

# Chapter 5

## Human rights, democracy, security and other key issues

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 interrelated 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. In that sense, these four key issues also reflect the multifaceted (and multimethod) nature of EU foreign policy. The foreign policy objectives for trade policy and sustainable development, as well as its preference for multilateralism, are discussed in other chapters (see Chapters 8, 9 and 12, respectively). With regard to the four key issues discussed here, the chapter presents the range of instruments available and actors responsible, and it assesses the EU's actions in the context of its declared objectives and external relevance.

### Human rights, democracy and the rule of law

The promotion of human rights, democracy and the rule of law is 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 (see Neuman 2019; Pasture 2018b; Poli 2016; Wouters *et al.* 2020; Wouters and Ovádek 2021). The very first provision devoted to EU foreign policy in the Lisbon 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 Chapter 1).

Adopted in 2012, the *EU Strategic Framework on Human Rights and Democracy* equally emphasizes this commitment to promote human rights 'in all areas of its

external action without exception', including trade, development, energy, social policy, and the area of freedom, security and justice (Council 2012a: 2). The ensuing *Action Plans on Human Rights and Democracy*, the most recent one covering the period 2020–4, set out priorities and objectives which have to be translated and implemented at the national, regional and multilateral levels and pursued through the full range of instruments at the EU's disposal (Council 2020b). To this end, coordinated action by the EU institutions and member states is required, 'while respecting the distinct institutional roles and competences' (Council 2020b: 5).

As a self-proclaimed 'global front-runner' in promoting gender equality, which is 'a core value of the EU and a universally recognised human right', the EU also developed a *Gender Action Plan* to implement its agenda for gender equality and women's empowerment in EU foreign policy (Commission and High Representative 2020e: 2; Council 2020g). This is complemented by the EU's *Strategic Approach to Women, Peace and Security* and the related Action Plan for the period 2019–24 (Council 2018h, 2019f) (see Box 7.3) as well as by the *LGBTIQ Equality Strategy* in which the EU positions itself as 'leading the call for LGBTIQ equality around the world' (Commission 2020m: 17–19).

Together with the EU Special Representative on Human Rights and member states embassies, the more than 140 EU Delegations are at the forefront of the implementation of the EU's policy, through the development of specific human rights (including gender) and democracy strategies at the country level and the adaptation of the priorities and objectives to local circumstances.

## Toolboxes

Six sets of instruments (toolboxes) are at the EU's disposal for promoting human rights, democracy and the rule of law in its foreign policy: declarations and diplomatic activities; CSDP operations and missions; sanctions; international agreements; financial assistance; and the external dimension of certain internal policies.

Stemming from CFSP (see Chapter 6), a first important toolbox consists of *declarations and diplomatic activities* (both formal and informal demarches) aiming to promote, particularly, human rights issues, along with democracy and the rule of law. Specific human rights dialogues and consultations have been established with third countries. Moreover, the EU actively engages on human rights, democracy and the rule of law in the UN (including the UN Human Rights Council) and other regional organizations (see Chapter 12). As the backbone of a more targeted EU human rights diplomacy, the Council has adopted specific 'EU

human rights guidelines' for a dozen of priorities (EEAS 2021c). These priorities initially covered countering human rights abuses that entailed physical violence, including the death penalty, torture, violence against and the discrimination of women and girls, the protection of human rights defenders and the promotion of international humanitarian law. More recently adopted guidelines deal mainly with non-discrimination and freedoms, including regarding LGBTIQ, freedom of religion or belief, and freedom of expression (online and offline). However, guidelines on the right to safe drinking water and sanitation are now also part of this toolbox, which were the first guidelines on economic and social rights (Council 2019b). Taken together, the guidelines provide EU representatives in the field (such as EU Delegations) with operational goals and tools in multilateral fora and bilateral contacts, resulting in intensive campaigns to promote specific human rights goals.

CSDP provides a second toolbox. Human rights and rule of law principles are in principle integrated in all CSDP operations and missions (Márquez Carrasco 2020). This is also the case for the EU's objectives on gender (see Box 7.3). Specific civilian crisis management operations have been launched in support of the rule of law, such as the EUJUST LEX mission in Iraq and the large EULEX Kosovo mission (see Chapters 7 and 10).

Human rights and democracy are prominent in the EU's *sanctions* policy, which is a third toolbox. Whereas sanctions are part of the EU's external action, they can only be adopted on the basis of a CFSP decision (see Chapter 8). In 2020, the Council adopted a specific 'EU global human rights sanctions regime' as to strengthen its ability to target individuals and entities responsible for human rights violations through travel bans and the freezing of funds, no matter where these human rights violations occur (the so-called 'European Magnitsky Act' – referring to the act that establishes a similar horizontal sanctions regime in the United States) (Council 2020b, 2020c; Helwig *et al.* 2020; Youngs 2020a).

A fourth important toolbox are provisions in *international agreements* with third countries, such as trade agreements and association and cooperation agreements (see Chapter 8) (Bartels 2015; Borchert *et al.* 2021; Rabinovych 2021; Saltnes 2018; Zamfir 2019). As a condition for concluding such international agreements, the EU often demands from the partner countries to adapt national legislation on issues related to human rights, gender equality and non-discrimination, rule of law and respect for democracy. The agreements not only provide for regular political dialogue in which these themes feature on the agenda; they also include support for reforms as well as political conditionality in the form of human rights clauses as an 'essential element'. Non-compliance with such essential elements can in theory lead to the suspension or termination of an agreement

and of its related financial assistance. Trade policy is also employed to promote human rights with developing countries via the 'GSP+' arrangement, where the EU removes tariffs for developing countries if the latter ratify a set of international agreements related to labour standards, human rights and good governance (see Chapter 8).

