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**POLICY
BRIEF**

TOWARDS AN EU HUMAN RIGHTS STRATEGY FOR A POST-WESTERN WORLD

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SUMMARY

The shift of global power away from the West threatens to undermine the EU's hopes of supporting human rights, democracy and the rule of law beyond its borders. The success of authoritarian states like China and the problems of some new democracies have cast doubt on the benefits of liberal democracy. The EU has lost influence to emerging powers that emphasize sovereignty over human rights, and there is resistance to any idea of the West exporting its model to the rest of the world.

But the EU can still make a difference on global values if it follows a three-part strategy. It should join the battle of ideas, making a case for human rights and democracy that is not rooted in Western politics but recognizes that all societies should determine their own development in a fair and inclusive way. It should focus in its engagement with other countries on key 'pressure points' – achievable goals that will unlock further progress on human rights and create greater political space. And it should reach out to new partners, seeking common ground to support universal values in practice. To show it is not backing down on core beliefs, the EU should also set out a series of red lines on which it will not compromise.

If Europe projects confidence in the values with which it is associated and at the same time pursues a realistic approach to supporting them, it is most likely to strengthen its global standing and help bring about an international order that matches its interests.

The European Union's hopes of supporting human rights and democracy around the world are at risk of being defeated by changes in the global balance of power. The EU is committed to putting democracy, human rights and the rule of law at the centre of its foreign policy. But as the West loses its political and economic dominance in global affairs, it must increasingly compete for influence with rising powers that have shown no interest in promoting human rights or democracy outside their borders – and some of them not even within their own borders. The spectacular success of authoritarian capitalism in China and the current economic crisis in the West have undermined the appeal of liberal democratic political systems. Some newly democratic countries have failed to meet the hopes of their citizens, while authoritarian regimes have become more effective at blunting pressures for political reform. Across the world, there is increasing opposition to the idea that the West should tell countries how to run their own affairs.

In the face of these changes, the EU is now struggling to achieve any significant impact on human rights and democracy outside its borders. The harsher international climate has dampened the effect of many of the tools that the EU has used to support human rights and democracy, and has exposed weaknesses in the EU's approach that were less evident when external circumstances were more favourable. The EU appears to lack a clear vision of the role of values in its foreign policy that can resolve apparent conflicts between these values and other European interests or attract the consistent backing of member states. There is a strong rhetorical commitment to human rights and democracy in the abstract, but this does not

often translate into a practical sense of how much they matter in the EU's relationships with particular countries or regions. In a more competitive international environment, the result is that the EU and its member states tend to set other concerns above human rights and democracy in all but the easiest cases.

Even with the challenges that confront it, however, the EU need not and should not give up on its ambition to help support democracy, human rights and the rule of law around the world. This paper will argue that the EU can still have influence in defence of universal values if it adjusts to changing circumstances and at the same time gives greater precision to its own policies. To do this, we suggest, it should follow a strategy based on three principles. First, it should stand firm behind its values, but make sure that they are expressed in a way that grounds them in the needs and desires of local constituencies in the countries it hopes to affect. Second, it should become more focused and realistic about what it aims to accomplish in each relationship, seeking "pressure points" or openings that are within Europe's power to achieve, that have meaningful local support and that will contribute to a process of increasing respect for human rights and widening political space. Third, it should look for new partners and try to find common ground with emerging powers on ways to support universal values that cannot be dismissed as a throwback to the era of Western hegemony. This brief launches an ECFR project that, over the coming year, will facilitate discussion among practitioners and experts to test the ideas in this paper and explore in more detail how the strategy might operate in regions of strong strategic interest for the EU. The project is timed to contribute to the strategic review of EU human rights policy announced by EU High Representative for Foreign Affairs and Security Policy Catherine Ashton in June 2010.¹

Global power shifts

In the years after 1989, when the EU committed itself to put human rights and democracy at the centre of its foreign policy, its efforts were aligned with the global tide. The end of the Cold War seemed to open the way for a liberal international order in which the Western model of democratic capitalism was seen as the only legitimate goal of development. Against this background, the EU was able to entrench democracy and human rights across Europe through the process of enlargement and also contribute to the launch of institutions such as the International Criminal Court and the development of norms like the Responsibility to Protect. But, 20 years after the fall of the Berlin Wall, European attempts to support universal values abroad now confront a re-politicised world in which even emerging powers that are themselves democratic often oppose international initiatives on human rights as part of a Western global agenda.

In the world outside Europe, democracy is now in retreat. A number of young democracies including Kenya, Russia, Thailand and Venezuela have slipped backward toward authoritarianism amid the apparent failure of democratic governments to deliver security and economic benefits for their populations.² The economic crisis of the last few years has exacerbated these trends. The fact that the crisis developed in the heart of the Western economic system, and has affected Western economies most severely while leaving many emerging powers relatively unaffected, has cast a shadow over claims for the superiority of political and economic liberalism. The difficulties that the United States and its European allies have experienced in their military actions in Iraq and Afghanistan have also contributed to perceptions of the limits to Western power. These interventions served to delegitimise the idea of democracy promotion for many, and led people to associate the concept with that of regime change. The idea that the EU or the United States are promoting human rights and democracy as part of a "Western model" is now more than ever likely to encounter strong resistance.

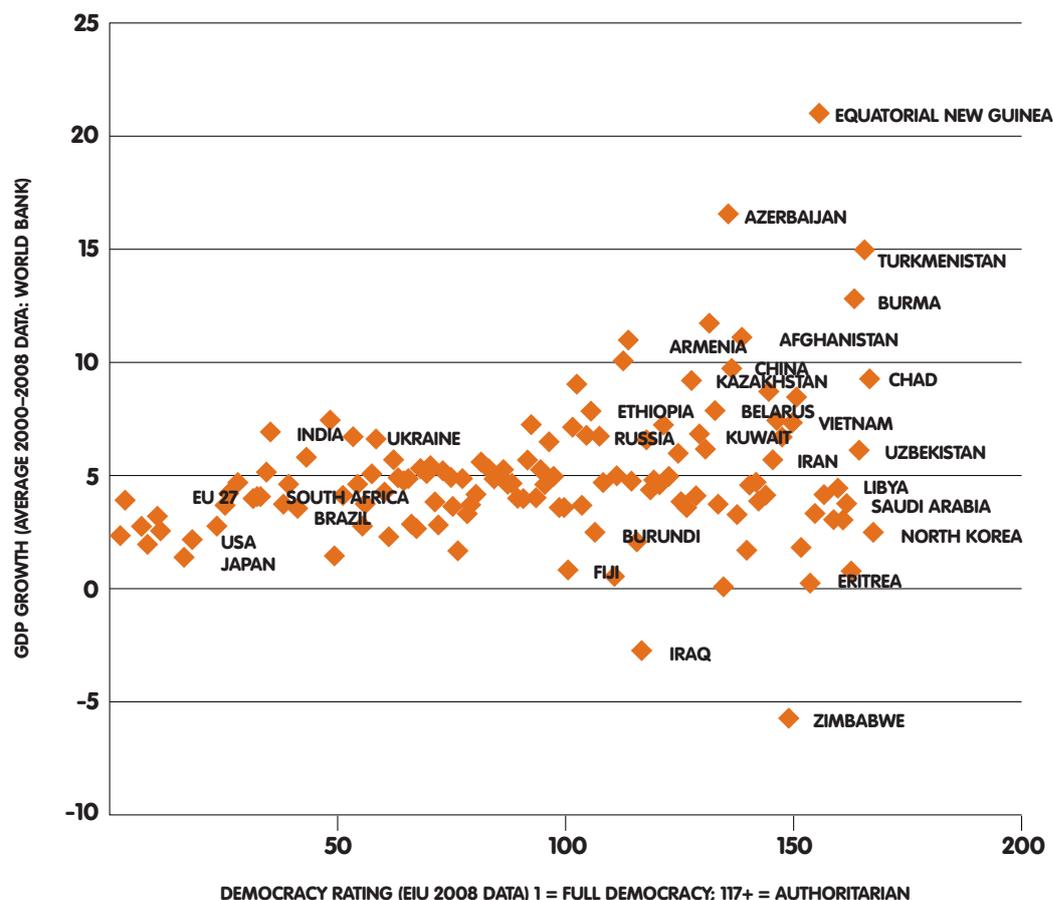
At the same time, the success and growing assertiveness of authoritarian capitalist countries – in particular, China – have broken the link between liberal democracy and economic and social development. China has grown at a rapid pace and become increasingly integrated into the international trading system without apparently experiencing the groundswell of pressure for political pluralism that some Western observers had predicted. The Chinese model of state-directed capitalism and tight political control, sometimes referred to as the Beijing consensus, is increasingly attractive for developing countries around the world. Several other countries have also grown strongly over the last decade without liberal democratic institutions, as the graph on page 3 shows.

