schuman vision that Europe will not be made according to a single plan had come under increasing scrutiny. This showed itself most clearly in the framing of the proposed, but so far ill-fated, European Constitution.

Throughout all these developments the European Union maintained intact two fundamental characteristics inherited from the formative conditions of the experiment's early days - the constrained role which size and power relations played in its internal dynamics; and an institutional structure that reconciled in a novel and effective way the intrusiveness of an ever widening functional cooperation with a strong and persisting sense of national identity and sovereignty.

At the internal level these two characteristics today continue to play a significant role in shaping the attitudes of individual EU members both towards each other, as well as towards the institutional structures supporting their partnership.

At the external level this has a noticeable effect on the Union's negotiating stances with third parties, in particular by instilling attitudes favouring consensus building, cooperative action and the commitment to multilateralism.

From their side the twelve candidate countries approached the accession negotiations in a spirit of partnership very much in harmony with the ideals which had originally set the European process in motion.

The ten central and eastern European states had just emerged from the constrictions of the Soviet era with a vigorous sense of national purpose. This was coupled with a determination to claim their legitimate place in a European process from which they had been unwillingly divorced over a long period.

As in the case of the founding members of the European process, the ten new Eastern and Central European candidates saw their security concerns separately accommodated within NATO. This left space for their sharper focus on the broader cooperative dimension of EU membership.

The two other candidates, Malta and Cyprus, brought to the negotiations an equally clear sense of national identity. This did not carry with it any residue of frustrated

expectations over what they also saw as their European vocation, expect perhaps some element of disappointment at the fact that neither of them had achieved the objective to form part of the earlier enlargement phase concluded in mid-nineties.

Over a long period both Malta and Cyprus had built up a steady relationship with the European Union while pursuing a foreign policy which, especially in their membership of the Non-aligned Movement and of the Group of 77, took account of their individual geo-strategic positions, historical experiences and economic situations.

All twelve candidates shared a common appreciation of the political and economic goals associated with EU membership.

In political terms, they recognized the contribution that the common space of freedom, security and justice which they aspired to join, made towards peace and stability at both national and regional levels. In economic terms, they recognized that an insertion in the European common market was a necessary and vital ingredient in the road to development.

These shared goals did not rule out divergences on specific objectives more closely related to national concerns. For the Eastern and Central Europeans the solidity and cohesion of the Union were seen as providing an additional security safeguard on their eastern flank. For Malta and Cyprus the same solidity and cohesion were seen as providing a platform for enhanced measures of dialogue and cooperation to their south. Cyprus also had its own special perspective related to the problem of its internal division.

Similarly there were differing assessments of some of the economic implications of membership. The ten ex-soviet bloc countries, in transition from centralized to market economies, could welcome the opportunity for radical changes in their administrative or economic structures forced on them through the obligations of prospective EU membership. For the established market economies of Malta and Cyprus those obligations of EU membership which called for accelerated changes in administrative or economic structures were seen less as a welcome opportunity and more as an unavoidable challenge.

Concerns arising from the size or relative weight of individual applicants were occasionally a component of the negotiations but never a central consideration. This was particularly the case with regard to Malta's small size and limited internal market.

The bulk of the negotiations for the accession of the twelve new members were however largely conducted in a spirit of partnership where common goals took precedence over individual differences. This is the negotiating culture that best accords with the direction towards which small states seek to channel the processes of diplomacy.

The nature and methodology of the accession negotiations reinforced this approach.

Contrary to what happens in any other type of negotiation, negotiations for membership in any existing entity are characterized by the fact that the substantive aspects of the final outcome are pre-ordained.

In these circumstances the negotiating process has two immediate tasks. One is to examine the level of alignment to the rules of the club that a candidate has already achieved. The other is to determine the timeframe and conditions under which any remaining alignment will be assured.

Both these tasks carry the potential of giving the existing membership a position of strong leverage over the applicants.

In the fourth round of the EU accession negotiations these tasks were accompanied by an opposite sentiment from the side of all participants. This consisted in a shared commitment to facilitate and where possible assist the task of alignment. The process therefore assumed the shape of a far-reaching cooperative venture, well beyond what this type of negotiation is normally expected to entail.

This cooperative aspect of the process was also apparent in its methodology. Because of its institutional structure, negotiations for accession to the Union need to be conducted at two levels - a technical exercise with the Commission and a more political one with the member states.