*Financial assistance* for third countries is the fifth toolbox. In the framework of support for institution building and good governance, the Neighbourhood, Development and International Cooperation Instrument (NDICI, see Chapter 4) includes considerable funding for targeted thematic programmes to promote human rights, democracy and the rule of law, as well as for long-term structural political and legal reforms. The latter reflects the EU's preference for a 'low-key, depoliticized and technocratic' transfer of principles and practices (Freyburg 2015; Freyburg and Lavenex 2018: 467). Support through these large funding programmes depends on the consent of the third country's government, which implies that human rights and democracy promotion is difficult or impossible in those countries where it is most needed. Therefore, more focused and flexible financial instruments are also employed, allowing the EU to work directly with civil society organizations (CSOs) and international organizations rather than with governmental authorities in third countries. This way, the EU provides supports for 'EU Election Observation Missions' (EU EOM), for international organizations like the International Criminal Court, as well as for hundreds of small-scale projects of CSOs (see Benedek 2018; Collantes-Celador and Costa 2020; EEAS 2020c: 150–2; Muehlenhoff 2019; Suksi 2018). Adopting such a 'grass-roots' approach has been understood to be valuable in terms of strengthening the local basis for democracy and human rights in third countries. However, the limited scope of most projects has at times made EU policy look more symbolic than substantive.

Certain *internal policies with an external dimension* constitute a sixth toolbox to support efforts towards improved human rights and democracy (see Chapter 9). An example is the fight against the human trafficking, with the Commission's DG Migration and Home Affairs taking the lead through legislative initiatives, operational action and the development of the 'EU Strategy towards the Eradication of Trafficking in Human Beings' (Bière 2020; Commission 2012, 2020c). Another example is the safeguarding of human rights and democracy in the use of new digital technologies and artificial intelligence, which is one of the overarching priorities in the 2020 Action Plan on Human Rights and Democracy (Council 2020b: 29–31). The 'internal' competences of the EU and the expertise of Commission's DG Competition and DG CONNECT are important resources to deal with the challenges of disinformation and the manipulation of elections by authoritarian regimes, as well as the possible impact of 'Big Tech' companies on the spread and selection of available information in and outside Europe.

## Evaluation

With several toolboxes for the promotion of human rights, democracy and the rule of law, the EU's foreign policy in this field goes beyond declaratory policy (see Chapter 6). The EU has the instruments to pursue an active structural foreign policy that promotes human rights, democracy and the rule of law, which is a major added-value beyond what most of the EU member states can provide for in their own national foreign policy. The availability of these toolboxes indeed allows the EU to provide tangible assistance on an operational level. This is essential in the 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, 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 long, testify to the wide range of initiatives and activities in which the EU is engaged (EEAS 2020c). However, they also reveal the growing challenges the EU faces and the considerable variation in the EU's approach, actions and successes across countries, across different dimensions of human rights and rule of law policy, and across democracy promotion policies (see Khakee and Wolff 2021; Knodt *et al.* 2018; Muguruza 2018; Poli 2016; Saltnes 2018; Wouters *et al.* 2020; Wouters and Ovádek 2021).

First, there is a great variation in the extent to which a third country's respect for human rights, democracy and the 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 Myanmar. Similar failures temporarily affected relations with China and Uzbekistan. Contradictorily, this issue has constituted no fundamental obstacle for the EU's relations with Saudi Arabia and other oil-exporting Gulf states, despite their very bad performance on the majority of human rights (including gender) and democracy indicators (see Chapter 11). However, there is a general decline in the EU's ability, leverage and success in promoting and defending human rights, democracy and the rule of law. It is indeed increasingly difficult for the EU to present itself as a credible and effective 'normative power' in these fields (see Box 5.1). Moreover, the various mechanisms expected to lead to 'norm diffusion' and 'external governance' were less forceful than the EU had hoped for (see Box 8.1).

Second, when looking at the promotion of human rights and rule of law, it appears that the EU has been in the vanguard of several campaigns. Examples include the campaigns against the death penalty (Kissack 2012, 2020; Manners

### Box 5.1 'Normative power Europe'

In an attempt to move the debate on the EU's international identity beyond the 'civilian power versus military power' dichotomy (see Chapter 1), Ian Manners (2002) suggested that attention should be paid to the EU as a 'normative power'. This normative power refers to the EU's 'ability to shape conceptions of "normal" in international relations' (2002: 239). Because of the EU's origin in the post-Second World War period and its constitutional focus on fundamental human rights, 'normative power Europe' considers the EU as being 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). In his original work, Manners differentiates between various factors which, directly or indirectly, contribute to the diffusion of norms (contagion, informational and procedural diffusion, transference, overt diffusion and cultural filters). 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 (see Larsen 2020; Nicolaidis and Whitman 2013; Sicurelli 2021; Whitman 2011). A considerable body of work has applied and further elaborated the concept to the EU's stance towards a multitude of geographic regions and thematic issues, with findings varying widely over regions (see Aydin-Düzgüt 2018; Del Sarto 2016; Ferenczy 2019; Lai 2019; Michalski and Nilson 2019; Neuman 2019; Pardo 2015; Persson 2017; Romanova 2016) and issues (see Geeraert and Drieskens 2017; Guerrina and Wright 2016; Jenichen 2020; Müller 2019; Renckens *et al.* 2017; Wagnsson and Hellman 2018).