China and other emerging powers are also challenging the West's dominance in the fields of development aid and trade agreements. Countries such as China and, to a lesser degree, Iran, Russia and Saudi Arabia, are increasingly offering loans, investment or trade agreements that, unlike the EU's, are not predicated on any commitment from the recipient country to comply with broader normative obligations. Resource-rich African countries such as the Democratic Republic of Congo, Angola, the Central African Republic and Guinea, where the EU aspires to use its influence to improve the government's treatment of its citizens, have been a particular focus of Chinese investments and loans in recent years. The decline in Western legitimacy and the rise of alternative sources of support reinforce each other. It is easy for leaders who wish to resist pressure over human rights and political reform to cast doubt on the appropriateness of European prescriptions in light of the West's own economic problems. Rwandan President Paul Kagame recently told an interviewer that the EU has overestimated its influence in Africa and its hubris is being tempered by the rise of alternative donors. "There

¹ "Speech to the European Parliament on Human Rights", EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission Catherine Ashton, European Parliament, 16 June 2010, available at http://www.europa.eu.un.org/articles/en/article_9868_en.htm.

² The Kenyan approval of a new constitution in the referendum of August 2010 may indicate a reversal of the trend noted here.

Economic growth and political openness



have also been other events globally that have shown the limitations of the West”, he said.³

Authoritarian regimes have also become increasingly sophisticated in the way they resist pressures to open their systems. Such regimes have learned to manipulate the institutions of democracy so that they give the appearance of genuine political openness without its substance.⁴ This may involve electoral fraud or repression of opposition groups, but it may also be based on more subtle forms of systematic discrimination that result in an unequal playing field, as seen for example in Georgia, Malaysia or Zambia.⁵ Even in Mexico, which ranks as “free” in Freedom House’s 2010 Freedom in the World Survey, patterns of attacks on journalists mean that there are serious restrictions on freedom of expression. While many of the attacks are linked to the illegal drugs trade, there are clearly legitimate questions to be asked about a democratic government’s responsibility to ensure the freedom for journalists to operate.

Emerging powers that are democratic and respect human rights domestically, such as Brazil, India and South Africa, have nevertheless aligned themselves against what they portray as a Western agenda to override national sovereignty in defence of individual rights. These trends are evidence of a resurgence of political positioning in international affairs. While a growing number of regional bodies such as ASEAN and the African Union have made a formal commitment to human rights, their even stronger commitment to the principle of non-intervention in domestic affairs provides an extra layer of cover against the EU’s attempts to impose its own model in region to region co-operation.⁶ In debriefing sessions with NGOs following various rounds of the EU-African Union human rights dialogue since 2009, European Commission officials have reported that the African governments have refused to discuss domestic issues except in the most extreme cases, such as Darfur.

³ William Wallis, “Rwandan president carves out innovative role”, *Financial Times*, 3 June 2010.

⁴ Andreas Schedler, “Authoritarianism’s Last Line of Defence”, *Journal of Democracy*, vol. 21 (1), January 2010, pp. 69-80.

⁵ Steven Levitsky and Lucan A. Way, “Why Democracy Needs a Level Playing Field”, *Journal of Democracy*, Vol. 21 No. 1, January 2010, pp. 57-68.

⁶ African Charter of Human and People’s Rights (1981) ASEAN Charter (2007).

Europe's diminishing influence on human rights

These global trends have created an environment in which it is much more difficult to support human rights and democracy in third countries, as the EU aspires to do. Global shifts have undermined the effectiveness of most of the methods that the EU uses to try to bring about change in other countries. Attempts to persuade countries to adopt European views of global values through public demarches or dialogues are weakened by the declining power and authority of the West. Hopes of strengthening international norms and condemning countries that violate human rights through the United Nations have been met by increasing opposition; China is now much more successful than Europe in winning support for its position on human rights resolutions. While European countries can argue persuasively that human rights, democracy and the rule of law are universal values, they must contend with the fact that the external promotion of these values remains primarily a Western concern, making it easier for leaders in the developing world to portray EU criticism of their policies as post-imperialist meddling.

The emergence of donors outside the West further limits the effectiveness of conditionality, or the setting of benchmarks that must be met for trade concessions, loans or aid. The EU's relationship with Sri Lanka provides an illustration. In February 2010, the EU suspended the GSP+ advanced trading concessions enjoyed by Sri Lanka over the country's failure to comply with a series of international obligations, giving the country six months to show a commitment to improve its record. However, in June, Sri Lanka said that European conditions were an infringement on the country's sovereignty and an insult to its citizens, and it broke off talks with the EU.⁷ Over the last five years, China has replaced Europe as Sri Lanka's largest trading partner and largest aid donor. Since the suspension was announced, EU officials believe that China has stepped up its overtures to Sri Lanka.⁸

Against this background of diminishing leverage, European leaders seem to have lost confidence in the effectiveness of coercive measures, and have been notably inconsistent in their use of them. Sanctions have been maintained against Cuba, abandoned with Uzbekistan, and suspended in the case of Belarus, without producing significant movement in any of these cases. This has contributed to a downward spiral of confidence in promoting human rights. Meanwhile, in the field of democracy support, the EU has tended to rely primarily on measures focusing on elections in third countries – for example, election monitoring missions and other forms of political support through the European Instrument for Democracy and Human Rights (EIDHR) – but these mechanisms are less effective against sophisticated forms of authoritarianism that rely on entrenched inequality more than obvious election fraud. And support for civil

The case of Uzbekistan

Following the deaths of hundreds of people, including women and children, on 13 May 2005, when Uzbek government security forces fired on a demonstration in the centre of Andizhan, the EU placed an arms embargo and other 'smart sanctions' on Uzbekistan, and partially suspended the Partnership and Co-operation Agreement framework. One of the explicit reasons for this measure being put in place was the Uzbek government's refusal to allow an independent enquiry into the events in Andizhan.