There is a strong risk for candidates to be overwhelmed and outmaneuvered in such circumstances. In the event, this dual negotiating structure served the opposite purpose of easing the process for the candidates.

The negotiating agenda was split into thirty one separate chapters, tackled sequentially. This procedure favoured negotiating techniques which play to the strengths of the smaller and weaker parties - their ability to focus on select issues of importance to them, their experience in deploying limited human and technical resources in the most efficient manner possible, and their enjoyment of streamlined, fast and efficient lines of communication between the different layers involved in decision-making.

Parallel negotiations at technical and political levels have the potential of either undermining or complementing each other. In the case of the enlargement negotiations the complementary dimension almost always took the upper hand. The instance where agreements reached at one level were frustrated or overridden at the other level were practically non-existent. On the contrary it was sometimes the case that difficulties in the negotiations at one level were given a push forward by developments at the other level.

The cooperative and non-competitive spirit in which the accession negotiations were conducted provides a concrete manifestation of the way in which the European Union functions. In a broader sense this can also be seen as forming part of the trend in international relations to which I referred earlier - and especially the bias in favour of diplomacy based on consensus, norm-setting and the collective application of the rule of international law in preference to one based on a discretionary exercise of power.

For the last few decades this bias has constituted a recognizable and growing force in favour of multilateralism and the spirit of inter-dependence at both regional and global levels. And it is the small states that have been its strongest proponents.

Looking at the global situation today one may however well ask if this spirit of multilateralism and inter-dependence can hold its own in the international relations

of the future. And to what extent can small state diplomacy continue to be a formative factor in this regard?

Multilateralism has suffered some severe shocks in the post cold war period. The euphoria of the early nineties was soon confronted with some very harsh realities - the tragedies in many parts of Africa, in the Balkans and in the Middle East; the phenomenon of global terrorism, the disruptions blamed on globalization. The limited, slow and sometimes ineffectual, impact that the multilateral system, centered around the United Nations, has had on these developments has raised doubts and even criticism.

Resort to force, outside the framework of the United Nations, as was the case in Kosovo, in Iraq and recently in Lebanon and Somalia, has been accepted by many, and justified by some, as either a necessary or an inevitable reality.

Resistance to the further opening up of the global trading system is increasingly visible at both national and regional levels.

The delicately constructed balance between the commitment to international legality and the discretionary exercise of power, for many years had seemed to be tilting slowly in favour of the former. There are today strong pressures for it to tilt back towards the latter.

In the longer run, this trend could be intensified by the gradual re-emergence of a multi-polar world, where economic and military dominance no longer remains the prerogative of one major power.

In more immediate terms the phenomenon of terrorism has arguably added a fourth actor to three global ones I mentioned at the beginning of my talk. This actor cuts across, and indeed directly challenges, all notions of state sovereignty as we have come to understand them in our time.

It is possible that in these circumstances small state diplomacy will therefore face greater challenges in the future than it has done in the recent past in maintaining its role in the shaping of international politics.

The manner in which small states meet this challenge depends to a large extent on how much they will be able to continue to operate freely in the global and regional institutions as they have been doing in recent years.

At the global level, the challenge comes from the nature of the UN institution itself. The United Nations Charter has a visible dimension of *realpolitik* attached to its principles based on equal sovereignty of states. This is most prominent in the unequal allocation of power within the Security Council. There is furthermore the lop-sided allocation of authority between the Security Council, with its enforcement powers, and the other major organs, the General Assembly, ECOSOC where authority is of the softer, normative kind.

The tensions within the UN between the normative and consensus building role of the General Assembly and the authoritative domain of the Security Council has never been fully resolved. The checks and balances in the process largely depend on two elements.

One is the inter-action among the major powers themselves - in the words of the ancient Athenians it is a question between equals in power.

But there is the other element - the role which the smaller states play within the system as a whole. Within the United Nations the perception does remain that leaving matters to be resolved exclusively as a question between equals in power often carries intolerable risks. The question is whether small states can maintain the moderating role in the process that they have gradually established over the years.

At the regional level the interplay between action based on a common approach and action directed by the powerful few is generally more evenly regulated than it is under the UN charter. This is the case in the various processes taking place in Africa, Asia, Europe, Latin America and the Caribbean.

The European process is by far the more advanced in both its breadth and scope. Here the forces working towards consensus building remain powerful, though even here tensions and differences are not absent.

I believe that it is at the regional level that the best prospects remain for small state diplomacy to continue playing a formative role in the conduct of international relations.