

CONTRIBUTION TO THE EU GLOBAL STRATEGY REVIEW

Rethinking Human Rights in EU External Policies:

New Motivation for Action

Open Society European Policy Institute

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The EU's Global Strategy is an opportunity for the EU to re-define its role on the global stage in a way that builds on the norms that underpin its own progress, shows leadership and ambition, and takes a decisive stand against regressive regimes that prefer compliant partners that prioritise interest over universal values.

Human rights and security are indivisible. Activists, officials, organisations and governments around the world recognise this connection. Yet human rights principles are increasingly presented as a projection of Western-style democracy and their universality questioned. New waves of repressive policies, inside and outside Europe, stifle outlets for discontentment, isolate and marginalise communities and drive dissent underground. The closing of the space for civic activism, participation and pluralism fosters instability.

Counter-terrorism policies, the rise of new anti-democratic regimes, the management of surveillance, migration and refugee flows are all areas which pose new challenges for the EU as a promoter and an implementer of international norms. Multiple crises at home and in the EU's immediate neighbourhood have exacerbated the perception of tensions between human rights promotion and other priorities – such as security, diplomatic relations or trade.

The EU's response to the migration and refugee crisis has questioned the bonds of solidarity and trust within the Union. Individual member states have responded to terrorism in a way that questions their commitment to universal rights. A security-focused, short-term response to terrorism within and outside Europe overshadows other alternatives. The European model that requires stable institutions to ensure democratic governance, the rule of law and human rights is increasingly challenged by nationalist populism within the EU, securitisation of its policies and even militarisation in its neighbourhood.

None of the internal or external crises facing the EU exist or can be resolved in isolation. They require an interconnected and long-term approach that the EU has the potential to provide. The EU can draw on lessons learned from its experience in successfully taming nationalism and conflict through developing its normative approach to interdependence rather than allowing a divisive regression to militarisation and narrowly-defined interest.

The Global Strategy Review, while recognising contemporary challenges to the EU's security and stability, offers a unique opportunity to confirm the interconnection between security and human rights as a precondition for stability and place them at the centre of the EU's external relations. This will ensure that the EU leads on norms-based global governance and increases its options for the effective management of contemporary crises.

On 25-26 January 2016, as part of a series of outreach and consultation events contributing to the review process on the EU Global Strategy on Foreign and Security Policy, the Open Society European Policy Institute and the European Union Institute for Strategic Studies co-hosted an expert discussion on human rights in EU external action. The two-day debate highlighted that, despite more inclusive policies and increased institutional capacity and funding for civil society, human rights remain insufficiently integrated into the foreign policy of the EU and its member states. In addition, the decrease in human rights protections inside the EU results in weakened legitimacy of the EU abroad.

Human rights in the new Global Strategy: a chance to redefine and lead

It is imperative that the EU's narrative on human rights is powerful and persuasive. In the past, it was tied to the 'transformative' aims of enlargement and association. The current decline of the EU's gravitational pull does not prevent it from standing up as a model based on principles that uses all its available tools, from diplomacy to trade. Indeed, countless activists and civil society groups around the world still look to the EU as a source of inspiration and support to their work.

The new EU Global Strategy for Foreign and Security Policy should include two overarching themes that are woven into the document – strategic interest and universality:

- **Strategic Interests:** The strategy should argue that it is in the **strategic interest** of the EU to pursue rights-based objectives through its foreign and security policy. The new narrative needs to bring to an end the false dichotomy between 'values' and 'interests'. Strategic interest combines the two. Human rights are a fundamental pillar to a peaceful and rights-based global order. Policy dilemmas and crises may pose difficult choices for policy-makers but a sustainable platform of security, prosperity and democracy requires a foundation of human rights.
- **Universality:** The strategy should reinforce **universality**. Human rights are universal, not European or Western values. The EU should not compromise when it actively engages in reciprocal political dialogues with other parties on principles of human rights and democracy. On the contrary, it should be confident in taking up a leading role in promoting them.

The Sustainable Development Goals (SDGs) provide an important new framework and impetus for action. The recognition of justice and governance in the new goals and the universality of the agenda underscores why the EU should prioritise the strategic and universal importance of human rights in its foreign and security policy. It was widely recognized that in many countries the implementation of the Millennium Development Goals was undermined by failures in justice and governance. This was addressed in the new goals in particular through the addition of Goal 16. Six months after the adoption of the SDGs – where the EU was a leading advocate – it would be unwise to adopt a policy that fails to recognize and integrate this same link.