To try to secure progress on other aspects of the human rights situation in Uzbekistan, including the death penalty, widespread torture and repression of freedom of expression, the EU subsequently launched a human rights dialogue with Uzbekistan in 2007. Despite the Uzbek government's agreement to this dialogue, and some developments in the process, including a civil society seminar component from 2008, any attempt by the EU government to discuss Andizhan was met with stony resistance by Uzbek government representatives.

However, despite a reported worsening of repression in Uzbekistan in the previous year, sanctions on Uzbekistan were lifted in October 2009 following strong pressure from Germany. The human rights dialogue has continued to take place since, but unsurprisingly there has been little progress. Given the changes in member states' positions between 2005 and 2009, Uzbekistan could be forgiven for thinking that Andizhan was not a priority for the EU. The Uzbeks did not need to do what the EU was asking of them, because ultimately they had something that one powerful EU member state – Germany – wanted more: a strategic airbase near the border with Afghanistan.

A more effective EU approach would have started with a frank assessment of the strategic interests that Germany and others had in Uzbekistan. If the EU felt it could still risk a long-term breakdown in relations (with Germany perhaps being asked to leave Uzbekistan) it could have put in place sanctions with clear performance indicators to show the Uzbeks how they could be lifted. These should have been based on a realistic demand on the Uzbek government, like a call for release of all those imprisoned during the crackdown. The human rights dialogue could have monitored these indicators.

If, on the other hand, Germany was not willing to risk breaking off ties, it might have been better to see the sanctions as a symbolic statement with an explicit time limit. When they were lifted, the EU could have stated that the sanctions were expiring but that it intended to continue raising its concerns about human rights issues in Uzbekistan in the context of the dialogue. Even if this approach did not secure an investigation into Andizhan, it would not have undermined the EU's human rights policy more generally.

⁷ "Sri Lanka says no to EU conditions on GSP+, ends further talks with EU", ColomboPage, 24 June 2010, available at http://www.colombopage.com/archive_10A/Jun24_1277387855KA.php.

⁸ ECFR interview with European Commission official, 1 June 2010.

society organisations and political parties is harder when undemocratic regimes have identified them as a threat and increasingly restrict their operation and funding.

In this more difficult climate for supporting human rights and democracy, the limitations of the EU's approach to the field have become clearer. Although the EU is committed in principle to put values at the core of its foreign policy, it has not developed an effective way of translating this into a common approach to particular relationships where the EU or member states have multiple interests. Inevitably, policymaking involves trade-offs, and in such circumstances it is easy for short-term priorities to displace long-term objectives. This is exactly what happened, for example, in EU policy toward the southern Mediterranean, where the ambitious political reform agenda of the Barcelona Declaration of 1995 is largely absent from the later Union for the Mediterranean. Where the Barcelona Declaration called for region to region co-operation, based on principles including human rights and good governance, the Union for the Mediterranean is principally a series of projects focusing on the promotion of small and medium-sized enterprises, alternative energies and physical infrastructure building, reflecting what the leading states on both sides of the Mediterranean see as the areas of strongest mutual interest. EU member states, particularly those with the closest links with this region, do not appear to see any effective way of working simultaneously for modernisation, stability and political reform in the Middle East and North Africa. What is missing in this case and, in EU policy generally, is a concrete and practical understanding of how the support of human rights and democracy and other European objectives relate to each other and can be pursued together – a problem made all the more urgent as international politics becomes increasingly competitive.

The EU's ability to promote human rights, democracy and the rule of law abroad is also hampered by an ongoing denial of the need to address certain violations at home, either at a collective or a national level. European states' failure to account for complicity in abuses committed in the war on terror, such as rendition and torture, and their relative inaction in the face of the use of such practices by the United States, have weakened the EU's credibility in criticising such abuses elsewhere. It is hard for the EU to argue that international human rights law provides a framework for meeting complex challenges such as countering terrorism when it has itself deviated from this framework. The recent public and political outcry over President Sarkozy's policy of deportation of illegal Roma groups to Romania has brought responses at EU level, notably from the European Parliament and from Commissioner Reding, but this only comes after years of EU institutions failing to respond to serious discrimination against the Roma in a number of EU member states including Italy and the Czech Republic.

An OSCE report in July 2010 highlighted that media freedom is another area where European states such as Estonia, France, Greece and Italy fall somewhat short of the standards they set themselves.⁹ However, perhaps the biggest challenge for the EU's standing with third countries is its recent activity in the field of migration, in particular detention periods and conditions, and returns policies. The adoption of the Returns Directive in 2008 marked a culmination of a trend of increasingly restrictive measures, which received widespread condemnation both within and outside the EU, including from the UN High Commissioner on Human Rights and also from partner countries in Latin America. The negotiation of readmission agreements between the EU and third countries, and also at bilateral level – for example, between Italy and Libya – raises serious questions about Europe's commitment to the principle of non-refoulement. These apparent double standards between internal and external policy undoubtedly undermine the credibility of Europe's example.

Does Europe need a human rights policy?

Against this background of declining power and influence, it could be argued that the EU should simply give up its aspiration to put human rights, democracy and the rule of law at the centre of its foreign policy. But to do this would be a mistake. The EU is so publicly committed to support for these values that a failure to stand up for them in practice has the effect of disempowering the EU as a foreign policy actor more broadly: if we are seen to back down in an area that we have proclaimed to be at the heart of our foreign policy, this does little for our credibility in general. This is particularly critical in the EU's dealings with other big global players such as China, which reportedly use human rights questions as a weather vane to assess the EU's confidence in their relationship at that time to assess how far to push in other areas. So, far from giving the EU more room for manoeuvre in other areas of interest, compromising on the values agenda may serve to restrict its influence in other fields. In other words, the standing and influence that the EU has in the world cannot be separated from the values with which it is associated. The many and large diaspora communities within Europe also create a strong impetus for EU countries to address human rights violations in their foreign policy in order to be answerable to potential repercussions at home.

As a supra-national community that is founded on human rights, democracy and the rule of law, it is natural that the EU should seek to express them in its dealings with the rest of the world. But a foreign policy informed by these values also serves Europe's interests. European policymakers did not set out to promote a values-based foreign policy for purely altruistic reasons but rather to create an environment in which they could work together with stable partners on the basis of shared values. Many of the issues that are central to European interests – from immigration, trade and terrorism

⁹ "Regular Report to the Permanent Council", OSCE Representative on the Freedom of the Media, 29 July 2010.

to energy, disease and climate change – inevitably draw the EU into a concern with the internal development of the countries in its neighbourhood and its partners around the world. In almost all of these areas, Europe's long-term interests are most likely to be met by the spread of societies that are prosperous, predictable and law-abiding. Europeans have good reason to believe that the growth of democracy, human rights and the rule of law must ultimately be an essential part of this process.

Most importantly, although Europe faces serious challenges to its attempts to support human rights, democracy and the rule of law, it need not step back from its commitment to make them a central element of its foreign policy. The EU can still make a difference in helping people around the world to achieve respect for their fundamental rights, be treated as equals before the law and be governed through their consent. But, to do so, it will need both to recognise the new world it confronts and to look critically at its own strategies. In a tougher global climate the EU must find ways to express its values so that they are attractive outside the West. The EU must define its human rights priorities more carefully in its relationships with third countries and regional organisations, and tailor them to its interests and leverage. And the EU must work to build new international partnerships and coalitions with emerging powers to help define a new human rights agenda that transcends the current faultlines of global politics.