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, 2021; Pollack 2021); or for taking too easily European or Western perspectives as a basis of the analysis (Keukeleire *et al.* 2020; Staeger 2016; Teti *et al.* 2020) (see Box 13.2). However, authors using or criticizing the concept often disregard the critical perspective and wider theoretical framework in which Manners embedded his original piece, as well as his subsequent development of the 'Normative Power Approach' (Manners 2011, 2018, 2021).

2002) and against the impunity of political leaders, through the political and operational support for the International Criminal Court (ICC) and other international criminal tribunals (Bekou and Chadwick 2011; Collantes-Celador and Costa 2020). This reflects the EU's general activism in elaborating comprehensive international and UN human rights governance structures. The EU achieved 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 United States), nor effectively use the UN human rights system to promote human rights (Chané 2020; Smith K. 2010; Wouters *et al.* 2012) (see Chapter 12).

EU foreign policy does not show the same kind of activism with regard to all human rights issues. For example, until the 2015 refugee and migration crisis, the fight against human trafficking did not receive much attention from most of the EU's foreign policy actors, even though DG Migration and Home Affairs in the Commission has been active in this field (Bière 2020; Commission 2012, 2020c). Although the topic emerged in the EU's response to crisis after 2015 (including as one of the goals of CSDP operations EUNAVFOR MED Sophia and Irini in the Mediterranean, as well as in the operations in the Sahel region), this was less inspired by a concern about human rights than by a determination to halt refugees and migrants from entering Europe (Andersson 2018; Debuysere and Blockmans 2019: 260–3) (see Chapter 9).

Moreover, the EU generally attaches more importance to civil and political rights than to economic and social rights (the so-called 'second generation human rights') or to the more comprehensive 'human security' needs (Kaldor *et al.* 2018). This disregard for wider socio-economic rights has been seen as one of the reasons for the failure of the EU's policy towards its southern neighbourhood (see Teti *et al.* 2020; see Chapter 10).

Third, the EU's increasingly ambitious and inclusive gender-related strategies and action plans are not always followed by an operational foreign policy (see Abels *et al.* 2021; Guerrina 2021; Muehlenhoff *et al.* 2020). Gender-related objectives are often subdued to competing foreign policy goals, such as in the enlargement and neighbourhood policies (Slootmaeckers 2020; Süleymanoğlu-Kürüm and Cin 2021), development cooperation (Allwood 2020; Carbone and Lister 2013; Saltnes and Thiel 2021), external migration policy (Holvikivi and Reeves 2020; Welfens 2020) or CSDP missions and operations (see Box 7.3). Moreover, the EU's stronger engagement on gender and LGBTIQ rights leads to an at first sight contradictory dynamic. On the one hand, it generates a technocratic and depoliticized process in which 'gender has become a tick box exercise' to prove that all gender-related objectives and indicators are addressed (Beier and Caglar 2020: 558, 569; Chappell and Guerrina 2020: 276). On the

other hand, gender and LGBTIQ rights have become increasingly sensitive and politicized themes in the relations with third countries. In some of these countries the EU's approach is seen as 'activist', with 'immoral' normative orientations and a 'neocolonial' use of conditionality, and this framing is used to explicitly criticize and counter the EU. This leads to the paradox and related dilemma of the EU's vocal pro-equality and pro-LGBTIQ policies indirectly contributing to, for instance, increasing homophobia in some of the countries concerned (Foxall 2019; Saltnes and Thiel 2021; Shevtsova 2020, 2021; Thiel 2021a) (see also Chapter 11 on Russia).

Fourth, also with regard to democracy promotion policies, the EU's approach varies widely. These policies range from promoting 'embedded democracy' – which includes not only democratic elections but also civil and political rights, separation of powers, a functioning bureaucracy and an active civil society (Wetzel and Orbie 2015) – to a more narrow procedural reading focussed on regular and fair elections, or to the outright acceptance that democracy promotion is simply not an option in some countries (Neuman 2019; Teti *et al.* 2020; Wetzel and Orbie 2015; Youngs 2010). The EU often prefers to highlight the goal of 'good governance' and 'rule of law'; these terms are 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.

When looking at the results of democracy promotion, the EU's track record is rather mixed. The EU's support for democratization processes was and is most outspoken in its (enlargement) policy towards the (potential) candidate member states in Central Europe and the Western Balkans, as the intensive political and economic relations and the prospect of EU membership gave the EU more leverage in these regions than in other regions. Using the wide spectrum of available toolboxes, the EU played a key role and was largely successful in promoting democracy in these regions, even if it is wavering on how to deal with semi-authoritarian tendencies there (Kmezić 2020; Neuman 2019) (see Chapters 8 and 10). In its southern and eastern neighbourhood, the EU actively supported the young Tunisian democracy after the 2011 revolution as well as the EU-minded forces after the Ukrainian revolts of 2014. However, in general, the positive spill-over, expected from the wide-ranging cooperation and democratic reforms-oriented assistance in the ENP, did not materialize, despite the multiplicity of instruments, funds and initiatives deployed (Freyburg and Lavenex 2018; Hanspeter 2015).

