

ROZPRAWY I ARTYKUŁY

DOI : 10.14746/rie.2022.16.1

MAREK REWIZORSKI

Uniwersytet Gdański

ORCID: 0000-0001-8075-8388

External policy of the European Union as a late-Westphalian political innovation

Introduction

When discussing the transformation of regional institutional structures operating at the external level, it is pointed out that they have come to function in an environment forged by the conflicting Western and non-Western understandings of international order (Kuźniar, 2019), by the fragmentation of regimes supposed to integrate values, norms and formalised and hierarchical structures (Pietraś, 2015), and by the transition from the Westphalian to a late-Westphalian international order (Pietraś, Marzęda, 2008). As new orders at the global and regional level were identified, the focus on the state and its political interactions with other states had to be abandoned on the ontological level, to extend the research perspective to embrace the activity of transnational non-state actors. The colonisation of social space by non-territorial actors has led to dramatic changes in the quantitative and qualitative characteristics of the structure of the global socio-political ecology. The transfer of sovereignty in the late-Westphalian international environment has primarily resulted in the transition from an individual state to a shared, delegated entity which is dispersed between states and EU institutions (Grosse, 2022, p. 39). It can be easily observed that the delegation of powers, or parts of sovereignty, represents a departure from the horizontal, intergovernmental model of authority formation towards its ‘communitarisation’, i.e. the formation of vertical forms of control with a supranational component, characteristic of the federal model. The practical manifestation of this trend towards communitarisation with respect to decision-making is granting increasingly broader governance powers to administrative, jurisdictional and executive bodies (Hawkins et al., 2007), which can be seen in the EU and other organisations, as well as the gradual, yet noticeable, erosion of unanimity as the primary decision-making mode, in favour of qualified majority voting (Kreuder-Sonnen, Zangl, 2015). According to experts, international organisations that take advantage of their expanding scope of action and new tools to influence states, gain not only the possibility to dilute state sovereignty, but also to interfere in governance at the national level, which was previously reserved for the authorities of individual states (Barnett, Finnemore, 2004).

In doing so, international organisations make use of institutions and bodies that, over time, loosen the control exercised by principals (states), and gain autonomy underpinned by a catalogue of values which constitute the normative framework of their functioning in the late-Westphalian international order.

The aim of this article, drawing on both institutionalist and constructivist theoretical developments, is to take a closer look at the external policy of the European Union as a late-Westphalian political innovation which attempts to materially and symbolically balance the two opposing tendencies shaping the EU as a post-Lisbon collective power structure. These tendencies are manifested in the constitutional and organisational shape of the European Union as a hybrid entity, with an intergovernmental-supranational character, based on a specific normative model, which is expanding in terms of its competence and enhancing its institutionalisation. The article is based on the assumption that the external activity of the European Union goes beyond the classical framework of foreign policy, which is usually considered an attribute of the state, and that the EU – being a hybrid entity – articulates and implements its own external policy. The latter is normative and functional in nature, meaning that the EU's presence in the world relies on a set of specific principles, tools and organisational structures facilitating actions that not only complement the respective foreign policies of member states but go beyond them. Another assumption underlying this article stems from the observation that the late-Westphalian external policy of the European Union is based on three pillars – multilateralism, normative flexibility and hybridity which, when considered collectively, create a picture of EU activity that goes beyond the model of classical diplomacy and interstate cooperation.

The first subsection will focus on a discussion of the multiform and hybrid character of the European Union, which corresponds to its complex and elusive external policy. Subsequent subsections will be devoted to an analysis of the three pillars of the EU's late-Westphalian external policy, i.e. multilateralism, normative flexibility and hybridity. The article ends with a summary which presents conclusions.

The European Union's external policy

The Lisbon Treaty, entering into force in 2009, had a fundamental impact on the identity of the European Union by making it the legal successor of the European Communities and giving the EU an international legal role resulting from having legal capacity conferred on it by member states. The replacement of the pillar system by the single legal regime of the EU as an international organisation strengthened it as a party in international relations whose status had remained somewhat unspecified in the pre-Lisbon period. Studies on the legal and political status of the Communities (1952–2009) and the European Union in the pre-Lisbon period (1993–2009), invariably perplexed experts, who described the EU as a structure '*in statu nascendi*' (Barburska, 2018, p. 44), an 'intellectual enigma' (Burgess, 2000, p. 254), or even an 'unidentified political object'.¹ Thirty years after the Maastricht Treaty and fifteen years after the