The battle of ideas

If the EU is to regain its effectiveness in supporting human rights and democracy in the new international climate, it must first accept that it has to engage in a genuine battle of ideas. The ideals of human rights and democracy are more contested than at any time since 1989, and the EU needs a strategy to respond. This response should be based on a precise analysis of the ways in which the universal applicability of democracy and human rights is being questioned. It is not so much the inherent legitimacy of these values that is the main focus of doubt; instead, the link between democracy and successful development has been broken, and the power of the West as a force for the propagation of global values has been undermined. In reply, the EU should project confidence in its values, but it should at the same time seek a language and rationale for supporting them that stress the specific advantages they offer in local contexts and sever their association with Western political and economic models.

This means a break with the way the EU has promoted human rights and democracy in the context of European enlargement. In order to accede to the EU, applicant countries were required to adopt an entire package of European standards and procedures through the Copenhagen criteria and the wider *acquis communautaire*. These countries were, in a sense, rejoining Europe; it was natural that they should be expected to transform themselves in line with a European model. However, at a time when the West no longer exercises the attraction it used to, this approach will no longer work. In fact, the EU

must now reverse the enlargement paradigm: it must avoid any suggestion that it is encouraging other countries or regions with which it engages to move toward a European or Western model, and instead ground the values the EU supports in the particular needs and desires of people in those countries and regions.

Increasingly, even authoritarian regimes retain the formal trappings of democracy or emphasise that they are pursuing its central ideals like accountability and pluralism in their own way. Such measures, even if only a facade, suggest that the core elements of democracy and human rights enjoy a legitimacy that other forms of government cannot match. The overwhelming support for parliamentary democracy in the June 2010 referendum in Kyrgyzstan and the celebratory atmosphere that marked the first free elections in Guinea on the same day both testify to the fact that democracy remains attractive even in regions where a backlash against it has been evident.¹⁰ However, these values are unlikely to attract popular support in countries where they are seen as opposed to the tangible priorities of the populations. Leaders of authoritarian or semi-authoritarian regimes have become skilled at claiming that their political systems are carefully adapted to the needs of their countries. To counter such messages, the EU needs to emphasise the way that human rights and the expansion of democratic space can deliver benefits—for example, access to healthcare being improved through the potential to challenge discrimination in its availability; and illegal forced evictions being prevented by awareness raising through media reporting.

In part, this will require greater sensitivity to local conditions in third countries; it may require breaking down the abstract package of democracy and human rights to emphasise those issues that are most relevant to particular societies. For example, in new and fragile democracies the most significant challenge might be to strengthen democratic legitimacy by improving the capacity of the government to meet the needs of the population, such as through help with administrative reform. In other cases, the priority may be to develop the rule of law and an independent judiciary – vital checks on the exercise of political power – rather than calling for immediate elections which key social groups would regard as destabilising. In other cases again, for example in tightly controlled countries such as Ethiopia, a priority might be to open political space for excluded groups to negotiate grievances concerning their everyday well-being in areas such as employment, access to humanitarian aid, and land management.¹¹

Beyond this effort to highlight the way that human rights could bring tangible benefits to individuals around the world, the EU needs to engage with some of the bigger arguments about democracy that are currently being heard outside the West. First, in response to suggestions that prosperity is not

¹⁰ Adam Nossiter, "Guineans Revel in Prospect of First Free Vote", *New York Times*, 26 June 2010, available at <http://www.nytimes.com/2010/06/27/world/africa/27guinea.html>.

¹¹ Helen Epstein, letter to the editor, *New York Review of Books*, Vol. LVII, No. 11, 24 June–14 July 2010, p. 62, available at <http://www.nybooks.com/articles/archives/2010/jun/24/cruel-ethiopia/>.

linked to democracy, the EU should stress that democracies are more stable in the long term because the political system enjoys the legitimacy and flexibility to survive downturns without forfeiting public backing. By contrast, authoritarian or semi-authoritarian regimes can justify their rule only so long as they continue to ensure widespread public satisfaction; many of the most successful present themselves explicitly as transitional regimes suited to the particular developmental needs of their societies, and that claim is threatened if they do not produce economic growth and other public goods.¹² Second, there is evidence that rapid but uneven economic growth in countries such as China may prove unsustainable, in part because of the social tensions to which it gives rise.¹³ And there is also evidence that innovation and creativity are most likely to flourish where the rule of law is respected and individual expression is not stifled. Authoritarian governments have succeeded mainly in leading investment-based growth rather than innovation-based growth, which requires social openness and tends to occur only under “participatory” political systems.¹⁴

Europe also needs an answer to the claim that the West seeks to impose its system on the rest of the world. It needs to chart a middle way between claiming it has all the answers to the questions of political life and accepting self-described but inauthentic democracies in other parts of the world as equally valid. One way to accomplish this might be to embrace a conception of democracy that understands it not as a distinct political model but rather as a process of opening political space within societies to determine their development in a genuinely fair and inclusive way. In the words of Pierre Rosanvallon, the idea of democracy as a fixed model “impedes an attitude of openness towards oneself and the world simultaneously”; instead he argues it should be seen as “a process that must be nurtured or . . . a task meriting reflection”.¹⁵ This would suggest that the EU might often want to give priority to freedom of expression, freedom of assembly, the development of civil society and institution building – all of which are likely to foster active participation in public debate – and move away from seeing democracy primarily in terms of elections. There is little point in calling on countries to move to an electoral system when there is not a large constituency within the society making the same demand. But the EU can legitimately assert that all societies are entitled to be ruled with the consent of their populations according to the principles of equality, accountability and genuine choice.

Finally, through their own actions and statements, European countries must make sure that they project confidence and belief in democracy and human rights. A key part of the EU being able to engage bilaterally, and in alliances, based on normative values, is that EU member states themselves constantly strive to ensure respect for these principles within their borders. If EU states have a collective will for a functional human rights policy in their relations with third countries, they need to take collective responsibility for addressing violations that happen at home, in order to avoid accusations of double standards.

Pressure points

The EU need not confine itself to promoting its values only through refining the case it makes for them and improving the example it sets. It still has the ability to work directly through its engagement with third countries and regional groups to help support human rights and democracy. While this task has been made more complicated by the global trends discussed in this paper, the EU retains the influence and tools to make a meaningful difference in many relationships it has around the world. But to do this, it needs to define priorities that are realistic in light of the leverage that it enjoys and the particular circumstances of the countries involved. It also needs to maximise its influence by ensuring that all parts of the EU communicate a unified message about the issues on which it is focused.

With the process of enlargement slowing, the EU should no longer expect to be the main driver of change on democracy and human rights in countries outside its border. Where it cannot offer a realistic prospect of membership, Europe should not delude itself that it can bring about sweeping social transformation either through positive incentives or through negative sanctions. But the EU can still incorporate into its engagement with international partners a consistent orientation toward advancing the rights of individuals and opening political space wherever possible. The results it achieves are likely to be incremental rather than revolutionary, but they can still create real opportunities for people and help shape the longer-term development of societies.

To make progress in this way will require a sophisticated judgement about the scope for influence that the EU has in each relationship and the steps that are most important to entrench respect for human rights and to promote political reform. In each case, the EU should seek to identify pressure points relating to fundamental values on which it can reasonably expect to have an impact and where there is sufficient domestic support to defuse charges that the EU is imposing its agenda from outside. In general, these are unlikely to be issues that pose an immediate threat to the position of the existing regime, but equally the EU should not content itself with allowing partner countries to set their own priorities if these merely reflect the interests of the local government in avoiding anything that threatens its control.

