

states. With their larger administrations, their elaborate network of bilateral relations and their more active role in other international organizations, the impact of socialization is felt less strongly in France, the UK and Germany. Second, there is a clear difference in the socialization effect on, on the one hand, diplomats and civil servants whose business is closely related to EU policy-making, and, on the other hand, those with more limited or no involvement in EU networks and with a dominant focus on bilateral relations or on other multilateral fora. Moreover, each multilateral department in a Foreign Ministry is 'emotionally as well as bureaucratically attached to its multilateral client. Each serves[s] to feed back the views and interests of the client organization and of the nations which composed it into the national bureaucracy where they [competent] with the views and interests of the unilateralists and of other multilateralists' (Jørgensen 1997: 176). In other words, a part of national diplomacy and administration may be very well socialized within the EU context (such as the diplomats and officials at the Permanent Representations to the EU, or those from the capitals who frequently participate in Council working parties), but other actors involved in foreign policy making may be subject to other socialization processes and other logics of appropriateness – for example, within NATO, the UN or special bilateral relationships.

Conclusion

Within each of the policy-making methods analysed in Chapters 3 and 4, national foreign policy actors play an important but varied role, constituting one level of the EU's multilevel foreign policy system. The policy-making systems within member states and their power, interests and identity are important indicators of their overall importance and position in EU foreign policy-making. Particularly the UK, France and, to a lesser extent, Germany, play a dominant role. This goes in two directions: the largest member states provide crucial apparatus and relationships to make EU foreign policy operational, but if they do not agree upon a particular course of action, it is unlikely that this will ever see the light of day. The smaller member states can play a more prominent role when they can draw upon specific areas of expertise and relationships with third countries. The increasing segmentation of EU foreign policy – itself a pragmatic response to managing member states' different interests – provides space for smaller member states to have an impact in specific dossiers. This also indicates that the Europeanization process is interactive, with the member states 'uploading' their policies to the EU level, and the EU influencing member states' foreign policies.

Chapter 6

Key Issues in EU Foreign Policy

This chapter discusses four key issues of EU foreign policy: human rights, democracy and rule of law; conflict prevention, crisis management and peace-building; non-proliferation and control of arms exports; and the fight against terrorism. These four issues do not provide an exhaustive list of key priorities of EU foreign policy. However, by analysing these key issues, this chapter aims to clarify the scope and the substance of a range of EU's foreign policy actions in the areas of CFSP/CSDP, external action and the external dimension of internal policies. The foreign policy objectives of, for instance, trade policy, the EU's objective of sustainable development or its choice for multilateralism are discussed in other chapters (see respectively Chapters 9, 10 and 13). With regard to the four key issues discussed here, the chapter clarifies the range of instruments available and actors responsible and it assesses the EU's actions in the light of its declaratory objectives and external relevance.

Human Rights, Democracy, Rule of Law

The promotion of human rights, democracy and rule of law is both one of the main self-declared objectives of EU foreign policy and a constitutive element of the EU as a self-declared value-driven international actor. The very first provision devoted to the EU's external action and CFSP/CSDP in the EU Treaty (Art. 21 TEU) not only lists the consolidation and support of 'democracy, the rule of law, human rights and the principles of international law' as one of its main goals; it also identifies these as principles which have inspired the EU's own creation and development and which shall guide the Union's action on the international scene (see also Chapter 1).

Instruments

The EU has created four sets of instruments (toolboxes) for promoting the principles of democracy, human rights and rule of law in its foreign policy (see also Cardwell 2011).

The CFSP offers a first important toolbox (see Chapter 7). The bulk of CFSP declarations and diplomatic activities (both formal and informal demarches) are devoted to democracy, rule of law and, particularly,

human rights issues. Specific human rights dialogues and consultations have been established with third countries, including major powers such as China, Russia and, less obviously, the US (in relation to the continued use of the death penalty in certain US states). Human rights and democracy are also prominent in CFSP positions that lead to sanctions against authoritarian regimes (see Chapter 9). Civilian crisis management operations increasingly focus on actively supporting the rule of law (see Chapter 8). In addition to actions aimed at third states, the EU also promotes the rule of law on a global scale through its actions in support of the International Criminal Court (ICC) and other international criminal tribunals (Alter 2012; Bekou and Chadwick 2011).

As the backbone of a more targeted EU human rights diplomacy within CFSP, the Council has adopted specific 'EU human rights guidelines' for a limited number of priority areas: the death penalty; torture and other cruel, inhuman or degrading treatment or punishment; rights of the child; children and armed conflict; the violence against and discrimination of women and girls; the protection of human-rights defenders in third countries; and the promotion of international humanitarian law. These guidelines provide EU representatives in the field with operational goals and tools to intensify initiatives in multilateral fora and in bilateral contacts, resulting in some intensive lobbying campaigns to promote specific human rights goals (Council 2009a; EEAS 2012b: 32–60). In addition to these priority areas, the EU has also developed policies treating other dimensions of democracy and human rights, including 'new' fields of concern such as the fight against prosecution based on sexual orientation (see overview in: EEAS 2012b: 61–118).

A second important toolbox consists of the political framework agreements with third countries, such as Association Agreements and Partnership and Cooperation Agreements, and the related geographic financial instruments (the ENPI/ENI, DCI and EDF) (see Chapters 4 and 9). These agreements generally include political conditionality in the form of human rights clauses as an 'essential element'. Non-compliance can lead to the suspension or termination of an agreement and of the related financial assistance. The agreements also provide for regular political dialogue in which human rights, rule of law and democracy feature on the agenda (Devuyt and Men 2012). In the framework of support for institution building and good governance, the ENPI and – to a lesser degree – the EDF and DCI include considerable funding for long-term structural political and legal reforms as well as for more targeted projects to promote human rights, rule of law and democracy.

Support through these large funding programmes has the disadvantage of lacking flexibility. They are also dependent on the consent of the third country's government regarding funded programmes. Whereas the latter may be positive in terms of ownership, it equally implies that the promotion of human rights and democracy becomes difficult or impossible in

precisely those countries where it is most needed. Human rights clauses and political dialogue are similarly problematic; human rights clauses are rarely used to confront partners with violations of this 'essential element', and political dialogue is in some cases little more than a ritual (or is simply cancelled by the partner, as China did several times).