Moreover, the short-lived democratic revolutions in several North African and Middle East countries have occurred not thanks to, but rather despite the EU and its member states cooperating with authoritarian regimes in the region. In a

similar vein, the EU was not willing to engage in strong support for democratic forces in difficult contexts, such as in Belarus. It also proved to be reluctant to accept the consequences of democratic elections in its southern neighbourhood when they did not fit with the EU's interests or its preference for Western-oriented secular parties. This was the case with the democratic election of Hamas in the Palestinian Territories in 2006 (which was not recognized by the EU) as well as, after the Arab upheaval, with electoral successes of Islamic parties in countries such as Egypt, Tunisia and Morocco (see Al-Fattal Eeckelaert 2013; Peters 2012; Teti *et al.* 2020) (see also Chapter 10).

Although the EU has been criticized for being inconsistent in its democracy promotion policies and in its use of political conditionality in support of democratic transformations, another reading is possible. Comparing the EU's policies towards several countries in the neighbourhood, Börzel and Lebanidze identify 'the presence of endogenous democratic processes and low risks of political instability as two necessary conditions for the EU to apply political conditionality. If either of them is absent, the EU acts as a status quo power, prioritizing (authoritarian) stability over uncertain (democratic) change' (2018: 189). According to this reading, the EU's policies are the result of a consistent, deliberate and rational trade-off, with an awareness of the risks embedded in democratic changes.

## Challenges

Critical assessments of these EU policies, as well as the EU's own policy documents adopted in response to the often-disappointing results (see above), include suggestions on how to increase the focus, consistency and effectiveness of said policies. However, they also contain the seeds of inevitable disillusionment, as they do not address some of the basic conditions that contributed to past 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 foreign policy objective, but it is primarily an (internal) identity objective, where the goal is to shape a distinct international identity for the EU as a value-driven normative power (see Chapter 1). The mantra-like referral to the traditionally consensus-generating values not only serves to underscore the idea of a self-comforting superior moral identity, but often also serves to mask divergences of interest and deeper disagreements among EU member states and institutions on concrete foreign policy actions. Problematic for the EU is that some member states no longer share all dimensions of the EU's normative agenda. This appeared, for example, in the refusal of Poland, Hungary and Bulgaria to agree with the Gender Action Plan (GAP)



for 2021–5, which explains why this GAP has been adopted not as a 'Council conclusion' but as a 'Presidency conclusions' (supported by 24 of the 27 member states) (Council 2020g). This internal opposition also undermines the EU's ability to externally promote its gender agenda and LGBTIQ equality rights.

Second, an important hurdle remains in balancing the promotion of human rights (including gender), the rule of law and democracy with the pursuit of other important foreign policy objectives included in Art. 21 TEU (see Chapter 1 and Box 7.3). This explains why it is difficult to fully realize the commitment to promote human rights 'in all areas of its external action without exception' (Saltnes 2018; Taramundi 2018). This challenge is often narrowed down to a simplified 'values versus interests' dichotomy in which promoting EU interests rather than values is judged as problematic. However, as is also reflected in the EU Global Strategy's 'principled pragmatism' (EEAS 2016: 8) (see Chapter 2), this dichotomy disregards the complex relationship between values and interests, as well as unavoidable ambiguities and dilemmas of conducting foreign policy. Just as the treaties require the EU to promote its values, the EU also must defend other interests vital to European member states and citizens – ranging from fighting climate change to protecting trade interests and promoting peace and stability in the neighbourhood and beyond (see Chapter 1). Moreover, the defence of values is also a major interest of the EU, which explains why the deterioration of democracy and the rule of law in, for example, Russia and Turkey, undermines the EU's interest.

Third, in order to realize its human rights, democracy and rule of law objectives, the EU also depends on governments in third countries. However, in a context of global power shifts (see Chapter 1), these governments are less inclined to follow the EU's demands, recipes and conditions (see Chapters 11 and 12). The EU's attempt to concentrate instead more on CSOs and democratic opposition forces may be ineffective and even counterproductive, as these groups can either be discredited in the eyes of the public or punished by the authoritarian regimes (Richter and Leininger 2012; Saltnes and Thiel 2021; Youngs 2019). 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 (see Chapter 10).

Fourth, perhaps the most daunting challenge relates to the weakening legitimacy both of the EU as a promoter of values and of the universal value of democracy, human rights and the rule of law as such. The legitimacy of the EU and its member states has been undermined by the 'double standards' or inconsistent applications of human rights, democracy and rule of law policies

(see Magen *et al.* 2009; Saltnes 2018), by the breaches on human rights and dignity in the EU's response to the migration and refugee crisis (see Chapter 9), and by democratic backsliding and retreats regarding rule of law and gender equality in some EU member states and the EU's hesitation to tackle this forcefully (Kelemen 2017; Mader 2019; Meunier and Vachudova 2018; Raube and Costa Reis 2021; Slietmaeckers 2020) (see Chapter 8). More fundamentally, the legitimacy, primordially and universality of the values promoted by the EU are increasingly questioned outside Europe. Different perspectives on norms and democracy come to the fore when moving beyond Eurocentric interpretations and prioritizations, challenging the EU on how to take these into account in its foreign policy (see Keukeleire *et al.* 2020; Keukeleire and Lecocq 2018, 2021; Morozov 2013; Pasture 2018b; Sijrsen and Vigrestad 2021; Youngs 2015a, 2015b) (see Box 13.2).