¹² Andrew J. Nathan, “Authoritarian Impermanence”, *Journal of Democracy*, Vol. 20 No. 3, July 2009, pp. 37-40, available at <http://www.journalofdemocracy.org/articles/gratis/Nathan-20-3.pdf>; Sarah Rundell, “Rwanda is not ready for the medicine of democracy, says Kagame”, *The Independent*, 29 May 2010, available at <http://www.independent.co.uk/news/world/africa/rwanda-is-not-ready-for-the-medicine-of-democracy-says-kagame-1986210.html>.

¹³ See e.g. Minxin Pei, “Looming Stagnation”, *The National Interest*, Mar-Apr 2009, available at <http://nationalinterest.org/greatdebate/color-china/looming-stagnation-3791>; for an assessment that Chinese growth needs to be rebalanced, see “China in the 2010s: Rebalancing Growth and Strengthening Social Safety Nets”, OECD contribution to the China Development Forum, March 2010.

¹⁴ Daron Acemoglu, *Introduction to Modern Economic Growth* (Princeton University Press, 2008), pp. 864-874.

¹⁵ Pierre Rosanvallon, “Democratic Universalism as a Historical Problem”, *laviedesidees.fr*, 7 April 2008, available at <http://www.laviedesidees.fr/Democratic-Universalism-as-a.html>.

These pressure points should then be made a consistent focus of European engagement with the country in question.

The selection of key issues on which to focus in each relationship calls for a differentiated approach to the support of human rights and democracy, and is in line with the emphasis on “country-specific approaches” in the Agenda for Democracy Support that was agreed by the Council of the European Union in November 2009. At the same time, the EU should try to build up a cross-cutting awareness of the steps that are most likely to lead to sustainable improvements in societies at different levels of development. An interesting approach that has been developed in recent research on democracy support tries to identify the kinds of measures that are most likely to produce progress in the case of different types or “clusters” of regimes.¹⁶

Alongside its focus on the most important goals in each relationship, the EU needs to cultivate a greater awareness of the methods that are likely to be effective in different contexts. In the past, the EU has sometimes appeared to apply the same tools to uphold human rights all around the world. This is true, for example, of human rights dialogues: it can seem that the launching of a dialogue is seen as a step forward in itself, irrespective of the results that can be expected from it. To maximise its influence at a time of declining power, the EU needs a better understanding of the remaining leverage that it possesses in particular cases. Open-ended sanctions or a suspension of relations are not likely to be effective in producing change; research suggests that sanctions work best for limited short-term objectives and are least effective after they have been in place for a long time.¹⁷ EU member states have also made clear that they are not willing to make mainstream EU development co-operation conditional on political reform (though the EU has suspended co-operation after coups).

Therefore the EU should rely primarily on a policy of graduated engagement: using concerted pressure on key concerns and, wherever possible, offering specific incentives for carefully chosen objectives. The EU includes standards based on human rights and democracy in some of its relationships – for example, the European Neighbourhood Policy and especially the advanced status included in it – and these could be used to focus attention on pressure points. For example, the EU could have set clearer and more focused conditions for including Belarus in the Eastern Partnership – perhaps relating to freedom of expression as well as the release of political prisoners – and could at a different level have required more progress on opening political space in Morocco for obtaining advanced status within the ENP. More broadly, the EU should clearly and consistently send the message with partner countries that certain steps on human rights and opening political space are important for

enhancing relations with Europe. For instance, the Seychelles became a party to the International Criminal Court after EU High Representative for Foreign Affairs Catherine Ashton raised the issue with the country’s president in May 2010.¹⁸ In such cases, it is essential that a unified message is delivered by senior officials and political leaders, rather than only by human rights specialists. Human rights dialogues are most likely to be effective as part of a broader engagement strategy of this sort.

Another incentive the EU possesses is funding for governance reform as part of development co-operation. The EU has not so far been very successful in using this funding stream to widen political space, because European countries have been reluctant to impose objectives on developing countries, and because the sums available remain comparatively small.¹⁹ But it could offer some potential as one element in a “pressure points” strategy. More promising, perhaps, is the innovative idea of using technical commitments in areas that are not conventionally seen as part of human rights as a lever for progress on universal values. For example, there may be potential to use trade relations to advance human rights. Legal experts have identified the sweeping internet restrictions in the “Great Firewall of China” as a possible violation of WTO trade commitments, and the EU Information Commissioner Neelie Kroes recently highlighted the issue.²⁰

As well as trying to influence governments in partner countries directly, the EU should develop its ties with other groups in society that are pursuing similar objectives. The EU supports civil society organisations in third countries through the EIDHR and there is scope for grants to be coordinated more closely with other forms of EU engagement and more precisely tailored to the particular situations in individual societies.²¹ Well-targeted grants are one way of counteracting the closing of political space in authoritarian regimes and the support of independent media may be a particularly effective way of working in such cases.²² In some cases, it may also be possible to direct development aid more closely to the grass roots and minimise the involvement of corrupt or authoritarian governments.

¹⁶ See e.g. Marc Saxer, *Performance Matters – Challenges for the Democratic Model and Democracy Promotion*, Friedrich Ebert Stiftung Briefing Paper 16, November 2009, available at http://library.fes.de/pdf-files/ipg/ipg-2009-3/07_a_saxer_us.pdf.

¹⁷ Michael McFaul, *Advancing Democracy Abroad: Why We Should and How We Can* (Rowman & Littlefield, 2010), p. 162.

¹⁸ “Speech to the European Parliament on Human Rights”, EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission Catherine Ashton, European Parliament, 16 June 2010, available at http://www.europa-eu-un.org/articles/en/article_9868_en.htm.

¹⁹ Richard Youngs, “The End of Democratic Conditionality: Good Riddance?”, FRIDE Working Paper 102, September 2010, pp 8–9, available at <http://www.fride.org/publication/806/the-end-of-democratic-conditionality-good-riddance>.

²⁰ Brian Hindley and Hosuk Lee-Makiyama, “Protectionism Online: Internet Censorship and International Trade Law”, ECIPE Working Paper 12/2009, available at www.europarl.europa.eu; Farah Master, “China’s Web ‘Firewall’ Should be WTO Issue: EU’s Kroes”, Reuters, 17 May 2010, available at www.reuters.com/article/idUSTR664G10020100517.

²¹ These changes are anticipated in a recent European Commission document, “European Instrument for Democracy and Human Rights (EIDHR) Strategy Paper 2011 – 2013”, European Commission – External Relations, C(2010)2432, 21 April 2010, available at http://ec.europa.eu/external_relations/human_rights/docs/eidhr_strategy_paper_2011-2013_en.pdf; see also Sonia Herrero, “A Decade of Democracy Promotion Through the European Initiative for Democracy and Human Rights”, European Partnership for Democracy working paper WP – DS 1/2009, available at www.epd.eu/uploads/ce702c4b2eafbc10b54e94c37387ccf.pdf.

²² See e.g. Balazs Jarabik and Vitali Silititski, “Belarus”, in Richard Youngs (Ed.), *Is the European Union Supporting Democracy in its Neighbourhood?*, FRIDE, 2008; see also Paul Collier, *The Bottom Billion*, Oxford University Press 2008, pp. 147–149.