A third toolbox is more focused and flexible, allowing the EU to work directly with NGOs and international organizations rather than with governmental actors (see also the next section for the 'Instrument for Stability'). The *European Instrument for Democracy and Human Rights* (EIDHR), with an annual allocation of approximately €150 million, finances 'EU Election Observation Missions' (EU EOM) and smaller 'Election Expert Missions'. It equally supports international regimes that work on the protection of human rights, democracy and the rule of law (such as international criminal tribunals) as well as hundreds of (generally) small-scale projects aimed at strengthening civil society's role in promoting human rights and democratic reform (Commission 2010b, 2012c; EEAS 2012b: 26–9). Adopting such a 'grass-roots' approach has been understood to be valuable in terms of strengthening the indigenous basis for democracy and human rights in third countries. However, the limited scope and political relevance of most projects have at times made EU policy look more symbolic than substantive. This also explains why the degree of spill-over from EU-supported NGOs to broader human rights and democratic reform has in many cases been more limited than hoped (IMD 2005; Bicchi 2010).

As the EIDHR in principle does not support NGOs or opposition groups that adopt a confrontational approach, it could not be used as a lever to support people-power revolutions in Ukraine and Georgia in the early 2000s or more recently in the Mediterranean during the Arab uprising. The awareness of these limitations of EIDHR prompted the creation of two additional instruments to allow the EU to more actively support progress towards 'deep democracy' in the EU's neighbourhood: the *Civil Society Facility* and the *European Endowment for Democracy* (EED) (see also Chapter 11) (EEAS 2012b; HR/VP and Commission 2011: 2–5). The former is designed to provide funding to civil society in the EU's neighbourhood, including in countries where existing EU instruments cannot be used (such as Belarus). The latter is to advance political pluralism by supporting political parties and non-registered NGOs striving for democratic change, including in countries 'where repressive political regimes continue to stifle pluralism and diversity' (HR/VP and Commission 2011: 4). Notwithstanding this, questions remain on the EED's long-term financing and status as an independent foundation, leading to doubts about its potential to support pro-democracy actors more quickly, flexibly and audaciously (Richter and Leiminger 2012: 1).

Certain internal policies with an external dimension constitute a fourth toolbox to support efforts towards improved human rights and

democracy (see also Chapter 10). An example is the fight against the trafficking of human beings. For the period 2012 to 2016, the Commission's DG Home Affairs has taken the lead through legislative initiatives, operational action and the development of an *EU Strategy towards the Eradication of Trafficking in Human Beings* (EU 2012: 103–7; Commission 2012c).

Recognizing the need to use the various toolboxes more coherently and effectively and to adequately respond to the EU's mixed performance during the Arab uprising, in mid-2012 the Council adopted the *EU Strategic Framework and Action Plan on Human Rights and Democracy*, which incorporates nearly 100 actions in this field. The Council took up the commitment to promote human rights 'in all areas of its external action without exception', including trade and investment, development, energy, social policy, and the area of freedom, security and justice (Council 2012d). It nominated an EU Special Representative on Human Rights to increase visibility and effectiveness and to provide strategic oversight. Moreover, to complement this top-down approach with a bottom-up approach, a human rights specialist was appointed in each of the EU Delegations worldwide and tailor-made human rights strategies were developed for each country. Their aim was to account for realities on the ground and to overcome the EU's traditional 'one size fits all' approach (Council 2012d, 2012e).

From declarations to actions

Looking at the EU's extensive toolbox, the EU emerges as a foreign policy actor that is clearly able to exceed the declaratory level. In its relations with third countries, the EU possesses the instruments to use both rewards and coercion in order to induce third countries to uphold human rights, democracy and rule of law. As a major added-value to what most of the EU member states can provide for in their national foreign policy (see Chapter 5), the EU equally has the instruments to pursue an active structural foreign policy to promote these values and principles human rights, democracy and rule of law. Financial and technical assistance in the framework of association and other agreements, EIDHR funding, CSDP missions and other instruments allow the EU to provide tangible assistance on an operational level. This is quite essential in light of the complexity and practical hurdles that have to be overcome when pursuing protracted political, legal, institutional and other structural reforms (see Chapter 1).

Given the EU's comprehensive toolboxes for promoting the human rights, democracy and rule-of-law principles and objectives, the next question is to what extent the EU has also matched its actual commitments and attained tangible results. The annual reports on EU action in the field of human rights and democracy, which are hundreds of pages

Box 6.1 Normative power Europe

In an attempt to move the debate on the EU's international identity beyond the 'civilian power versus military power' opposition (see Chapter 1), Ian Manners in 2002 suggested that attention should be paid to the EU as a 'normative power'. First, this normative power refers to the EU's 'ability to shape conceptions of "normal" in international relations' (2002: 239). Second, because of its origin in the post-Second World War period, its hybrid political system and its constitutional focus on fundamental human rights, the EU is also predisposed to act in a normative way and to put a particular set of norms at the centre of its relations with other parts of the world. These norms include five 'core norms' (peace, liberty, democracy, rule of law, and human rights and fundamental freedoms) as well as four more contested 'minor norms' (social solidarity, anti-discrimination, sustainable development and good governance). Manners differentiates between various factors which, directly or indirectly, contribute to the EU's diffusion of norms. Based on a case study on the EU's role in the campaign for the abolition of the death penalty, he demonstrates how the EU increasingly exercises normative power 'as it seeks to redefine international norms in its own image' (2002: 252) and concludes that 'the ability to define what passes for "normal" in the world politics is, ultimately, the greatest power of all' (2002: 253).

The concept of normative power has become a central theme in the analysis of EU foreign policy. A considerable body of work has applied the concept to the EU's stance towards a multitude of geographic regions and thematic issues, with findings varying widely over regions and issues (see, among others, Aggestam 2008; Brummer 2009; Falkner 2007; Laird 2008; Nicolaidis and Whitman 2013; Noutcheva 2009; Scheipers and Sicurelli 2008; Storey 2006; Whitman 2011). The concept has also been criticized: for being too ambiguous to serve as a basis for rigorous analysis (Forsberg 2011); for being a specific dimension of 'civilian power' rather than a truly separate concept (Diez 2005); for focusing too strongly on ideational factors and neglecting material factors and the impact of changing power relations on the global level (Hyde-Price 2006; Pollack 2012); or for taking too easily European or Western norms as a basis of the analysis (Cavatorta and Pace 2010a).

long, testify to the wide range of initiatives and activities in which the EU is engaged and where it actively promotes the values and goals defined in the Treaty (EEAS 2012b). It demonstrates that the EU in any case attempts to systematically present itself as a normative power, i.e. as a power that promotes adherence to values as 'normal' in international relations and that is also predisposed to act in a normative way (Manners 2002: 242, 2012; Whitman 2011; Nicolaidis and Whitman 2013) (see Box 6.1).