## Conflict prevention, crisis management and peace-building

European integration can itself be considered 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 (see Chapter 2). 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). In its foreign policy, the EU has developed instruments to deal with various overlapping stages of the conflict cycle: conflict prevention, crisis management, peacemaking, peacekeeping, post-conflict stabilization and peace-building, with the latter essential for preventing a conflict from re-emerging (see Blockmans and Koutrakis 2018; Chaban *et al.* 2019; Cusumano and Hofmaier 2020; Juncos and Blockmans 2020; Tomić and Tonra 2022). The toolbox available to the EU is spread over various policy domains, financial instruments and institutional actors. It allows the EU to adopt an integrated approach towards crises and conflicts, but it equally explains the complexity and (sometimes) the inconsistency of the EU's actions.

## CFSP, CSDP and financial instruments

The diplomatic capacities provided by the CFSP are the EU's first major tool (see Chapter 6). A considerable part of the declarations and activities developed within the CFSP is related to defining the EU's position towards a crisis and – to a lesser extent – undertaking concrete actions that contribute to the solution and

then following up post-crisis. The HR/VP, EU Special Representatives and senior EEAS officials, often interacting closely with member states, have been actively involved in crisis mediation or have provided an EU contribution to international mediation efforts. Examples include crises in Georgia, Ukraine, Iran, South Sudan and the Western Balkans (see Chapters 6 and 10) (see Bergmann 2020; Bergmann *et al.* 2018; Cooley 2019; Fonck 2018; Müller and Bergmann 2020). Whereas the EU in general contributed intensively to conflict resolution and peace-building in the Western Balkans and Africa, it has been criticized for not being active enough in crisis management and peace-building in its southern neighbourhood, such as in Libya and Syria (see Box 6.1; Koenig 2018).

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, judges, monitors and experts (see Chapter 7). 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. The number, size and relevance of the missions reveal that the EU prioritized crisis areas in Europe (particularly the Western Balkans), the Mediterranean (including naval operations) and Africa (initially mainly the DR Congo and, later on, the Horn of Africa and the Sahel region).

The nature of the CSDP operations is assessed in more detail in Chapter 7, 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 to prevent further escalation of a conflict. This was, for instance, the case with Operations Artemis and EUFOR in DR Congo (2003, 2006) or the EU Monitoring Mission (EUMM) in Georgia (since 2008). CSDP operations are rarely actively involved in high-risk crises or in 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 in the early 2000s.

Second, a major part of the CSDP missions is intended to serve structural foreign policy objectives. The EU aims to contribute to establishing resilient security and rule of law structures over a longer term through several rule of law, security sector reform (SSR) and capacity-building missions (Iñiguez de Heredia 2020). Examples are the large EULEX Kosovo mission (since 2008), which plays a leading role in establishing a justice, police and customs administration in Kosovo (Zupančič *et al.* 2018); the EUSEC DR Congo mission (2005–16), which contributed to structural reforms in the Congolese army by aiding the census of troops and helping to set up a chain of payments (Justaert 2012, 2014); and EUCAP Sahel Mali (since 2015) and EUCAP Sahel Niger (since 2012), which

provide assistance in the implementation of SSR (Raineri and Baldaro 2020) (see also Box 5.2).

CSDP operations and missions are in general embedded in wider multilateral crisis management efforts, involving regional or sub-regional organizations and *ad hoc* coalitions (see Dijkstra *et al.* 2019; Petrov *et al.* 2019). The European Peace Facility (EPF), which is a separate intergovernmental fund outside the EU budget, is designed to provide financial support to third actors' capacity-building and crises management and peace-keeping operations (see Chapter 4). This can include financing the costs of troop transports, soldiers' living expenses or communications infrastructure of military missions, but also of arms, ammunition, other military equipment, training and infrastructure. Launched in 2021 as the successor of the 'African Peace Facility' (APF), which was exclusively focused on Africa, the EPF can now support peace-keeping missions all over the world, including through the financing of military equipment to strengthen the operational capacity of actors in these peace-keeping missions (EEAS 2020b; International Crisis Group 2021). This strong link with diplomacy and military activities explains member states' choice for the intergovernmental and 'off-budget' set-up of the EPF: its actions are determined via unanimous decision in the Council and it is managed by a special committee of member state representatives. Examples of the wide range of peacekeeping missions supported by the EPF or previously the APF are the G5 Sahel Joint Force (see Box 5.2), the African Union Mission in Somalia (AMISOM), the Multinational Joint Task Force against Boko Haram (in Nigeria and Niger), the cease-fire monitoring in South Sudan or the ECOWAS mission providing security during the democratic transition in Gambia.

Specific conflict prevention, peacekeeping and peace-building activities are also supported through the EU budget, and particularly the NDICI (see Chapter 4). The NDICI allows the EU to support the intervention or mediation of other actors in crises and conflicts, through its 'thematic programmes' (which includes 'stability and peace' as one of the priorities) and its 'rapid response programme' (to fund short-term conflict prevention and rapid response to situations of crisis or instability). Some examples of the wide range of projects supported through the NDICI (or the Instrument contributing to Stability and Peace (IcSP), which ran until 2020, before it was incorporated in the NDICI) include the reintegration of ex-combatants of Boko Haram in Niger; support for interim regional administrations and the promotion of civil participation in Sudan; the organization of informal national-level dialogues in Yemen; or countering violent extremism, communal violence and online hate speech in Myanmar (Commission 2021f).