In 2012, the EU adopted a Strategic Framework on Human Rights and Democracy. The framework placed human rights at the centre of its external relations and created the position of an EU Special Representative for Human Rights. Further work is needed to realise this ambition and to ensure that human rights are integral to policies on trade, migration, counter-terrorism, development, energy, security and other areas. Prominent inclusion of human rights in the Global Strategy would help further develop this integration.

Recommendations for the EU Global Strategy for Foreign and Security Policy

The Open Society European Policy Institute calls on the EU and its member states to fully use the opportunity of the Global Strategy to:

1. Build on commitments made in the EU Strategic Framework on Human Rights and Democracy, which puts human rights at the center of the EU's external relations, by:

- Ensuring that consistent integration of human rights policies, awareness and expertise includes the European External Action Service (EEAS) thematic and geographical units, and officials in the Commission working on trade, development and humanitarian assistance;
- Addressing the incoherence between internal and external policies through better coordination of internal and external human rights working groups at institutional level and better/clearer collaboration between dedicated services in the European Parliament, Council and Commission;
- Using the political consensus around the SDGs and their holistic approach to development to bridge tensions between policies and priorities;
- Initiating discussions on the global governance of human rights in key fields (counter-terrorism, rights of migrants, new media) with a view to reforming the legal framework in the medium term; and
- In all policy situations, avoiding the “stabilisation trap,” which prioritises short-term stability over long-term success and maintains abusive governance, chronic instability, and deep public resentment.

2. Ensure that a diversity of actors are engaged in EU partnerships with third countries, by:

- Defining a deep and concrete strategic partnership with civil society. Civil society within and outside the EU increasingly recognise and reject both the EU's expedient use of civic groups and initiatives as a service provision tool without supporting them politically and visibly when they are under pressure; and the EU's engagement with government-organised NGOs in place of genuinely independent organisations;
- Emphasizing that support to civil society is key to legitimising and empowering local actors to respond to human rights violations;
- Monitoring the closing space as an essential early-warning mechanism towards a response that might prevent destabilisation and potential conflict;
- Making full use of inputs from EU Delegations and improving coordination between those delegations and the diplomatic missions of the EU member states to ensure that the analysis of the local context shapes policy upstream and helps bridge the gaps in policy coherence; and
- Introducing a country-based comprehensive approach that integrates human rights into all policy concerns raised in bilateral relations as a way to ensure that foreign and security policies are not responsive only to the interests of narrow political and business elites.

3. Use diplomacy and communications more strategically, by:

- Developing and implementing a new form of energised public interest diplomacy that diversifies and strengthens partnerships with like-minded countries, regions, international or non-governmental organisations, institutional actors, civil society and private actors in a way that reinforces the EU's principles and objectives;
- Finding an effective and flexible balance between the use of public and quiet diplomacy, using a wide range of means and messengers;
- Better communicating how conditionality, incentives and restrictive measures are applied, for what and on whom. A clear explanation of the rationale of EU policy to all actors involved, including society at large, builds a relationship of trust between the local population and the EU;
- Ensuring that EU Delegation, EEAS and HR/VP statements always call for the immediate release of human rights defenders and not just for the review of their cases, as most persecutions take place in contexts where the judiciary is entirely under control of the executive; and
- Understanding the importance of public displays of solidarity for human rights defenders as it gives increased visibility, support and protection.

4. Apply more flexible conditionality, by:

- Taking a more strict approach to priorities with more flexibility on second-order issues. The strategic use of conditionality in foreign policy can help the EU reach specific objectives, but it is less useful as an overarching principle of EU action; and
- Making full use of targeted and visible restrictive measures against individual persecutors of human rights defenders, for instance by imposing travel bans and asset freezes.

5. Focus on implementation with EU member states, by:

- Introducing at least one annual Foreign Affairs Council dedicated to the monitoring of the implementation of Council Conclusions, human rights strategies and guidelines; using a public format;
- Ensuring that the implementation of human rights standards is backed by both the political will for implementation and the technocratic process for their application; and
- Bringing together small constellations of member states to work in cluster on different thematic areas depending on their comparative advantage and levers.

6. Reassert the role of the EU as a rights-based actor in international arenas, by:

- Exploiting the global consensus around the SDGs and using this platform for further support for rights and the rule of law;
- Better understanding where civil society is essential for sustainable responses to intractable problems. For example, policies against corruption and bad governance that are created with civil society participation; and
- Moving beyond common positions towards developing common ambitions to take the lead in revising international governance.

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