A more detailed analysis, however, raises doubts about labelling the EU as a normative power. The EU's approach, actions and successes vary substantially across countries in the world, across different dimensions of human rights and rule-of-law policy, and across democracy promotion policies.

First, there is a great variation in the extent to which a third country's respect for human rights, democracy and rule of law is a defining factor for the EU's relationship with that country. For instance, failure to respect human rights and democracy resulted in sanctions and a refusal to maintain normal political and economic relations with Belarus, Cuba and – until 2012 – Myanmar. Similar failures temporarily affected relations with China and Uzbekistan, but contradictorily, it constituted no fundamental obstacle for the EU's relations with Saudi Arabia and other oil-exporting Gulf states, despite their very bad performance in the majority of human rights and democracy indicators (see Schumacher 2012). As Chapter 11 will show, the extent to which the EU actively provides support for structural reforms in the field of democracy, rule of law and human rights also differs greatly from region to region and country to country.

Second, when looking at the promotion of human rights and rule of law, it appears that the EU has been at the vanguard of several campaigns. Examples are the campaigns against the death penalty (Kissack 2012; Manners 2002) and against impunity of political leaders through the political and operational support for the ICC and other international criminal tribunals (Alter 2012; Bekou and Chadwick 2011). This reflects the EU's general activism in elaborating comprehensive international and UN human rights governance structures (see Wetzel 2011; Wouters *et al.* 2012a). The EU obtained some remarkable successes in these respects, though it has not always been able to gain support for its campaigns from some of its most important partners (such as the US), nor to effectively use the UN human rights governance system to actually promote greater human rights (Basu 2012; Brantner and Gowan 2008; Gowan and Brantner 2008, 2010; Smith K. 2010a) (see Chapter 13).

EU foreign policy does not show the same kind of activism with regard to all human rights issues. The fight against human trafficking and forced labour is an issue that has not received a high level of attention from most of the EU's foreign policy actors, even though DG Home Affairs in the Commission has been quite active in this field. However, with estimations of more than 20 million victims worldwide (including around 5 million victims of forced sexual exploitation), this 'slavery of our times' affects much more people than, for instance, the death penalty (Commission 2012c; ILO 2012). Moreover, the EU generally attaches greater importance to civil and political rights than to economic and social rights. Following the predominant Western perception on human rights, the EU considers poverty, including the resulting malnutrition, as well as maternal and infant mortality as a development problem – and

not as 'the world's worst human rights crisis' (Khan 2009). This also explains why the EU barely recognizes, for instance, China's major achievements in the socio-economic field in comparison to the situation in other large countries like India (see Sen 2011; UN 2012a; Zhang C. 2012).

Third, the EU's approach also varies with regard to democracy promotion policies, which, in general, receives less attention than human rights policies. This reflects the fact that democracy – in contrast to human rights – is not enshrined as a principle of international law, which makes it harder to legitimize intervening in third countries to promote the democracy cause (Smith K. 2003: 123). A comparative study of the substance of the EU's democracy promotion illustrates that the EU not only focuses such efforts on elections in third countries, but it also adopts a rather broad perspective in promoting 'embedded democracy', which includes other aspects, such as civil and political rights, separation of powers, a functioning bureaucracy, an active civil society and socio-economic conditions conducive to democracy (Wetzel and Orbie 2011).

When looking at the results of democracy promotion, the conclusions are rather mixed. What is labelled democracy promotion in practice mostly aims at governance changes rather than democratization (Youngs 2010a: 12). The EU often prefers to highlight the goal of 'good governance' and 'rule of law'; these terms are often politically more acceptable to partner countries and they also further the EU's economic interests, creating a stable legal administrative and legal framework for trade relations and investments (see also Magen *et al.* 2009; Pech 2012). More fundamentally, case studies on the EU's global stance on democracy illuminate 'the lack of strong European commitment to supporting democracy as part of foreign policy ... and a growing disappointment on the part of reformers in nondemocratic states with the paucity of support they are offered by the EU' (Youngs 2010a: 5–6).

The EU's support for democratization processes was and is outspoken in its (enlargement) policy towards the (potential) candidate member states in Central Europe and the Western Balkans (see Chapters 9 and 11). However, the lack of genuine commitment and success is clear in the EU neighbourhood, where the positive spill-over expected from cooperation and assistance to human rights, rule of law and democratic reforms did not materialize, despite the multiplicity of instruments, funds and initiatives deployed. Even when third countries adopt rules with regard to democratic governance, compliance is often a problem (Freyburg *et al.* 2009). The EU has not marked many successes in its southern and eastern neighbourhoods. The situation in some of these countries remained as problematic as before (i.e. Belarus), and in other countries, the EU was not capable of helping consolidate democratic revolutions (i.e. Georgia and Ukraine). Moreover, the structural changes in some North African and Middle East countries have occurred not thanks to, but rather

despite the EU. The EU also proved to be reluctant to accept the consequences of democratic elections in its southern Mediterranean neighbourhood when these do not fit the EU's interests. This was the case with the democratic election of Hamas in the Palestinian Territories in 2006 (which was not recognized by the EU) and other Islamic parties in the Arab world in recent years (which only receive limited enthusiasm in the EU) (for case studies, see Al-Fattal Eeckelaert 2013; Balfour 2012; Cavarrotta and Pace 2010a; Morlino and Sadurski 2010; Pace 2010; Pace and Seeberg 2009; Peters 2012a; Youngs 2010b) (see also Chapter 11).

Challenges

The initiatives adopted to react to disappointing results (see above) may increase the EU's focus and effectiveness on some points, but these initiatives can also contain the seeds of inevitable disillusionment, as they do not change some of the basic parameters and conditions that contributed to earlier failures. The EU faces several challenges in this regard.