¹ This is a reference to a famous description by the President of the Commission of the European Communities at the time in mid-1980s. See: *Speech by Jacques Delors* (Luxembourg, 9 September

Lisbon Treaty were signed, the EU is an international organisation in legal terms, but politically it remains an unsolved puzzle. Experts stress this fact. Pointing to the discord between theory and practice, they note that, in functional terms assuming constant movement, dynamism and change, the European Union could just as well be considered an international regime, a multilevel network structure operating on the basis of a unique set of algorithms, an entity that escapes the control of states-principals, or even a supranational institution which is the beginning of a European state (Czaputowicz, 2007; Milczarek, 2003; Hooghe, Marks, 2020; Rosamond, 2018; Hix, 2010). Without determining whether the European Union actually takes all these forms, or whether it constitutes one of them, let us note that this structure constitutes a peculiar institutional mutation of governance mechanisms, making it possible for various modes of social coordination undertaken by stakeholders to produce and implement collectively binding rules, or to provide public goods, to coexist. The European Union, with its broad scope of activity, is a unique hybrid outcome of European integration. Józef Fiszer sees its essence in the triad of features characteristic of an intergovernmental international organisation, a supranational organisation and a state (Fiszer, 2015).

The multiformity and hybridity of the European Union are manifested most clearly wherever the expectations made of the EU diverge from its actual capabilities, or in the expectations-capability gap. The European Union's external relations are one such area which raises interpretational difficulties of a methodological and theoretical level, as well as in terminology. The external activity of the European Union goes beyond the classical framework of foreign policy which is usually regarded as an attribute of the state and involves the articulation and implementation of national interests in a polyarchic and polycentric international environment (Łoś-Nowak, 2000, p. 192). Additionally, as in the case of the EU as an 'unidentified political object', its external activity is terminologically confusing. Indeed, both in the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), a number of references to 'foreign and security policy', 'external relations', 'external action' and even 'special relations' with neighbouring states appear alongside the narrowly defined, 'Westphalian' term 'foreign policy' (Cianciara, 2017, p. 28). This terminological confusion is coupled with doctrine-related disputes on whether a foreign policy of the European Union actually exists (White, 2001), and how to distinguish European foreign policy from the European Unions' foreign policy (Tomic, 2013).

Leaving aside the debate on the subjective and objective scope of the EU's foreign policy and its external relations, it can be concluded that, being a hybrid entity, the EU articulates and implements an external policy, rather than pursues a narrowly conceived foreign policy that encompasses security and is associated with the 'high politics' typical of classical diplomacy. The core of this external policy is normative and functional in nature, which means that the EU's presence in the world is based on a set of principles, tools and organisational structures that not only complement the foreign policies of member states, but also go beyond them. External policy understood in this way implies constant movement, dynamism, change, expediency and volition of actions as compared to static maintenance of external relations in areas

1985), "Bulletin of the European Communities", September 1985, no. 9. Luxembourg: Office for official publications of the European Communities.

such as common commercial policy (Articles 206–207 TFEU), enlargement policy, including in particular the regulation of association agreements (Article 217 TFEU), development cooperation (Articles 208–211 TFEU), economic, financial and technical cooperation with third countries (Articles 212–213 TFEU), humanitarian aid (Article 214 TFEU), the application of restrictive measures such as embargoes, financial restrictions and sanctions (Art. 215 TFEU), the conclusion of international agreements (Art. 218 TFEU), the maintenance of the EU's relations with international organisations and third countries (Articles 220–221 TFEU), and, finally, the interaction and mobilisation of EU instruments in order for member states to assist another member state affected by a terrorist attack, natural or man-made disaster (Article 222 TFEU).