A major feature of financial support for conflict prevention, crisis management and peace-building via the NDICI is that the EU finances activities of non-EU

actors, such as UN agencies, other international organizations and CSOs, resulting in foreign policy by substitution, 'cheque book foreign policy' and thus often 'invisible' EU foreign policy. This can reflect a lack of agreement or capacities within the EU to take up a more direct, active role. The wide range of (often) small projects scattered around the world can also lead to the criticism that the financial means are not used strategically. However, financially supporting non-EU actors and 'outsourcing' foreign policy can indicate a sound assessment of other actors' larger legitimacy and expertise, which holds greater potential in effectively dealing with some aspects of a crisis (see Müller and Bergmann 2020). 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 provide the lever needed to allow relevant third parties to intervene and make a difference. Such assistance through the NDICI equally reflects the multilevel, multilateral and multi-phase approach emphasized in the EU's 'integrated approach' (see below).

The EU's long-term development and cooperation programmes – and the related financial support through the Pre-Accession Assistance instrument and the geographic programmes of the NDICI – are also employed for conflict prevention, crisis management and peace-building. They can underpin diplomatic initiatives to defuse a crisis or can foster stability during periods of political transition. The advantage of the Pre-Accession Assistance instrument and of the geographic programmes of the NDICI, which cover most regions in the world, is the significant means at their disposal (see Chapter 4). The disadvantages are their limited flexibility, which explains why more flexible tools such as the NDICI's thematic and rapid response programmes and the EPF have been created.

### The EU's integrated approach

The EU has proved to be capable of using a variety of instruments to deal with crises and conflicts. Yet, it is clear that a coordinated and consistent use of the various policy instruments is not at all easy. In order to overcome fragmentation and uncoordinated action, the EU has put forward an 'integrated approach' to external conflicts and crisis. The 'integrated approach' implies the use of the wide array of policies and instruments ('multi-dimensional'); applied at the local, national, regional and global levels ('multilevel'); throughout the entire conflict cycle from early warning, prevention, crisis response, stabilization to longer-term peace-building ('multi-phase'); and bringing together member states, relevant EU institutions and other international and regional partners as well as civil society

organizations ('multilateral') (Council 2018a). The 'integrated approach' testifies to the EU's ambition to learn from previous shortcomings and to strengthen its effectiveness and consistency.

However, several hurdles remain in place that prevent the integrated approach from being fully operational (see Blockmans and Debuysere 2021; Juncos and Blockmans 2018; Faleg 2018). Besides various other factors that can inhibit consistency in EU foreign policy, such as turf wars between actors or different perspectives on how to deal with a crisis (see Chapter 4), two more fundamental questions often stand in the way of an effective 'integrated approach'. First, the EU may in fact be less interested in genuine peace-building than in assuring 'stability' or halting migration to Europe, even if this implies cooperation with elites responsible for a conflict or human rights violations or the lack of respect for the rule of law or democratic principles (see Cooley 2019). Second, the integrated approach may only have limited effects when the EU fails to deal with the socio-economic deprivation and cleavages that underpin and drive conflicts and when it neglects 'people-centred' or 'human security' priorities required for sustainable peace-building (Kaldor *et al.* 2018; Langer and Brown 2016). Examples of how the integrated approach can work in practice include the EU Strategy on the Sahel Region (see Box 5.2) and the EU's Strategy for the Horn of Africa (see Box 8.1).

#### Box 5.2 The EU Strategy on the Sahel Region

The EU adopted a 'Strategy for Security and Development in the Sahel' in 2011 in order to address various interrelated challenges in the Sahel region which can indirectly also threaten Europe, including weak governance systems, systemic poverty and food shortage, the rise of Jihadist movements and the trafficking of human beings, drugs and weapons. The Strategy was followed in 2015 by a 'Sahel Regional Action Plan'. Since 2014, the EU has also stepped up cooperation with the 'G5 Sahel', a regional cooperation framework of Burkina Faso, Chad, Mauritania, Mali and Niger (Council 2011b, 2015a; EEAS 2019c; European Council 2020). The EU's integrated approach on the Sahel region implies the deployment of various actors and policy instruments.

First, in terms of diplomacy, all levels of the EU's diplomatic and political system are involved, including an EU Special Representative for the Sahel, with intensive involvement of a number of EU member states and a leading role taken by France.

Second, the EU is one of the biggest humanitarian donors to the Sahel and the largest provider of development aid (see Chapter 8). It is a key member of

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the 'Sahel Alliance', established with other donors to set up basic services and to deliver aid more effectively, particularly in the peripheral and fragile areas. Funding through the NDICI also supports a wide range of projects related to 'stability and peace' and short-term conflict prevention. Substantial assistance is also provided through the EU Emergency Trust Fund for Africa which aims at countering irregular migration, reflecting an important policy priority for the EU (Commission 2021g; Lebovitch 2018) (see below and Chapter 9).