First, promoting human rights, democracy and the rule of law is for many member states not a high priority as an external policy objective, but is primarily an identity or interrelational objective, where the goal is to shape a distinct international identity for the EU as a values-driven normative power (see Chapter 1). The mantra-like referral to these consensus-generating values not only serves to underscore the EU's self-comfortingly superior moral identity, it often also serves to mask deeper disagreements on concrete foreign policy actions and interests among EU member states and institutions.

Second, an important hurdle remains balancing the promotion of human rights, rule of law and democracy and the pursuit of other important foreign policy objectives (see also Chapter 1). This explains why, for instance, the promises to promote human rights 'in all areas of its external action without exception' and to achieve '360 degree' policy coherence (EU 2012: 30) is simply not feasible.

Third, in order to successfully promote structural transformations, the EU also depends on governments in third countries. However, these governments may become less inclined to follow the EU's recipes and conditions, particularly in light of alternatives provided by other rising powers in international politics (see Chapter 12). The EU's attempt to concentrate more efforts on civil society in these countries is also plagued with problems. EU support for civil society organizations (and for opposition forces) may be counterproductive, as these groups can either be discredited in the eyes of the public or punished by the authoritarian regimes (Richter and Leininger 2012). Moreover, the EU's definition and ideal of 'civil society organizations' is not always concomitant with the dominant societal groups or movements, which may be more nationalistic (such as in the Western Balkans) or religion based (such as in the Arab

world) than the EU would hope for. This has been a problem particularly in the context of the EU's democracy promotion in the Middle East and North Africa, where the EU's focus on secular/liberal political parties and civil society and its inability to deal with the much more popular Islamic parties and movements in fact functioned as an obstacle to democratic reforms (Cavarrotta 2009: 137; Pace 2010; Pace and Seeberg 2009).

Fourth, perhaps the most daunting challenge relates to the weakening legitimacy of democracy, rule of law and human rights as universal values – or, at least, of their predominance over other values. The legitimacy of the EU as a promoter of these values is also in decline. Both dimensions of legitimacy have been undermined by the involvement of EU member states in what has been labelled 'gun-point democracy' (the promotion of democracy through the use of military force, such as in Iraq or Libya) (Lokongo 2012). They were also weakened by the EU's and individual member states' 'double standards' or inconsistent applications of human rights and democracy standards (see Magen *et al.* 2009; Wetzel 2011). These 'double standards' take many shapes, including:

- different application of human rights, democracy and rule-of-law principles and objectives in the EU's relations with various countries;
- more importance attached to certain principles and objectives than to others, like the greater attention given to civil rights issues than to socio-economic rights and dignity;
- a reluctance to accept the consequences of these principles and objectives when it does not fit the EU's interests or concepts;
- a reluctance to also accept democracy in international organizations and accept the privileged positions of the Europeans being turned down (see Chapters 12 and 13).

It is in this context that the *EU Strategic Framework and Action Plan on Human Rights and Democracy*, even if it includes laudable measures, may be insufficient to tackle the EU's legitimacy problems and to provide the seeds for a human rights and democracy strategy for a 'post-Western world' (Dennison and Dworkin 2010).

Conflict Prevention, Crisis Management and Peace-building

European integration can itself be conceptualized as a long-term conflict prevention and peace-building project. Finding a structural solution for the long-standing enmity between European countries was at the heart of European integration from the start; and this is still evident in the ongoing accession talks with the Western Balkan countries (see Chapters 2 and 11).

The goal to 'preserve peace, prevent conflicts and strengthen international security' is one of the EU's formal foreign policy objectives (Art. 21(2) TEU). The EU has developed a policy to deal with various overlapping stages of the conflict cycle: conflict prevention, crisis management, peacemaking, peacekeeping, post-conflict stabilization and peacebuilding, with the latter essential for preventing a conflict from re-emerging. The toolbox available to the EU is spread over various policy domains, financial instruments and institutional actors. It allows the EU to adopt a comprehensive approach towards crises and conflicts, but it equally explains the complexity and (sometimes) the inconsistency of the EU's actions.

CFSP and CSDP

The diplomatic capacities provided by the CFSP are the EU's first major tool (see Chapter 7). A considerable part of the declarations and activities developed within the CFSP is related to defining the EU's position towards an actual or potential crisis and – to a lesser extent – undertaking concrete actions, actively contributing to the solution, and following up post-crisis. The HR/VP, EU Special Representatives and senior EEAS officials, often in close interaction with the member states, have been involved in crisis mediations, or have provided an EU contribution to international mediation efforts. Examples include crises in Georgia, Ukraine, Iran, the Middle East and, particularly, the Western Balkans. As is explained in Chapter 7, though, the EU is criticized for not being active enough in conflict prevention and crisis management, not only in other parts of the world but also in its neighbourhood (as was the case during the crises in Libya and Syria).

The EU's diplomatic activities can be underpinned via military and civilian crisis management operations conducted through the CSDP, involving the deployment of soldiers, police officers and judges from EU member states (see Chapter 8). CSDP missions can fulfil a variety of tasks: 'joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peacekeeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation' (Art. 43(1) TEU). Through its CSDP operations, the EU is or was involved in crises in the Western Balkans, the South Caucasus, the Middle East, sub-Saharan Africa and Asia (see case studies in Blockmans *et al.* 2010; Gross and Juncos 2011). In view of the number, size and relevance of the missions, the EU prioritized crisis areas in Europe (particularly the Western Balkans) and Africa (initially mainly the DR Congo, later on, the Horn of Africa and the Sahel region).

The nature of the CSDP operations is assessed in more detail in Chapter 8, but two remarks are already useful in this context. First, only

a limited number of missions were effective at short-term crisis management or conflict prevention. In these instances, the EU helped prevent further escalation of a conflict. Examples include Operations Artemis and EUFOR in DR Congo or the EU Monitoring Mission (EUMM) in Georgia. CSDP operations are rarely involved in high-risk crises or in active military interventions of combat forces in violent conflicts. Also CSDP's military crisis management operations in the Western Balkans began after peace agreements were signed and NATO forces stabilized the situation. The ongoing anti-piracy operation Atalanta in the Horn of Africa includes some limited use of force, but in a context in which European forces are clearly superior over the so-called pirates.