Multilateralism

The European Union's late-Westphalian external policy is apparently based on three pillars. Multilateralism is the first one. In a nutshell, multilateralism denotes a form of interaction where three or more actors are involved in more or less institutionalised and voluntary cooperation, based on norms or rules that apply to all parties to a more or less equal extent (Bouchard, Peterson, 2011, pp. 6–11). Multilateralism is more than a desirable image of international reality. It gains doctrinal significance by becoming a useful tool for creating, coordinating and legitimising a collective and (moderately) coherent external policy. This has been pointed out in the literature by John Ruggie, among others, who emphasised that the nature of multilateralism, being a complex institutional form, somehow necessitates the existence of a strong coordination mechanism as a necessary condition for sustaining this interaction formula (Ruggie, 1992, p. 572). If the defining feature of multilateralism is that it organises states (as well as other actors such as the EU), on the basis of a set of principles and certain objectives, the 'doctrine' of multilateralism can be found in the interpretation of these principles, the sources of their codification, and also the mechanisms of their diffusion and incorporation into actors' preferences towards multilateral forms of cooperation. This is the view of multilateralism taken by the EU, which may not use the term itself, but interprets it in local terms in Article 21 TEU. It determines (1) the principles of the Union's action on the international scene (democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and the principles of the United Nations Charter and international law); (2) the European Union's external policy measures (developing relations and partnerships with third countries, international, regional or global organisations the activity of which stems from the principles of the United Nations); (3) the objectives, including the promotion of an international system based on stronger multilateral cooperation and good governance at global level, which is of particular importance in the context of multilateralism. Experts point out that the institutional cooperation formula, or multilateralism, is most often considered as a set of effective means of attaining goals (or 'effective multilateralism') (Biscop, 2018), or as a procedure/organisational form where everyone can have a voice (Krause, 2004, p. 44). Effective multilateralism can be found in EU policy documents such as the

European Security Strategy (2003) and the Global Strategy for the European Union's Foreign and Security Policy (2016). They represent an effort to mitigate differences in the interpretation of provisions underlying collective cooperation, such mitigation being made possible through a process of constant articulation and rearticulation of texts, iteration of agreements and the conciliation of positions allowing cooperation principles to be, so to say, translated into coherent and coordinated action. In the latter case, multilateralism is associated with the EU creating its image as a soft power, normative power, civilian power or even ethical power on the international arena. The EU, thus understood, is a space where states, together with intergovernmental and supranational institutions, have a voice, for example in the form of legislative initiatives in a given area, proposed provisions in declarations, or statements by representatives of member states/EU institutions. Multilateralism, 'produced' in the European discursive space, implies the ability to set standards, create legitimate and desirable norms and values without the need to resort to coercion (van Ham, 2010). In this interpretation, multilateralism can be defined as a bundle of social interactions that allows different actors (agents) to adjust the socio-economic and political conditions of cooperation and thus better articulate their own preferences, roles and ideas, which complements the efficiency of European multilateralism through representation and legitimacy. European multilateralism, being one of the determinants of the European Union's late-Westphalian external policy, constitutes a normative and functional form of the EU's international activity that is simultaneously (1) a need in itself, a means for the effective attainment of specific goals and a direction for the construction of a 'better' world, (2) an ideological construction based on a set of principles; (3) a manifestation of faith in multilateral cooperation as a basis for decisions on strategy and action taken in the face of threats and problems identified; and (4) the EU's pursuit to solve these problems, which Brussels sees in terms of its ethical responsibility (Lazarou et al., 2010).

Normative flexibility

The second pillar underpinning the late-Westphalian external policy of the European Union is provided by normative flexibility, which allows the EU to effectively perform international functions and roles. The latter reflect the economic, political, and cultural aspirations of the European Union and shape its international identity (Zięba, 2003). In terms of economy, the EU seeks to create its image as a leader of trade, a global centre of development policy and a centre of self-sustaining development. In terms of politics, it aspires to the role of a political broker whose activity goes beyond emulating the algorithms of diplomatic activity of member states. Finally, in cultural terms, the European Union seeks to forge an intersubjective image of itself as a promoter of universal values that make the EU flexible in its external conduct, and that is based on the normative guidelines for European being-in-the-world. It should be noted that in this last dimension, which forms the core of the constructivist view of the EU's external policy, the entire conduct of the EU is being constantly interpreted with respect to setting standards of what is 'normal' in international (and perhaps even global) politics, and where this 'normality' translates into how effectively European

culture and the traditional political values upheld by the EU spread globally. What justifies and sustains normality and effectiveness is a set of values, among which Ian Manners distinguishes nine founding principles of the EU, i.e. 'lasting peace', 'social freedom', 'consensual democracy', 'human rights common to all', 'supranational rule of law', 'inclusive equality', 'social solidarity', 'self-sustaining development' and 'good governance' (Manners, 2002). 'Normative effectiveness' understood in this way can be considered an element whereby the EU's external policies are distinguished from the foreign policies of member states and non-EU countries. Their foreign policies, as a rule, are the projections of their respective interests, while values play a secondary role, rhetorically concealing the real objectives. Manners draws attention to this, pointing out that the EU has become a major actor calling for international norms protecting human rights, such as the prohibition of the death penalty, which contrasts with the approach of the United States, the EU's main rival in terms of standards in the democratic world (Ibid.).