Third, both civilian and military CSDP instruments have been deployed in the Sahel region (see Chapter 7). Following the collapse of the Malian security structures and the French military intervention in 2013 to avoid the take-over of the country by Jihadist forces, the EU launched the military training mission EUTM Mali to assist the government in restoring state authority and regaining control over parts of its territory. The civilian missions EUCAP Sahel Mali and EUCAP Sahel Niger support security sector reforms in these countries (see Raineri and Baldaro 2020).

Fourth, EPF funding is used to support the G5 Sahel Joint Force. A Regional Advisory and Coordination Cell was established to coordinate with the G5 Sahel and to increase the EU's consistency.

Although not directly related to the EU, Operation Barkhane is of crucial importance to understand the context. Led by France, Mali and Niger, this operation has been the heart of the military campaign against the jihadist groups since 2015. Other EU member states pledged support to the operation by deploying special forces, yet this has taken more time than envisaged (Faleg and Palleshi 2020; Sahel Coalition 2020).

Taken together, the EU's Sahel policies reflect quite well the multi-dimensional, multilevel, multi-phase and multilateral features of the integrated approach, notwithstanding the hurdles related to coordination, different interests and perspectives and a differentiated involvement of the member states. However, neither the EU nor other international actors could prevent the political, security, socio-economic and humanitarian situation from deteriorating, with jihadist movements gaining increasing control over parts of the Sahel region (see also Chapter 11). Several potential reasons are mentioned for this failure, ranging from European countries insufficiently supporting the French military actions against Jihadist forces, to the EU following the securitized approach of the French too easily. Other criticisms focus on the EU's 'schizophrenic agendas' (Cold-Ravnkilde and Nissen 2020: 935), on its predominant interest in limiting migration to Europe and on the lack of a genuine political and socio-economic strategy that contributes to security and basic services to the population – despite the EU's 'integrated approach' (Bøås 2021; Faleg and Palleshi 2020; ICG 2021b; Raineri and Strazzari 2019).

## 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 has suffered from the outset due to member states' widely diverging views about the role of nuclear deterrence, with France (and until 2020 also the UK) as a nuclear power 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 France and the UK. This cleavage within the EU explains why, during Nuclear Non-Proliferation Treaty (NPT) Review Conferences, the EU mostly presents a common position and exerts some influence on a major part of the agenda, but remains divided on the high-profile issue of nuclear disarmament in general or on new developments such as the Treaty on the Prohibition of Nuclear Weapons (see Blavoukos *et al.* 2015; Dee 2017; Portella 2021b; Romanyszyn 2019; Sauer 2020).

The questions of how to tackle concrete nuclear proliferation challenges and the mix of diplomacy, sanctions, use of force or non-action have sparked varying answers within the EU (Alcaro 2018; Denza 2018; Portella 2015). The 2003 pre-emptive United States-led military operation against the regime of Saddam Hussein in Iraq led to a deep crisis in the CFSP, with the UK and the France–Germany duo leading the two antagonist camps within the EU. In contrast, these three countries, together with the High Representative, have worked closely together in their intensive and generally quite successful diplomatic efforts to deal with Iran's nuclear ambitions (see Box 6.2). Although the EU participates in the international sanctions against North Korea, it is a rather marginal diplomatic player on this issue. Beyond those major non-proliferation cases, the EU remains silent on the possession of nuclear weapons by other states such as Israel, India and Pakistan, despite their clear impact on regional conflicts.

The EU faces a serious credibility problem when it pressures third countries to renounce their nuclear ambitions, to accept non-proliferation provisions in international agreements or to sign and respect the NPT, while France (and the UK) refuses to forfeit its 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 United States, 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 adopted in 2003 a wider *EU Strategy against the Proliferation of Weapons of Mass Destruction* (European Council 2003a; see also Council 2020d). This Strategy incorporates 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 can pose to European security. The Strategy is implemented through the same kinds of tools discussed in previous sections: instruments of CFSP, of the EU's external action and of internal policies with an external dimension. These include addressing non-proliferation through political dialogue and informal contacts with third countries, financial support, sanctions and technical assistance to comply with international non-proliferation agreements. Non-proliferation clauses are also included as 'essential elements' in bilateral agreements (see Chapter 8) (Blavoukos *et al.* 2015; Kienzie 2018; Kühn 2018; Quille 2013).

The 2018 *EU Strategy on Illicit Firearms, Small Arms and Light Weapons* (SALW) provides a platform for addressing yet another type of arms proliferation (Council 2018b; Duquet 2019). It stems from the awareness of the risks which these weapons pose in the hands of non-state actors, not only for fuelling violent conflicts outside the EU, but also for potential terrorist attacks within Europe (see further). Whereas the earlier SALW Strategy of 2006 was predominantly a CFSP endeavour, the 2018 Strategy takes an integrated approach, including CFSP instruments, measures related to internal market and internal security and actions of the member states. Several of the instruments mentioned above are used to implement the SALW Strategy, including financial support from the NDICI and CFSP budget. The EU has also worked to develop regional and global mechanisms to counter the spread of SALW. Examples include the '2020-2025 EU action plan on firearms trafficking' which is focused on the Western Balkans, Moldova and Ukraine (Commission 2020c), the campaign in favour of the 2013 Arms Trade Treaty (ATT) and the EU's involvement in UN negotiations on the prohibition of lethal autonomous weapons systems (LAWS, or 'killer robots') (Barbé and Badell 2020; Romanishyn 2019). However, one of the weaknesses of the SALW Strategy is that it 'does not contain concrete measures and actions to promote a more restrictive arms export policy to conflict-affected regions and countries' (Duquet 2019: 16), which was an essential condition for some exporting member states to adopt the text (see Hansen 2015).