Second, a major part of the CSDP missions correspond to structural foreign policy. The EU aims to contribute to establishing security and rule-of-law structures over a longer term through several rule-of-law, security sector reform and capacity-building missions (see case studies in Dursun-Ozkanca and Vandemoortele 2012; Ekengren and Simons 2011). Examples include: the large EULEX Kosovo mission, which plays a leading role in establishing a justice, police and customs administration in Kosovo; the EUSEC DR Congo mission, which contributes to the army's structural reforms by aiding the census of troops and helping to set up a chain of payments; and EUCAP NESTOR, which assists states in the Horn of Africa to develop the capacity to control their territorial seas and enhance maritime security by improving the judiciary and coastal police forces.

Instrument for Stability (IFS) and African Peace Facility (APF)

Whereas the CSDP enables the EU to be involved directly in crises or conflicts, the Instrument for Stability (IFS) and the African Peace Facility (APF) allow the EU to support the intervention or mediation of other actors in crises and conflicts.

The IFS, launched in 2007, is considered complementary to geographically oriented instruments such as the EDF, ENPI and DCI, providing a financial basis for interventions when circumstances in a third country make normal cooperation and assistance impossible (Commission 2012d, 2012e; EEAS 2012c). The IFS is to strengthen the EU's capacity in two respects. First, with its short-term 'crisis response and preparedness' component, the IFS aims to contribute to conflict prevention and to post-conflict political stabilization. Three specific examples illustrate how the EU utilizes the IFS to reach this end: it deploys financial assistance for elections and civil society participation in the transition processes in Tunisia, Egypt and Libya; it made available financing for the reintegration of ex-militants in Nigeria; and the EU financially supported the establishment of a truth-and-reconciliation process in Colombia. Second, the IFS's long-term component provides a tool to

handle global and trans-regional challenges with a security or stability dimension. It provided capacity-building support for fighting organized crime on cocaine routes in West Africa; it also supported capacity-building initiatives in the Sahel countries to respond to terrorist threats and to countries in the West Indian Ocean for countering piracy.

The IFS's budget for 2007–13 was around €2 billion, including around €1.5 billion for over 200 actions responding to crises and conflicts worldwide. A major feature of the IFS is that it finances activities of non-EU actors, such as UN agencies, other international organizations and NGOs. Foreign policy through IFS is thus foreign policy by substitution, and, essentially, the EU acts via its chequebook. This can reflect a lack of agreement or capacities within the EU to take up a more direct, active role. However, it can also indicate a sound assessment of other actors' legitimacy, which holds great potential in effectively dealing with some aspects of a crisis.

The wide range of (often) small projects scattered around the world leads to the criticism that the financial means are not really used strategically. However, more positively, it may also indicate that the EU is willing to contribute to 'preserve peace, prevent conflicts and strengthen international security' beyond the EU's immediate interest. Moreover, relatively small financial contributions can also provide the lever needed to allow relevant third parties to intervene and make a difference (see Gänzle 2012; Ricci 2010). A clearer strategic prioritization has emerged from the geographic pattern of IFS spending since 2011, and currently the Middle East, Northern Africa and sub-Saharan Africa are prioritized, taking up around three-quarters of the budget for crisis response.

The African Peace Facility (APF) is a key instrument for implementing the Africa–EU Partnership on Peace and Security (see also Chapter 11). It is designed to provide the African Union (AU) and other African regional organizations with resources to mediate crises and to mount effective peacemaking and peacekeeping operations. Since its creation in 2004, more than €1 billion has been channelled through this instrument, with the largest part devoted to financial support for African-led peace operations (mainly in Somalia). Funding is also provided for developing management capacities of the AU and other subregional organizations in the context of the African Peace and Security Architecture, which fits within the APF's focus on empowerment and long-term capacity-building (Commission 2012f; see Brosig 2011; Mangala 2013).

Mainstream long-term instruments

Finally, the EU's mainstream long-term development and cooperation programmes – and the related financial instruments – are employed for crisis management and peace-building. They can underpin diplomatic

initiatives to defuse a crisis or can foster stability during periods of political transition. The EU's sanctions and conditionality instruments can be employed to discourage or encourage actors in crisis or post-crisis situations (see Chapter 9). The advantage of instruments such as the ENP and the EDF are the significant means at their disposal. The disadvantages are their limited flexibility, which explains why more flexible tools such as the IFS and the APF have been created.

More importantly, the array of association agreements, partnerships and other agreements as well as the related budgets allow the EU to contribute to long-term peace-building processes and to structural reforms in conflict-prone regions (see Chapter 9). Nonetheless, as will be explained in more detail in Chapter 11, such a structural foreign policy and peace-building process has only been successful in a limited number of regions. Positive changes were registered in the Western Balkans, for example, but were not achieved in other parts of the EU neighbourhood and beyond. Furthermore, the EU may have relied excessively on positive spillover from cooperation programmes, development policy and democracy promotion efforts to achieve the conditions necessary for peace and structural reforms.

The EU's comprehensive approach

Taken together, the EU has quite an impressive toolbox to deal with crisis management and peace-building, even though this toolbox is less impressive for conflict prevention. Practice has proved the EU to be capable of using a variety of instruments to deal with crises and conflicts. One policy instrument and approach, though, remains outside the reach of the EU: the use of unilateral coercive military force without the consent of the actors involved in the conflict area. This also explains why EU actions, even if relevant and effective, may be doomed to remain outside the public eye, as, in general, it is not actively involved in forceful military actions such as those in Libya, Iraq or Afghanistan that garner extreme media attention.

The added value of the EU was described in a UK House of Lords report: its strength lays in operating smaller-scale, complex interventions where a mix of political weight, economic know-how, development, security sector training and sometimes a military capacity is needed. This is identified in the report as the 'right niche' or 'niche role' for the EU, accepted by all member states and other international actors. The report equally points to the EU's complementarity to NATO: through its comprehensive approach, the EU can 'tackle problems by providing for the overall requirements of a situation in a way that NATO could not'. Moreover, it can operate 'in geographical areas where NATO involvement was not welcome, or not appropriate' (House of Lords 2012: 36–7).