This reliance on values can be seen in a range of both *ad hoc* and systemic activities of the EU, aimed at promoting democracy in politically and socially volatile states and areas. The incumbent High Representative for Foreign Affairs and Security Policy (HR) Josep Borell referred to this feature of EU activity in 2020–2021 as he highlighted, among other things, the support from EU diplomacy to the democratic opposition in Belarus, the sanctions imposed on those deemed responsible for the repression and intimidation of peaceful demonstrators, opposition activists and journalists following the 2020 presidential elections in Belarus, the condemnation of free society in Hong Kong being undermined and the abolition of media freedom and freedom of expression there, and creating the minimum conditions to allow free elections to take place in Venezuela, which is struggling with a deep political and humanitarian crisis (Borell, 2022, p. 140).² Among the systemic actions underpinning the EU's 'normative effectiveness' mentioned above, the EU Action Plan on Human Rights and Democracy 2020–2024 is of particular importance. By adopting such a strategic document, the EU not only referred to a catalogue of fundamental principles, which include human dignity, freedom, democracy, equality, the rule of law and respect for human rights, but also underlined the EU's aspiration to play a global leadership role in the area of human rights and democracy (Konkluzje Rady, 2020). The list of priorities in this regard included protecting and empowering individuals, building resilient, inclusive and democratic societies, promoting a global system of human rights and democracy, seizing the opportunities and addressing the challenges posed by new technologies, and working together to attain the goals set (Ibid., p. 3). Importantly, the 2020–2024 Action

² A tool used for the promotion of democracy in Venezuela are the sanctions imposed by the Council on 13 November, 2017 and extended in view of the situation in Venezuela. The current sanctions have been extended until 14 November, 2022. This decision was taken in view of the persistent political, economic, social and humanitarian crisis in Venezuela and the continued actions undermining democracy, the rule of law and respect for human rights. The sanctions include, among other things, an embargo on arms and equipment for internal repression, a ban on entry to the EU and a freeze on the assets of 36 persons on the sanctions list. These persons hold state positions and are responsible for human rights violations or undermining democracy and the rule of law. Cf. Council Decision (CFSP) 2017/2074 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela, OJ EU L 295, 14.11.2017.

Plan builds on previous Action Plans implemented in 2012–2014 and 2015–2019 and focuses on long-standing priorities such as supporting human rights defenders and fighting the death penalty.

Hybridity

Hybridity can be considered the last pillar of the European Union's late-Westphalian external policy. Hybridity poses a challenge to the EU as a diplomatic actor and is mostly related to the issue of coordination of actions between its institutions and member states. The solutions created in this regard go far beyond the traditional Westphalian view of foreign policy, as indicated for example in Article 27(3) of the Treaty on European Union. It indicates that in fulfilling their mandate, the High Representative for Foreign Affairs and Security Policy should be assisted by a European External Action Service (EEAS) working in cooperation with the diplomatic services of member states and composed of officials from the relevant services, the General Secretariat of the Council and of the Commission, as well as staff seconded from national diplomatic services. Experts point out that the technical model of the apparatus serving the EU's external policy reflects the intra-EU war over the influence of EU member states and institutions – the Council, the Commission and, to some extent, the European Parliament on the one hand, and on the other, the hybrid nature of the EEAS reflects the dispute over the vision and spirit of the EU's emerging diplomacy, which can effectively perform the tasks assigned and achieve the objectives set, by creating a *sui generis* autonomous body with legal capacity (Chojan, 2012; Zieliński, 2014). The EEAS was initially constructed as a 'service'. Adrian Chojan argues that it indicates not only its subsidiary nature towards the institutions responsible within the EU for creating international policy and strengthening the coherence of EU action on the international stage, but also its secondary nature towards the principals implementing their own foreign policies (Chojan, 2012, p. 146). Gaining the status of an autonomous subsidiary body of the HR, in terms of its structure and standards of operation, the EEAS was designed as an innovative solution, reflecting the late-Westphalian character of the external policy of the EU being an organisation which conducts external relations that are difficult to clearly classify. At the same time, by engaging in atypical policies such as enlargement policy, external governance and the promotion of good governance in politically, socially and economically volatile states, the EEAS has been included in the framework of a European model of diplomacy which is only part of the overall traditional foreign policy pursued by the foreign ministries of member states. Contrary to expectations, the EEAS has not become a new European foreign ministry, having taken the form described by Jozef Bátora in terms of an 'interstitial organisation', i.e. one that uses resources, structures and practices common to numerous institutionalised areas, particularly in diplomacy, defence and development (Bátora, 2013). Understood in this way, from its inception, the EEAS was trapped between the requirements of standardisation and adaptation to structures and practices typical of classical Westphalian diplomacy, and the emergence of transformative structures and new diplomatic practice. In this situation, an imperfect but rational solution was