The principles outlined above indicate a series of questions for policymakers to ask when trying to define pressure points to focus on in a particular situation. What are the key features of the regime in question? What are its key interests in the EU? Are they strong enough that the EU's voice will be listened to? What are the restrictions, or violations, that exercise the strongest constraint on political space? Is there an active civil society working on these issues? Do they see the EU as an influential actor, and on what issues are they calling for the EU to exert pressure? For example, in African countries such as Ethiopia, Rwanda and Uganda, where strong leaders are promoting economic development while restricting political freedoms, the EU might look for ways of encouraging political accountability and opening space for negotiation between citizens and the regime. In the EU's eastern neighbourhood, where it faces a competition with Russia that is also a clash of political systems, the EU might emphasise institution-building and the creation of genuine checks and balances, to circumvent the tendency of political leaders to play the EU and Russia off against each other.

EU policy toward Iran provides another example. The EU has issued statements of concern over Iran on a wide variety of issues recently, from death penalty cases, to repression of members of the Bah'ai faith, to cruel and inhuman punishments, as part of a policy which might be described as engagement with punitive measures. While civil society in Iran welcomes the EU speaking out on violations there, this unfocused approach does not appear to have achieved very much. A different approach might be to focus efforts on a pressure point, such as freedom of expression, which may have particular potential to enable wider change. This could include a top-down and bottom-up element: both clear diplomatic condemnation of infringements of these freedoms, and also supporting civil society there. This approach of supporting local reformers in targeted ways, helping to build up their capacity while making clear that they speak with their own voice and are not a mouthpiece for the international community, would be in keeping with the advice from Iranian civil society on the way they believe that the EU and other global actors can best assist them.²³ To make this strategy effective, the EU would also need to be committed to maintaining this support over the long term. Consistency would be vital to ensure that the targeted areas of human rights that the strategy identifies as priorities contribute more broadly to a gradual process of opening up of political space, and to the respect for the broader spectrum of human rights.

Perhaps the toughest challenge comes from great powers such as China and Russia, countries with which the EU necessarily seeks a high degree of engagement but which violate human rights standards. The EU has little leverage to influence the internal development of these countries, but it can seek issues on which there is a significant domestic constituency for reform. For example, in China it could focus

efforts on the death penalty, which important elements of Chinese society have come to oppose, and on the need to enforce China's own laws in areas such as administrative detention.²⁴ In Russia, the EU could focus on the need to modernise and encourage entrepreneurship in the Russian economy, and the need for a stronger rule of law to do this. At the same time, as discussed below, it should continue to distance itself from wider violations of political freedom and human rights in these countries.

Part of the calculation involved in identifying pressure points in each relationship will be to make sure that they reflect a sustainable integration of human rights and the other objectives that the EU seeks to pursue in the countries involved. This is most likely to be achieved if the EU's human rights and democracy goals are pitched at an incremental level where they can be co-ordinated with the pursuit of other, more immediately achievable, interests. For example, human rights policy toward Egypt should focus on limited goals that do not jeopardise co-operation on the Middle East peace process, but that would nevertheless open more political space than exists at present. At the same time, a successful EU human rights policy would also recognise that some EU member states have particular interests in specific countries or regions – as Germany does with Uzbekistan, and Spain and Italy do with North Africa. A durable policy should take account of these regional ties, rather than being in tension with them. But, in exchange, EU member states with particular interests must support the EU's human rights objectives once they are articulated. This would allow the EU and its member states to reinforce each other and therefore take advantage of the special bilateral relationships that individual European countries have in different parts of the world.

New partners

Although the EU retains some power to help support reform through its own direct engagement, the global power shifts outlined in this paper mean it is more important than ever to seek partnerships with other countries that can add to the EU's leverage. Under President Obama, the US has stepped back from the forthright, if inconsistent, emphasis on democracy promotion associated with the Bush administration, but there could well be room for transatlantic collaboration on a more realistic and focused human rights agenda. After apparently downplaying human rights and democracy in its first few months, the Obama administration has recently become more outspoken on the subject. Secretary of State Hillary Clinton's recent speech at the Community of Democracies summit criticised the policies of several countries with which the US has significant relationships, including China, Egypt, Ethiopia

²³ No Peace Without Justice, Supporting Iranian Civil Society, September 2010.

²⁴ François Godement, A Global China Policy, European Council on Foreign Relations report, June 2010, available at <http://www.ecfr.eu>; see also Jamil Anderlini, "China launches death penalty rethink", Financial Times, 23 August 2010, available at <http://www.ft.com/cms/s/0/bb2e6994-aec9-11df-8e45-00144feabdc0.html>.

and Russia.²⁵ The recently released US National Security Strategy undertakes to promote a set of universal values including “an individual’s freedom to speak their mind, assemble without fear, worship as they please, and choose their own leaders” as well as “dignity, tolerance, and equality among all people, and the fair and equitable administration of justice”.²⁶ This agenda based on freedom of expression and assembly, political pluralism, individual empowerment and the rule of law – assuming it is followed through in practice – is one that the EU should be comfortable with. If the US is shifting toward an approach to human rights based on engagement rather than isolation, this would bring it closer to the methods employed by the EU, and the two should co-ordinate their approaches in countries such as Egypt with which both have deep relationships.

In a post-Western world, however, it would be far more helpful if the EU were able to forge alliances with partners outside the traditional West for its efforts on human rights, democracy and the rule of law. Nothing would do more to defuse the harmful idea that democracy and human rights are part of a “Western model” than for emerging regional powers that are themselves democratic to take a more prominent role in promoting these values in their regions. The regimes of countries such as Burma, Cuba and Zimbabwe would find it much harder to resist calls to respect fundamental rights if they could no longer derive legitimacy from the support of neighbouring powers. European leaders should therefore emphasise their interest in working bilaterally with countries such as Brazil, India, Indonesia and South Africa to explore possible overlaps between their international policies on human rights. Many of these countries have so far tended to oppose co-ordinated international oversight or criticism of their neighbours’ human rights violations. In fact, in their voting patterns at the United Nations, undemocratic and democratic emerging powers have aligned more closely with each other than with the EU, and the EU’s decline in support is particularly marked on human rights questions.²⁷

An approach to human rights that is formulated more clearly in terms of allowing societies to determine their own development in a fair and inclusive way might help to win regional support and disrupt the kind of bloc politics that impair European coalition-building. Many of these potential new partners might also be receptive to a policy based more clearly on engagement, since they emphasise the importance of dialogue and reject the idea that the West should appear to lecture former colonies or

other emerging states.²⁸ Turkey in particular may hold promise as a possible partner on human rights and democracy, because of its closeness to the EU and its growing role as an influential regional power in the Middle East. Turkish Foreign Minister Ahmet Davutoglu said in London in July 2010 that Turkey’s bid for the EU and its foreign policy were complementary, as it was trying in the Middle East to achieve “an order based on rule of law, democracy, human rights, economic independency, co-cultural existence” and that these were “common values of the European Union”.²⁹ While European leaders may have concerns about Turkey’s apparently uncritical relations with Iran and Sudan, they should take Davutoglu’s statement as an opening for an enhanced dialogue with Turkey about the support of human rights and democracy, exploring the possibility of a co-ordinated approach in an open-minded way. This could bring real dividends across the Middle East, where a recent opinion poll across several countries showed that 75 percent of those surveyed saw Turkey as a model for the synthesis of Islam and democracy.³⁰ The EU should also seek the opportunity for similar dialogues with other emerging powers.