Recalling the analysis in Chapters 3 and 4, it is clear that a coordinated and consistent use of the various policy instruments is not all easy. The institutional fragmentation becomes obvious if considering CSDP, IFS and APF: CSDP missions are managed by the EEAS, but depend on contributions from and coordination with member states; IFS projects are politically steered through the EEAS, but managed by the Commission's Foreign Policy Instrument Service; and APF-supported missions are decided on and managed by the Commission's DG DEVCO.

Box 6.2 The EU Strategy on the Sahel Region

In order to coherently address a whole range of challenges – including weak governance systems, systemic poverty, food shortage, the rise of jihadist movements, organized crime, drugs and weapon trafficking – that plagues the Sahel region and indirectly also threatens the EU's security, the EU endorsed in 2011 the 'Strategy for Security and Development in the Sahel' which focuses primarily on Mauritania, Mali and Niger (Council 2011c; EEAS 2013d). The Strategy aims at developing a comprehensive EU engagement around the key objectives of development and good governance, political action, security and rule of law and the fight against extremism and radicalization.

The comprehensive approach implies the use of the various tools at the EU's disposal. A wide range of programs is managed by the Commission under various financial instruments, such as development aid through the EDF, humanitarian aid, IFS financed capacity-building projects to counter terrorism and organized crime, and APF funding for the African-led military mission in Mali. Taken together, the EU's financial support to the Sahel region amounted to 1.2 billion up to 2013 (Helly 2013: 72). However, counterbalanced against the achievements of the EU in the region, this raises questions about the effective use of these sources.

Both civilian and military CSDP instruments are used in the Sahel region. The civilian CSDP mission EUCAP Sahel Niger – with 500 staff, including mainly civilian but also some military experts – was launched in 2012 to improve the capacities of the Nigerian Security Forces to fight terrorism and organized crime. Following the collapse of the security structures in neighbouring Mali and in the wake of military intervention by France in early 2013 (see Chapter 8), the EU launched its military training mission EUTM Mali, to help the Malian authorities to restore state authority and fight against terrorism and organized crime. In 2013, the EU decided to launch a third CSDP action in the region: a capacity-building mission in Libya in the field of border management (EUBAM Libya), in order to tackle the negative consequences of the porous Libyan southern borders after the collapse of the Gaddafi regime, with arms smuggling and other illegal trafficking having a negative impact on the security situation in the Sahel, Northern Africa and in this way also Europe (EEAS 2013c).

Negotiations before and after the entry into force of the Lisbon Treaty demonstrated that member states and EU institutions considered centralized authority and management under control of the HR/VP and EEAS to be neither acceptable nor feasible. To compensate for the lack of such centralized authority, a 'comprehensive approach' is put forward by the EU as an attempt to find synergies and overcome both fragmentation and uncoordinated action (see also Johannsen 2011). Rather than through a grand strategy with explicit top-down interventions or decisions, synergies are to be found between the various policy actors and instruments on a case-by-case basis and through a bottom-up approach, with the system of 'Crisis Platforms' contributing to finding such synergies (see Chapter 4) (Blockmans 2012: 29–31; Keukeleire and Raube 2013). Examples of how this comprehensive approach can work in practice are the EU Strategy on the Sahel Region (see Box 6.2) and the EU's Strategy for the Horn of Africa (see also Box 8.1).

Non-Proliferation and Control of Arms Export

Since the establishment of CFSP, the EU has had in place a non-proliferation policy with both a structural foreign policy component that bolsters the various international non-proliferation regimes, and a relational foreign policy component that deals with countries that pose a threat in terms of nuclear proliferation. However, the EU's policy suffered from the outset due to member states' widely diverging views about the role of nuclear deterrence, with the UK and France as nuclear powers on one side and the rest of the member states on the other. Particularly the EU's northern and 'neutral' member states actively promoted nuclear disarmament, thereby countering the UK and France. This cleavage within the EU explains why, during Nuclear Non-Proliferation Treaty (NPT) Review Conferences, the EU adopted a common position and exerted some influence on a major part of the agenda, but remained divided on the high-profile issue of nuclear disarmament in general (see Dee 2012).

The questions of how to tackle concrete nuclear proliferation challenges – mainly the nuclear capabilities and ambitions of Iraq, Iran and North Korea – and the necessary mix of diplomacy, sanctions and use of force sparked varying answers within the EU (Cottey 2013: 186–91; Rhode 2010: 162–75; Quillie 2013). The 2003 pre-emptive military operation against the regime of Saddam Hussein in Iraq led to the deepest crisis CFSP has ever suffered, with the UK and the France–Germany duo having led the two antagonist camps within the EU. In contrast, the three countries together with the High Representative are working closely together in their intensive, yet unsuccessful diplomatic efforts to deal with Iran's nuclear ambitions in the E3+3 talks with that country.

Nonetheless, cleavages may again appear when the military option returns to the fore (Posch 2013) (see also Chapters 7 and 11). Although the EU participates in the international sanctions against North Korea, it is a rather marginal diplomatic player on this issue. Neither the EU nor individual European member states participate in the Six-Party Talks with North Korea. Beyond those three major non-proliferation cases, the EU remains silent on the possession of nuclear weapons by other states such as Israel and Pakistan, despite their clear impact on regional conflicts.

The EU faces a serious credibility problem as it pressures third countries to sign and respect the NPT, to renounce their nuclear ambitions and to accept non-proliferation provisions in contractual relations with the EU, while the UK and France refuse to forfeit their own nuclear privileges. This reinforces criticism of EU double standards. But perhaps the most important weakness the EU and its nuclear powers face in terms of power politics is that, unlike the US, they are unable to provide credible security guarantees to third countries, which often pursue nuclear capability as an answer to their precarious security situation.

In addition to nuclear-specific security concerns, the EU has also developed a wider *EU Strategy against the Proliferation of Weapons of Mass Destruction* in the wake of the various terrorist attacks in the early 2000s (European Council 2003b). This strategy incorporated an awareness of threats beyond nuclear weapons, including the proliferation of biological, toxin, radiological and chemical weapons and ballistic missiles, acknowledging the various concrete threats these weapons pose to European security (see Cortey 2013: 176–81). The strategy is implemented through the same kinds of tools discussed in previous sections: decisions and instruments of the CFSP, of the EU's external action as well as of other internal policies with an external dimension. These include addressing non-proliferation through political dialogue meetings and informal contacts with third countries, support through the IFS, economic sanctions, and financial and technical assistance to comply with international non-proliferation agreements (Council 2010b, 2012f; Cortey 2013: 175–201; Zwolski 2011). Another instrument the EU introduced is the inclusion of non-proliferation clauses as 'essential elements' of bilateral agreements, which commit the EU and its partner to fully comply with all existing non-proliferation obligations (Grip 2009: 3; Quille 2013) (see also Chapter 9).