to duplicate classical foreign policy institutions such as EU Delegations or Special Representatives on the one hand, and to take up the challenge posed by dynamically changing diplomatic activity, on the other.³ In the course of its operations, the EEAS has become more than just a foreign service; firstly, because it has incorporated resources used by the ministries responsible for diplomacy, defence and development which have allowed the EU to develop comprehensive solutions to global challenges; and secondly, because it has generated added value for EU countries by bringing security and development issues under a common umbrella as they cannot be contained within the separated internal and external policies.

The late-Westphalian character of the EEAS is perhaps manifested by its departure from the classical treaty standards set by the Vienna Convention on Diplomatic Relations of 18 April 1961. One such standard is non-intervention in the internal affairs of third countries. The EU has reinterpreted it in connection with the new diplomatic practice allowing EU Delegations to interfere in the internal affairs of a host state in pursuit of what the EU terms structural diplomacy (Hanes, Spence, 2015, pp. 306–319). Stephan Keukeleire, Robin Thiers and Arnout Justaert argue that structural diplomacy, also known as ‘structural foreign policy’, is a policy that leads to the formation of sustainable political, legal, economic, social and security structures at all relevant levels, when it is conducted over longer periods (Keukeleire et al., 2009). The aim of such a policy is self-sustaining change, which goes hand in hand with the strengthening of a country’s rules, institutions and customs or the adoption of certain principles that form the normative backbone of deep democracy. According to former HR Catherine Ashton, deep democracy means respect for the rule of law, freedom of expression, independent judiciary, impartial administration, respect for private property and ensuring the unfettered operation of trade unions. Going beyond the modernisation of governance mechanisms, it attempts to embed public institutions, such as free elections, more firmly in the normative foundation, which is expressed, among other things, in programmes to combat corruption, improved transparency of administration, and ensuring the full independence of courts of justice (The Guardian, 2011).

The systemic framework for the implementation of structural diplomacy in the EU is provided by the above-mentioned EU Action Plan on Human Rights and Democracy 2020–2024, approached by the EU as a contribution to the implementation of the Agenda for Sustainable Development 2030. The effective implementation of the plan was based on a model of hybrid interaction between the HR and the EEAS, the Commission, the Council, the European Parliament and member states. A special role has been reserved for the EU High Representative for Human Rights as the main political actor responsible for advancing the Plan’s priorities, as well as for the 140 EEAS Delegations cooperating with member state representations in the implementation and

³ There were approximately 140 EU Delegations in operation from 2011 to 2019. Some were regional, with outposts in countries of accreditation headed by diplomats in the position of *chargé d'affaires*. There were also regional Delegations with no permanent representation in the countries reporting to the headquarters and outposts with a special status, such as the EU Offices in Hong Kong, Kosovo and Palestine. See: B. Bieliszczuk, P. Biskup, B. Znojek, *Specyfika i trendy w obsadzie personelu administracyjnego Europejskiej Służby Działań Zewnętrznych (2011–2019)*, PISM, Warszawa 2021, p. 17.

adapting of the priorities to local conditions and circumstances using a broad catalogue of instruments (see Table 1).