In addition, civil society groups in these emerging democracies may be a valuable ally, and links between these groups and their European equivalents should be encouraged, for instance through EIDHR funding. The Brazilian human rights organisation Conectas, to take one example, has led efforts to pressure the Brazilian government to be more critical of Iranian violations of human rights.³¹ More than 100 African civil society organisations produced a declaration before the International Criminal Court review conference urging African governments to reaffirm their commitment to international justice.³²

European officials should undertake a serious effort to understand the factors influencing the external human rights policies of emerging powers, so that they can work out how best to engage with them. Some of the motivation may come from the fact that many of these countries have become global powers at a time when they are still developing domestically and have a strong interest in securing raw materials and markets for further growth; some from their resentment at what they see as an unequal distribution of power within the international system, and their exclusion from bodies such as the UN Security Council; and some from domestic political considerations.³³ EU officials should try to develop

²⁵ “Civil Society: Supporting Democracy in the 21st Century”, Remarks by Secretary of State Hillary Rodham Clinton at the Community of Democracies, Krakow, 3 July 2010, available at www.state.gov/secretary/rm/2010/07/143952.htm.

²⁶ “National Security Strategy 2010”, Executive Office of the President of the United States, 27 May 2010, p. 35, available at http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf.

²⁷ Jonathan Holslag, “Europe’s Normative Disconnect with the Emerging Powers,” Brussels Institute of Contemporary China Studies, Asia Papers, Vol. 5 (4), 2010, available at http://www.europeworld.org/NewEnglish/Home_old/PartnerPosts/tabid/671/PostID/1528/Europesnormativedisconnectwiththeemergingpowers.aspx; Richard Gowan and Franziska Brantner, *A Global Force for Human Rights? An Audit of European Power at the UN*, European Council on Foreign Relations policy brief, September 2008, available at http://www.ecfr.eu/content/entry/the_european_union_at_the_united_nations/.

²⁸ This comment draws in part on a conversation between one of the authors and a senior African human rights official, 18 January 2010.

²⁹ Dorian Jones, “EU Meeting Comes at Critical Time for Turkey’s Membership Bid,” VOANews.com, 12 July 2010, available at <http://www.voanews.com/english/news/EU-Meeting-Comes-at-Critical-Time-for-Turkeys-Membership-Bid-98241669.html>.

³⁰ Mustafa Akyol, “An Unlikely Trio”, *Foreign Affairs*, Vol. 89, No. 5, Sept-Oct 2010, p. 129, available at www.foreignaffairs.com/articles/66535/mustafa-akyol/an-unlikely-trio.

³¹ See “Human rights situation in Iran”, Conectas press release, 18 February 2010, available at http://www.conectas.org/en/noticia.php?not_id=401.

³² “Civil Society Declaration on Africa and the Review Conference of the Rome Statute of the International Criminal Court”, 24 May 2010, available at <http://www.hrw.org/en/news/2010/05/24/civil-society-declaration-africa-and-review-conference-rome-statute-international-cr>.

³³ See e.g. Laurie Nathan, “Anti-Imperialism Trumps Human Rights: South Africa’s Approach to the Darfur Conflict”, LSE Crisis States Research Centre Working Paper 31, February 2008, available at www.crisisstates.com/download/wp/wpSeries2/WP31.2.pdf. See also Andrew Hurrell, “Emerging Powers, Global Order and Global Justice”, unpublished paper submitted to the NYU Institute for International Law and Justice International Legal Theory Colloquium 2010, available at <http://www.iilj.org/courses/documents/2010Colloquium.Hurrell.pdf>.

a much better understanding of the different groups within these emerging societies: for instance, assessing the interests of Chinese and Indian companies that are investing in Africa and the concern with governance in African countries that may result. Instead of simply criticising China's role in Africa as undermining Western efforts, Europeans should look critically at the record of their own governments and businesses, and explore the possibility of overlaps between Chinese and European interests. Although African countries have so far remained suspicious of trilateral dialogues, the EU should retain a pragmatic awareness of Chinese interests in fields such as the rule of law.³⁴

It is particularly important for the EU to forge alliances of principle with rising powers because the coming years are likely to witness a renegotiation of the ground rules of the international system. With the shifting distribution of economic and political power, and the emergence of new problems of global regulation in areas such as finance and climate change, new structures of global governance are emerging. These can take the form of new institutions such as the G20, or of initiatives to revise the distribution of power and influence in the UN Security Council or the international financial institutions. In the near future, the EU's vision of the values that it supports will be tested in new ways. It must therefore address not only the way that regimes around the world treat their own citizens, but also the meaning of fairness and a principled rule of law across the emerging international system.

The limits of engagement

The incremental and engagement-based strategy outlined here might be seen as a retreat from the EU's commitment to give human rights, democracy and the rule of law an important place in its foreign policy. However, the EU would not be accepting a lesser degree of real impact in the support of human rights and democracy than it would otherwise achieve. Rather, by recognising the limitations of its influence, it could bring about greater tangible improvements in the lives of people around the world. It is much better for the EU to set realistic goals and achieve them than to create undeliverable expectations that it can put values first in all circumstances or recreate the world on its own. In fact, such expectations either quickly become a licence for cynicism about the EU's values or they highlight European weakness. An approach based on engagement would also be consistent with research that suggests that over the medium- to long-term, policies that deepen the linkage between the West and undemocratic countries are the best way to increase the chances that these countries will ultimately make a successful transition to democracy.³⁵

The EU could defend itself against accusations of double standards by maintaining clear and consistent criteria for the different levels of relationship that it establishes with partner countries, as with the advanced status in the European Neighbourhood Policy. Beyond this, while it should be willing to pursue a policy of engagement in most cases, it should elaborate a series of red lines that set the limits to its flexibility. Identifying these red lines should be part of a collective effort involving all those engaged in EU policy areas that impact on the promotion of human rights, democracy and the rule of law. One starting point might be to avoid any measures that contribute to human rights violations. The EU already prohibits arms sales to regimes that are likely to use them for political repression and the sale of instruments of torture. It should also work to stop the trade of technology that can be used to restrict legitimate freedom of expression, perhaps through a commercial code of conduct, as French Foreign Minister Bernard Kouchner recently suggested.³⁶ It could also limit or redirect development aid in any case where it is being used by an undemocratic regime to entrench its political power.

The EU should continue to speak out against what it regards as violations of universal values even when there is no further action it can take. Even in the case of its most powerful authoritarian international partner, China, European officials should not accept any restrictions on their right to proclaim their belief in human rights, political accountability and the rule of law, or to meet with dissidents or political and religious figures such as the Dalai Lama. If EU leaders pursue a common line on such issues, they will minimise China's ability to enact reprisals.³⁷ This does not mean that European officials should take every opportunity to lecture other governments, but they should equally avoid any suggestion that they are being forced to muzzle their voice. The EU should also be ready to suspend human rights dialogues as a protest against serious violations. And, while the EU and its member states need to engage with undemocratic countries in support of a range of different objectives, they should at the same time indicate that their partnership with democratic regimes incorporates a dimension of closeness that is lacking in other cases.

The EU should respond to the rise of sophisticated "new authoritarianism" by refusing to recognise manipulative political systems as genuine democracies. Europe should ensure that it does not debase the currency of its own standards by giving its blessing to fake electoral processes. Holding the line against such dishonest politics is an important form of support that the EU can give to civil society and opposition movements in undemocratic countries. The EU should also be careful to avoid the "endorsement trap" whereby it feels obliged to identify progress that may not exist in order to justify further engagement that it wants to pursue

³⁴ See Jonathan Holslag and Sara van Hoeymissen (eds.), "The Limits of Socialization: The Search for EU-China Cooperation Towards Security Challenges in Africa", Brussels Institute of Contemporary China Studies, 30 May 2010.