The EU's *Strategy to Combat Illicit Accumulation and Trafficking of Small Arms and Light Weapons* provides a platform for addressing yet another type of arms proliferation (Council 2006). This followed from the EU's experiences in the Western Balkans, where arms trafficking remained a major source of instability. Demand for such a policy also stemmed from the awareness of the consequences of such weapons

falling into the hands of non-state actors and fuelling violent conflicts. Several of the instruments mentioned above have been used to implement this Strategy, including financial support from the IFS and CFSP budget. The EU has also worked to developed national, regional and global mechanisms to counter the spread of small arms and light weapons (SALW). Most notably, it has mounted an active campaign in favour of the 2013 Arms Trade Treaty (ATT), which is the first legally binding instrument establishing international standards for the transfer of conventional weapons (Council 2012g). While the EU has been a strong and visible proponent of the creation of the ATT, its advocacy was occasionally marred by internal differences, as exemplified by the failure to agree on a Council decision stipulating guidelines for negotiating the ATT on matters related to the CFSP (Depauw 2012). EU policy was criticized too. The often-limited financial resources for SALW projects made these efforts often more symbolic than substantive. More fundamentally, these policies only scratched the surface and ignored France, Germany, the UK and other member states' role as large worldwide weapons exporters (SIPRI 2012; Andersson 2013).

The EU has dealt with problem of weapon exports since its 1998 *Code of Conduct on Arms Exports*, which was replaced in 2008 by the *Common Position defining common rules governing control of exports of military technology and equipment* (Council 2008, 2011d). These initiatives had a positive effect on the gradual development of a common approach, increasing transparency and defining more stringent criteria for arms exports. However, they still leave application of criteria established in these agreements to the discretion of member states who, on a case-by-case basis, decide to transfer or deny the transfer of military technology and equipment to a third country. Both guiding documents mirror the delicate and difficult balance between security, human rights and non-proliferation concerns on the one hand, and the predominantly geostrategic, commercial and industrial interests on the other (see Bailes and Depauw 2011) (see also Chapter 8).

Remaining flaws in the Code of Conduct surfaced during the violent clashes of the Arab uprisings, where anti-riot guns and other weapons exported from the UK, Italy and Belgium were used by the authoritarian regimes in Libya and Bahrain to suppress protests (Bromley 2012). This was striking in light of the member states' commitment in the 2008 Common Position that they shall, 'deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression' (Council 2011d). Hence, the EU's policy did not fundamentally alter the fact that not only a significant proportion of illicitly trafficked weapons are 'Made in the EU', but a major part of weapons sold legally to authoritarian regimes are also EU manufactured (see Chapter 8).

The Fight against Terrorism

The close relationship between external and internal security both within the EU and within third countries (see also Chapter 10) has turned the fight against terrorism into another priority area for EU foreign policy (see Argomaniz and Rees 2013; Cotter 2013: 202–27; Ferreira-Pereira and Martins 2012; Inksater 2010). Although in the wake of the terrorist attacks against the US in September 2001 the EU treated terrorism more as an international problem, the Madrid (2004) and London (2005) bombings were an abrupt realization that ‘home-grown’ terrorism was equally on the agenda. The existence of ‘sleepers’ within the EU, composed of EU citizens or legal residents but trained abroad in ‘failed’ or ‘fragile’ states and belonging to loose international terrorist networks, threw up a new array of challenges relating to issues as diverse as the integration of immigrant communities and foreign policy choices. However, the majority of instruments for countering terrorism lied with the member states, not with the EU. Protecting its population is one of the core *raison d’être* of the state, and tools to handle the terrorist threats, including intelligence, judicial and law enforcement systems, go to the very heart of national sovereignty. This also explains why the EU’s counter-terrorism policy was always considered a complement to national efforts. Moreover, EU member states indicated different perceptions about the nature of terrorism, the urgency to deal with it and the need to tackle this issue at the EU level (Coolsaet 2010: 872–3).

The 9/11 attacks on the US and the bombings in Madrid and London precipitated a burst of activity at the EU level, with agreements reached on issues where divergence had previously proved insurmountable (see Argomaniz 2011; O’Neill 2012). At the institutional level, a Council Working Party on Terrorism was established, Europol and Eurojust were strengthened, and the position of Counter-Terrorism Coordinator was created, albeit with only limited powers and resources to act effectively. In terms of policy, following the 2001 *EU Action Plan on combating terrorism*, the EU adopted a *Counter-Terrorism Strategy* in 2005 composed of four strands: prevention (tackling the factors or root causes which can lead to radicalization and recruitment); protection (protecting citizens and infrastructure and reducing vulnerability, including through heightened border controls and security measures); pursue (pursuing, investigating and prosecuting terrorists transnationally and impeding terrorist attack by disrupting support networks, funding sources, travel, etc.); and response (managing and minimizing the consequences of terrorist attack) (Council 2005, 2011e). The Action Plan and Strategy were at the basis of a broad range of measures taken by the EU during the following decade. Furthermore, the EU adopted new legislative measures including a common definition of terrorism, a

list of terrorist organizations, an EU-wide arrest warrant, rules for joint operations between national police forces, and legislation against money laundering and asset seizure.

As the list above indicates, the largest part of the EU’s response to terrorism has been internal. However, many of these measures also require international cooperation. Counter-terrorism therefore became incorporated across the whole gamut of the EU’s relations with third parties and also gradually became a strategic priority of EU foreign policy (Argomaniz 2011: 94–5; Mackenzie 2010). In line with its professed ‘choice for multilateralism’ (see Chapter 13), the EU has actively sought to develop cooperation in international fora. It has thrown its weight behind the adoption of the 2005 UN Convention for the Suppression of Acts of Nuclear Terrorism and the 2006 UN Global Counter-Terrorism Strategy; contributed to the sanctions regime against Al-Qaeda and other terrorist organizations; encouraged third countries to ratify and implement the existing anti-terrorism related UN Conventions; and supported international initiatives, including those constructed under other non-proliferation regimes (see previous section). One of the main motivations behind the increased cooperation in the field of non-proliferation was precisely to limit the chance that chemical, biological, nuclear and other dangerous materials would fall into the hands of terrorist or criminal groups.