Table 1

**Instruments to attain the objectives of the Plan on Human Rights and Democracy
2020–2024**

Instruments	Specific actions to be taken
Dialogue	General political dialogue, targeted dialogue on human rights, and sectoral dialogue with third countries and regional organisations; dialogue and monitoring of the implementation of the Generalised Scheme of Preferences; regular dialogue with civil society organisations, human rights defenders, business sector and other stakeholders.
Strategies	Adoption of strategies on human rights and democracy.
Conclusions	Adoption of conclusions by the Council on the protection and promotion of human rights and democracy.
Programmes	Thematic and geographic programmes adopted under the 2021–2027 Multi-annual Financial Framework, in particular the New Neighbourhood and the Development and International Cooperation Instrument.
Broad deliberation	Actions in multilateral and regional fora, and adoption by the EU of thematic or geographical resolutions that address human rights issues; support for resolutions addressing the issue by external actors, issuing statements and undertaking interventions, participation in interactive dialogues, public debates and events in support of human rights and democracy.
Speaking up	Speaking up for human rights and democracy as part of public diplomacy and strategic communication, in particular by running awareness-raising campaigns, issuing public statements and taking steps (<i>démarches</i>) to condemn abuses or violations of human rights and democracy, supporting actions to promote and protect human rights and democracy.
Advocacy activities	Working for the ratification and implementation of the key international human rights treaties, including labour rights conventions, main instruments of international humanitarian law as well as relevant regional instruments for the protection of human rights.
Observation of court trials	Observing trials of human rights defenders and providing direct support to them.
Guidelines	Adoption of the 13 EU human rights guidelines as a set of instruments and tools for EU Delegations and member state embassies to develop EU human rights policy.
Missions	European Union Election Observation Missions as part of supporting democratic consolidation in non-member states.
Cooperation	Cooperation with multilateral human rights institution and the UN.
Restrictive measures	Applying measures such as embargoes, financial restrictions and sanctions in cases of violations of human rights and democracy.
Training	Targeted internal training sessions for staff in EU Delegations.

Source: Own elaboration based on *Council Conclusions on the EU 2020–2024 Action Plan on Human Rights and Democracy*, Brussels, 18 November 2020, 12848/20 and *Human Rights Guidelines*, https://www.eeas.europa.eu/node/8441_en, 14.05.2022.

Reliance on structural diplomacy can also be observed with respect to the enlargement policy and external governance of the EU, both of which represent a unique late-Westphalian mix of bilateralism, effective multilateralism, and normative flexibility in EU external policy. In the case of enlargement policy, the EEAS and EU

Delegations go beyond the operation of member states' diplomatic representations in non-EU countries, and they are involved in monitoring and advising on the reform of governance mechanisms at the national level. Additionally, the EEAS operates under a different set of rules than national diplomatic services, and focuses not so much on conducting foreign policy as on offering expertise and knowledge (Bátora, Hynek, 2014). In the context of external governance, the European Neighbourhood Policy (ENP) in particular can be considered the laboratory of EU structural diplomacy. According to experts, seen from this perspective, the ENP cannot be considered in terms of traditional foreign policy. It is a poorly structured external policy without a clear hierarchy of objectives, actors and strategies, which are replaced by flexible network management and a system of sectoral and functional regional integration, which develops at different speeds and with different dynamics in terms of individual policies (Lavanex, 2008). According to Agnieszka Cianciara, the change from result-orientation to process-orientation in the EU's external policy is accompanied by the EU's development of external governance mechanisms, resulting in an increasingly noticeable lack of overlap between the political boundaries of the EU, which are a criterion for formal membership, and the functional boundaries associated with the application of EU rules (Cianciara, 2017, pp. 89–97).

Conclusion

The aim of this article was to take a closer look at the external policy of the European Union as a late-Westphalian political innovation and an attempt to materially and symbolically balance the two opposing tendencies that shape the EU as a post-Lisbon collective power structure. The analysis was based on the assumption that the external activity of the European Union goes beyond the classical framework of foreign policy, which is usually considered an attribute of the state, and that the EU, as a hybrid entity, articulates and implements its own external policy. The European Union's late-Westphalian external policy is based on multilateralism, normative flexibility and hybridity. While effective multilateralism is a normative and functional form of the EU's international activity, hybridity attempts to address the problem of the coordination of actions of EU institutions and member states. Normative flexibility, which allows the EU to perform functions and play international roles in innovative ways, plays a special role in the construction of the EU's late-Westphalian external policy. The examples of EEAS activity discussed above demonstrate that significant innovations in EU external policy include conducting structural diplomacy, promoting deep democracy, developing external governance mechanisms, and contributing to the development of solutions and practices related to the EU's participation in inter-state cooperation organisations and fora.

Bibliografia

- Barburska O. (2018), *Jak jednoczyła się Europa*, w: *Unia Europejska. Istota, szanse, wyzwania*, eds. E. Latoszek, M. Proczek, A. Szczerba-Zawada, A. Masłoń-Oracz, K. Zajączkowski, Warszawa.