³⁵ Steven Levitsky and Lucan A. Way, "International Linkage and Democratization", *Journal of Democracy*, Vol. 16 No. 3, July 2005, pp. 20-34.

³⁶ Bernard Kouchner, "Internet: un enjeu de politique internationale", *Le Monde*, 10 May 2010, available at http://www.lemonde.fr/idees/reactions/2010/05/10/internet-un-enjeu-de-politique-internationale-par-bernard-kouchner_1348906_3232.html.

³⁷ See François Godement, *A Global China Policy*, op. cit. n. 24.

in any case. The outcry by human rights activists in Tunisia after President Sarkozy claimed under the French Presidency in 2008 that there was a growing “sphere of liberties” there, despite all evidence to the contrary, in order to build up support for the Union for the Mediterranean, showed just how damaging this sort of false endorsement can be.

The EU should also insist that genocide, crimes against humanity and serious war crimes are, as a matter of settled law, a legitimate concern of the international community. The EU should therefore refuse to deal with individuals who have been indicted by international tribunals and limit its engagement with regimes that are responsible for mass atrocities. However, the EU needs to give further thought to its response to incidents such as the Tiananmen massacre in China or the Andizhan killings in Uzbekistan: all the evidence suggests that imposing sanctions linked to calls for impartial inquiries has not been effective. It may be unrealistic to think that such regimes are likely to co-operate with genuinely independent investigations into actions sanctioned by senior officials when the EU does not have the leverage to force them to do so. The EU needs to be clearer in such cases about whether sanctions are being put in place as an expression of the EU’s condemnation of the events in question, to be lifted perhaps after a certain period of time, or whether they are designed to bring about a particular result. If the latter, the release of political prisoners linked to the incident in question might be a more realistic condition for the EU to set.

Towards a new strategy

This policy brief is intended to sketch out the general principles of a possible shift in the EU’s approach to supporting human rights and democracy. Further research – which ECFR plans to undertake – will be necessary to test out these ideas and see what a more focused and realistic approach would mean in practice in the many different contexts where the EU hopes to support progress on these values. This is a particularly promising time for the EU to re-examine its policies on human rights and democracy, as the changes introduced by the Lisbon Treaty could help the EU set priorities in the field of democracy and human rights that could be sustained over an extended period. The High Representative’s five-year term and her oversight of all aspects of foreign and security policy provide a fighting chance that a new strategy could be followed through in a more coherent way. This would need to be backed up by a strong External Action Service (EAS) that is able to make this values-based strategy a political priority and has the expertise to ensure that what is agreed at capital level is acted on by the delegation on site.

Catherine Ashton’s announcement in June 2010 of a review of the EU’s strategy for supporting human rights is an acknowledgment that the EU is not as effective as it would like to be on this agenda. However for this review to be effective, it needs to take account of the changing global environment: it must review not only the EU’s policies but

also the landscape that they operate in. The review could usefully be structured around the following broad sets of questions:

- How are human rights and democracy perceived in the regions in which the EU seeks to promote them? Is the association with a Western model helping or harming these values? Could a “post-Western” approach be more effective?
- In the current global context, what can the EU achieve in its promotion of human rights and democracy? Does EU human rights and democracy policy complement its other objectives? Could a more focused and realistic approach achieve greater consistency from different EU constituencies?
- Which potential partners could the EU work with to promote human rights and democracy? To what extent do they share the EU’s vision on human rights and democracy? Do they support an international system which actively protects global standards?
- What changes would need to be made – not just to EU human rights policy itself but also across the board of EU policy – in order to create a new and more effective policy? How would it affect the way human rights and democracy relate to other policy areas toward different regions?

The world that the EU confronts at the beginning of the 21st century is, in many ways, a more realist one than could have been anticipated 20 years ago. The shift of political and economic power away from the West has curtailed the scope for international action to alter the internal arrangements of individual countries. But the EU should not lose faith in the universal appeal of such fundamental values as the right of all individuals to be free from oppression and to live under a regime that governs through their consent. Nor should it lose faith in its own ability to help support individuals who are seeking to have these rights respected and fragile governments that are seeking to entrench them.

But to respond to the new international climate it faces, the EU will need to develop a more flexible and more politically sensitive approach to the support of human rights, democracy and the rule of law. It should talk less about abstract values and more about the tangible needs of different people in different situations around the world. It should make the effort to identify particular achievable goals in each relationship it has, while also ensuring that there are clear red lines where engagement must come to an end. It should respond to the decline of Western power by seeking partners that would reinforce the notion that universal values are indeed universal. The EU should not be defensive about its fundamental beliefs. By remaining true to its own values, Europe is most likely to strengthen its global standing and help promote the kind of international order that is ultimately in its own interests.

The EU's human rights and democracy toolkit

Guidelines – A political commitment to support third countries in the implementation of their obligations under international human rights and humanitarian law at all levels of contact. The guidelines include a menu of practical actions that EU representatives in Brussels, member state capitals, and in missions and delegations abroad can undertake. The EU has eight sets of these guidelines, including on the death penalty, torture and working with human rights defenders. The guidelines set out good practice in the use of the other tools listed below.

Dialogues and consultations – A meeting, once or twice a year, at senior official level, hosted either by the EU or the third country in question, to discuss implementation of international human rights treaties and to raise concerns about problem areas. Consultations are held with 'like-minded' countries (e.g. Japan, New Zealand, the US), Russia and candidate countries; dialogues are held with other countries and regional groups (e.g. China, Georgia, the African Union).

Human rights and democracy clauses – Since 1995, all EU agreements with non-industrialised third countries are required to have a clause stating that respect for human rights and democracy are essential elements of the partnership. In theory, the whole agreement can be suspended if these principles are breached, but in practice this hardly ever happens.

Programmatic support – The EU has a number of funding sources for national civil society organisations that work to tackle human rights violations in third countries. These include the European Instrument for Democracy and Human Rights (EIDHR – around €125m a year) and parts of the Non State Actors budget, but the funds are small, and the reporting requirements are high.

Election observation missions (EOM) and electoral assistance – The EU has sent out more than 60 EOMs since 2000, funded by the EIDHR. It also runs some longer term electoral assistance projects.

Common Security and Defence Policy (CSDP) missions – The EU sends missions to third countries to promote its values. These include military missions, such as EUFOR ALTHEA BiH; policing missions such as EUPOL RD CONGO; rule of law missions such as EUJUST LEX Iraq and others. Even those missions without an explicit human rights purpose should include human rights expertise.

Trade tools – Under WTO rules, the EU can give developing countries reduced import tariffs as long as they have signed, ratified and implemented core human rights and labour standards. This preferential access – known as GSP+ – can act as an incentive to respect these standards. When international standards are breached by a partner country, this GSP+ status can be suspended (as in the case of Sri Lanka earlier this year).

The EU has a number of other possibilities when things go wrong:

Declarations and demarches – The EU can make a public or private statement expressing concern about a violation by a government or non-state actor. A public statement is usually made by the high representative for foreign affairs on behalf of the Council and Commission, or from the European Parliament. A private demarche may also be made by the head of the EU mission in the country concerned. If the action has been public, this may be included in the Council's annual conclusions on human rights and democracy, and in its report on Human Rights and Democracy in the world.

Sanctions – For serious human rights breaches, the EU can impose sanctions of various different types (such as arms embargoes, freezing financial assets, visa bans).

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