The EU has equally attempted to streamline cooperation against terrorism in its foreign policy towards other countries. It included counter-terrorism clauses in agreements with third countries; initiated political dialogues on counter-terrorism; and provided support to third countries in the fight against terrorism, including through capacity-building initiatives financed through the IFS (see previous section). A major part of the aid was directed to Pakistan, the Sahel States, Yemen and the countries of the Horn of Africa (Coolsaet 2010: 871). Counter-terrorism assistance was often linked to support for the fight against international crime in general, as transnational terrorism and various forms of organized crime are often closely related (see Marsh and Rees 2012: 18–34; Commission 2012d) (see Chapter 10). Despite these initiatives, the EU has received criticism for the limited reach, funding and effectiveness of these various measures, and counter-terror clauses have also been criticized for having a purely rhetorical significance (Argomaniz 2011: 94–5). Such criticisms expose not only the often limited interest of and cooperation by the third country, but also the fact that the ‘serious’ counter-terror cooperation and information exchange occurred often not between the EU and the partner country, but rather between the most powerful EU member states (UK and France) and those countries. The limitation of the EU’s own role also results from the reluctance of member states and the Commission to use too much development money to pursue security-related goals (Coolsaet 2010: 871).

In the bilateral relations, the EU has prioritized cooperation with the US in fighting terrorism, with US-EU counter-terrorism cooperation growing exponentially (including through the conclusion of agreements such as on extradition, mutual legal assistance and passenger-name records). In this regard, Argomaniz argues: 'No other international actor has influenced EU policies more comprehensively than the US, leading in some instances to an asymmetric process of internalization of US policies by the EU and concerns about the impact of this collaboration on European citizens' privacy rights' (2011: 95). Discussions on the exchange of data also resulted in arm wrestling between the Council and the EP as well as in cases before the European Court of Justice (respectively, e.g. the *SWIFT* case and the *Kadi* case – see Chapter 3).

Although successful in many respects, the close transatlantic cooperation in countering terrorist threats also brought drawbacks in other foreign policy domains. The American 'war on terror' sparked a debate about whether the West was undermining the values it wanted to promote, as a lack of respect for some basic freedoms was displayed by the US's detention of prisoners in Guantánamo and its use of torture in the interrogation of alleged terrorists, as well as certain EU member states' participation in or (at least) condoning of these practices. In combination with the West's aforementioned rejection of the democratic election of Hamas in the Palestinian Territories (see previous section), 'Guantánamo' and the condoning of torture further undermined American and European legitimacy in promoting 'Western' values.

One of the challenges for EU foreign policy has also been to understand the complexities behind so-called 'terrorist groups' and, in particular, Islamist terrorist organizations (see Coolsaet 2011). A group such as Al-Qaeda is 'as much an ideological movement as a terrorist organization, and is able to attach itself to a multiplicity of grievances' (Inkster 2010: 85). This also explains the attractiveness and legitimacy of Al-Qaeda and other jihadi movements for part of the Muslim population in various parts of the world. Moreover, the lumping together of all varieties of armed struggle and the indiscriminate labelling of these struggles as 'Islamic terrorism' made it equally difficult to grasp the different dynamics and logics behind these movements (Roberts 2011: 31). This also hampered the development of a more sophisticated European foreign policy with a greater capacity to deal effectively with this complex, multifaceted phenomenon (see also Chapter 12).

Interestingly, CSDP did not initially emerge in the EU's counter-terror policy (Argomaniz 2011, 2012: 95; Merlingen 2012: 182). However, CSDP operations have recently attempted to deal more actively with so-called 'failed' or 'fragile' states and unstable regions, since these are often seen as 'ungoverned' 'safe havens' for Al-Qaeda-related groups and other jihadi movements (Council 2012g: 15). An example is the EU's recently developed policy towards the Sahel and the Sahara region in Africa,

where 'Al-Qaeda in the Islamic Maghreb' (AQIM), other jihadist groups, Tuareg tribes and criminal networks expand their influence in areas increasingly outside government control. The 2012 takeover of northern Mali by AQIM and related movements is illustrative in this regard (Lacher 2012). The rising influence of these movements is worrying for the EU, as it contributes to further eroding stability in the neighbouring Mediterranean countries such as Libya, Algeria and Tunisia, which are still in turmoil after the Arab uprising of 2011. It is in this context that the EU launched its *EU Strategy for Security and Development in the Sahel*, the civilian missions EUCAP SAHEL Niger and EUBAM Libya, and the military training mission EUTM Mali, which strive to improve the capacities of these countries to fight terrorism and organized crime (see Simon *et al.* 2012) (see also Box 6.2 and Chapter 8).

In this way, CSDP may take up a task that it was endowed by the Treaty of Lisbon: contribute to 'the fight against terrorism, including by supporting third countries in combating terrorism in their territories' (Art. 43 TEU). However, as is indicated by the EU's Counter-Terrorism Coordinator, this can only have a chance at success if the EU contributes equally to strengthening governmental structures in the regions and to 'education, creation of economic and job opportunities for young people and prevention of violent radicalization, without which CT [counter terrorism] engagement cannot be successful' (Council 2012g: 22). This points to the need for a comprehensive approach referred to earlier in this chapter.

Conclusion

This chapter examined four key issues of EU foreign policy: human rights, democracy and the rule of law; conflict prevention, crisis management and peace-building; non-proliferation and control of arms exports; and the fight against terrorism. Through various documents, 'action plans', 'codes of conduct' or 'strategies', the EU has developed a broad conceptual basis on the importance of those issues for its foreign policy and the way it aims to implement them. In addition to this 'declaratory foreign policy', a range of toolboxes has been developed to go beyond mere declarations and to move into the direction of an 'operational foreign policy'. Two of the domains in which these key issues are operationalized are the CFSP and the CSDP. The four key issues discussed in this chapter indeed give substance to the CFSP and CSDP, which are analysed in the next two chapters.