- Barnett M., Finnemore M. (2004), *Rules for the World: International Organizations in Global Politics*, Cornell University Press, Ithaca, NY.
- Bátora J., Hynek N. (2014), *Fringe Players and the Diplomatic Order: The 'New' Heteronomy*, Palgrave Macmillan, London.
- Bátora J. (2013), *The "Mitrailleuse Effect": The EEAS as an Interstitial Organization and the Dynamics of Innovation in Diplomacy*, "Journal of Common Market Studies", vol. 51, Issue 4.
- Bieliszczuk B., Biskup P., Znojek B. (2021), *Specyfika i trendy w obsadzie personelu administracyjnego Europejskiej Służby Działań Zewnętrznych (2011–2019)*, PISM, Warszawa.
- Biscop S. (2018), *The EU and Multilateralism in an Age of Great Powers, Multilateralism in a Changing World Order*, Konrad-Adenauer-Stiftung, Singapore.
- Bouchard C., Peterson J. (2011), *Conceptualising Multilateralism. Can We All Just Get Along?*, Mercury E-paper no. 1.
- Burgess M (2000), *Federalism and European Union: the Building of Europe, 1950–2000*, Routledge, London–New York.
- Chojan A. (2012), *Europejska Służba Działań Zewnętrznych – postęp czy regres w politycznej integracji Europy?*, „Myśl Ekonomiczna i Polityczna”, nr 1(36).
- Cianciara A. K. (2017), *Europejska Polityka Sąsiedztwa w perspektywie konstrukttywizmu. Aktorzy, narracje, strategie*, Wydawnictwo ISP PAN, Warszawa.
- Czaputowicz J. (2007), *Teorie stosunków międzynarodowych. Krytyka i systematyzacja*, PWN, Warszawa.
- Decyzja Rady (WPZiB) 2017/2074 z dnia 13 listopada 2017 r. w sprawie środków ograniczających w związku z sytuacją w Wenezueli, Dz. U. UE L 295, 14.11.2017.
- Delors J. (1985), *Speech by Jacques Delors (Luxembourg, 9 September 1985)*, "Bulletin of the European Communities", September, no. 9, Office for official publications of the European Communities, Luxembourg.
- Fischer J. M. (2015), *Unia Europejska dziś i jej niepewna przyszłość. Cz. I*, „Rocznik Integracji Europejskiej”, nr 9.
- Grosse T. G. (2022), *Suwerenność i polityczność. Studium integracji europejskiej*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, Warszawa.
- Hanses B., Spence D. (2015), *The EEAS and Bilateral Relations: The Case of the EU Delegation in the Democratic Republic of the Congo*, w: *The European External Action Service European Diplomacy Post-Westphalia*, eds. D. Spence, J. Batora, Palgrave Macmillan, Houndmills, Basingstoke.
- Hawkins D. G., Lake D. A., Nielson D. L., Tierney M. J. (2006), *Delegation and Agency in International Organizations*, Cambridge University Press, Cambridge.
- Held D., McGrew A., Goldblatt D., Perraton J. (1999), *Global Transformations: Politics, Economics and Culture*, Stanford University Press, Stanford, CA.
- Hix S. (2010), *System polityczny Unii Europejskiej*, przekład polski, tłum. A. Komasa, PWN, Warszawa.
- Hooghe L., Marks G. (2020), *A postfunctionalist theory of multilevel governance*, "The British Journal of Politics and International Relations", vol. 22, Issue 4.
- Keukeleire S., Thiers R., Justaert A. (2009), *Reappraising Diplomacy: Structural Diplomacy and the Case of the European Union*, "The Hague Journal of Diplomacy", vol. 4, Issue 2.
- Konkluzje Rady w sprawie Planu działania UE dotyczącego praw człowieka i demokracji na lata 2020–2024*, Bruksela, 18 listopada 2020, 12848/20.
- Krause J. (2004), *Multilateralism: Behind European Views*, "The Washington Quarterly", vol. 27, Issue 2.
- Kreuder-Sonnen Ch., Zangl B. (2015), *Which post-Westphalia? International organizations between constitutionalism and authoritarianism*, "European Journal of International Relations", vol. 21, Issue 3.

- Kuźniar R. (2019), *Między Zachodem a nie-Zachodem, czyli przyszły porządek międzynarodowy*, in: *Przyszłość międzynarodowego ładu liberalnego i rola Europy*, eds. W. Kostecki, B. E. Nowak, K. Smogorzewski, Wydawnictwo AFiB Vistula, Warszawa.
- Lavanex S. (2008), *A Governance Perspective on the European Neighbourhood Policy: Integration beyond Conditionality?*, "Journal of European Public Policy", vol. 15, Issue 6.
- Lazarou E., Edwards G., Hill Ch., Smith J. (2010), *The Evolving 'Doctrine' of Multilateralism in the 21st Century*, MERCURY E-paper no. 3.
- Łoś-Nowak T. (2000), *Stosunki międzynarodowe. Teorie – systemy – uczestnicy*, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław.
- Milczarek D. (2003), *Pozycja i rola Unii Europejskiej w stosunkach międzynarodowych. Wybrane aspekty teoretyczne*, Centrum Europejskie Uniwersytetu Warszawskiego, Warszawa.
- Pietraś M. (2015), *Teoria i praktyka reżimów międzynarodowych, czyli wartości, normy i instytucje w jednym*, in: *Normy, wartości i instytucje we współczesnych stosunkach międzynarodowych*, vol. 1, eds. Ł. Fijałkowski, E. Stadtmüller, Wydawnictwo Rambler, Warszawa.
- Pietraś M., Marzęda K. (eds.) (2008), *Późnowestfalski ład międzynarodowy*, Wydawnictwo UMCS, Lublin.
- Rosamond B. (2018), *The European Union*, in: *International Organization and Global Governance, second edition*, eds. T. G. Weiss, R. Wilkinson, Routledge, London–New York.
- Ruggie J. (1992), *Multilateralism: The anatomy of an institution*, "International Organization", vol. 46, no. 3.
- van Ham P. (2010), *Social Power in International Politics*, Routledge, London.
- The Guardian (2011), *The EU wants 'deep democracy' to take root in Egypt and Tunisia*, 4.02.2011 r., "The Guardian", <https://www.theguardian.com/commentisfree/2011/feb/04/egypt-tunisia-eu-deep-democracy>, 2.05.2022.
- Tomic N. (2013), *Coordinative Discourses in Brussels: An Agency Model of EU Foreign Policy Analysis*, "Perspectives on European Politics and Society", vol. 13, Issue 2.
- White B. (2001), *Understanding European Foreign Policy*, Basingstoke–New York.
- Zieliński M. (2014), *Charakter prawny i zadania Europejskiej Służby Działań Zewnętrznych*, „Państwo i Prawo”, no. 10.
- Zięba R. (2003), *Unia Europejska jako aktor stosunków międzynarodowych*, Wydawnictwo Naukowe Scholar, Warszawa.

Summary

This article looks at the European Union's external policy as a late-Westphalian political innovation. The article assumes that the external activity of the European Union goes beyond the classical framework of foreign policy, which is usually considered an attribute of the state, and the EU itself, as a hybrid entity, formulates and implements external policy. The latter has a normative and functional character, which means that the basis of the EU's presence in the world is a set of specific rules, tools and organizational structures allowing for actions that not only complement the foreign policy of the member states but also go beyond its framework. European Union's late-Westphalian external policy is based on three pillars – multilateralism, normative plasticity, and hybridism, which when considered collectively create an image of the EU's activity beyond the model of classical diplomacy and interstate cooperation.

Key words: External policy of the European Union, multilateralism, normative plasticity, hybridism

Polityka zewnętrzna Unii Europejskiej jako późnowestfalska innowacja polityczna

Streszczenie

Celem niniejszego artykułu jest bliższe spojrzenie na politykę zewnętrzną Unii Europejskiej jako późnowestfalską innowację polityczną. W artykule przyjęto, że aktywność zewnętrzna Unii Europejskiej wykracza poza klasyczne ramy polityki zagranicznej, która jest zwykle uznawana za atrybut państwa, a sama UE jako podmiot hybrydowy, formułuje i realizuje politykę zewnętrzną. Ta ostatnia ma charakter normatywno-funkcjonalny, co oznacza, że podstawę obecności UE w świecie stanowi zbiór określonych zasad, narzędzi i struktur organizacyjnych pozwalających na działania, które nie tylko uzupełniają politykę zagraniczną państw członkowskich, ale także wykraczają poza jej ramy. Późnowestfalska polityka zewnętrzna Unii Europejskiej opiera się na trzech filarach – multilateralizmie, normatywnej plastyczności, hybrydowości, które rozpatrywane kolektywnie tworzą obraz aktywności UE wykraczającej poza model klasycznej dyplomacji i współpracy międzypaństwowej.

Słowa kluczowe: polityka zewnętrzna UE, multilateralizm, normatywna plastyczność, hybrydowość