This resembles the ambiguity in the 2008 *Common Position defining common rules governing control of exports of military technology and equipment* (Council 2008, 2019c, 2020e). Confirming that 'Member States are determined to prevent the export of military technology and equipment which might be used for

internal repression or international aggression or contribute to regional instability' (Council 2008: 99), the Common Position defines stringent criteria for arms exports. However, it leaves the application of criteria to the discretion of member

### Box 5.3 European arms exports

Four EU member states belong to the top-10 of the world's largest arms exporters in the period 2016–20. France and Germany occupied third and fourth place (behind the United States and Russia), while Spain and Italy took the seventh and tenth positions. Moreover, the UK, as a former EU member state, occupied the sixth position. Notwithstanding the EU's policy, European arms are also exported to conflict-affected regions and to political regimes that use these weapons for internal repression and offensive military actions (Béraud-Sudreau *et al.* 2020; Bosse 2016; Duquet 2019; Fleurant *et al.* 2019; SIPRI 2020; Wezeman *et al.* 2021). Examples include the European weapon sales to the Libyan dictator Gaddafi (who later was toppled by a military intervention led by European countries, see Box 6.1) or to the Gulf states and Egypt, which are the main purchasers of the European arms (Kettner 2019; Wezeman 2018; Wezeman *et al.* 2021). Human rights abuses in these countries, the suppression of democratic revolts and the military intervention in Yemen by the Saudi Arabia-led coalition (including also other Gulf states and Egypt) did not serve as obstacles to the sale of, for example, more than 100 Eurofighters of the Airbus Group to the Gulf states, of 36 French Rafale combat aircrafts to Qatar and 24 to Egypt, or of German submarines to Egypt (Bourovitch 2015; Chuter 2018; Dassault Aviation 2015, 2017; Eurofighter Typhoon 2021; Wezeman *et al.* 2021). These exports also put the size of the budgets for EU foreign policy into a wider perspective. For example, the French €5.2 billion deal with Egypt (Bourovitch 2015) surpasses the European Peace Facility's €5 billion envelope for 2021–7 (see Chapter 4).

Arms exports constitute much more than merely commercial sales. They can also entail technology and intelligence sharing; they can be intertwined with consultation on other strategic issues (related to, for example, Iran, guaranteeing peaceful relations with Israel, or assuring access to the Suez channel); and they can be part of close political relations at the highest level (often symbolized by the signing of contracts during high-level visits of European heads of state or government). The arms exports from EU member states to Gulf countries and Egypt can also influence or reflect the national foreign policy choices of these member states, and can explain the inability or reluctance of EU foreign policy to take a clear stance on human rights violations or on conflicts such as those in Yemen and Libya in which Gulf countries or Egypt are involved (see Lounnas 2020; Wezeman 2018; see Box 6.1).

states who, on a case-by-case basis, decide to transfer or deny the transfer of military technology and equipment to a third country, with some member states being less restrictive than others (see Béraud-Sudreau 2019; Bromley 2018).

This is illustrative of the most pertinent criticism of the EU's arms export-control regime: fundamentally, the EU's policies only scratch the surface and ignore the role of EU member states as major exporters of weapons, resulting in 'organized hypocrisy' (Hansen and Marsh 2015: 264) (see Box 5.3).

The practice of the EU's arms export-control regime towards the Gulf countries points to a clear relegation of regional security, human rights and non-proliferation concerns over geostrategic, commercial and industrial interests. However, the picture becomes more nuanced when looking at the EU's relations with China, Russia, Iran and a dozen other countries which were subject of EU arms embargoes, with member states thus accepting far-reaching restrictions on their weapon exports (Bromley 2018). Reflecting the French long-standing reasoning about strategic independence, the discussion on arms exports is also linked to the discussion on the EU's strategic autonomy (see Box 2.1) and on the industrial and technological aspects of CSDP (see Chapter 7). Strategic autonomy implies self-sufficiency in, among others, modern weapons and technologies, demanding a strong European arms and aviation industry. However, as the intra-European market is too limited, it requires large-scale export possibilities, including to major 'customers' such as the Gulf states, which happen to be countries that undermine EU foreign policy goals and interests, for instance in the southern neighbourhood (see Béraud-Sudreau 2020a).

## The fight against terrorism

The close relationship between external and internal security in both the EU and third countries (see also Chapter 9) has turned the fight against terrorism and radicalization into another priority area for EU foreign policy (see Andreeva 2020; Conde *et al.* 2020; Cross 2017; Ferreira-Pereira and Martins 2012; Kaunert and Léonard 2019). Although the EU treated terrorism more as an international problem in the wake of the terrorist attacks against the United States in September 2001, the Madrid (2004) and London (2005) bombings were an abrupt realization that 'home-grown' terrorism was equally on the agenda, which was confirmed by jihadist terrorist attacks in Paris, Brussels, Istanbul, Nice, Berlin, Manchester, Barcelona and other European cities in 2015–16 (see Chapter 2). The existence of ' sleeper cells ' within the EU, often composed of EU citizens or legal residents but trained abroad in ' failed ' or ' fragile ' states and belonging to loose international terrorist networks, created 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 lay 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 has always been considered a complement to national efforts. Moreover, EU member states indicated different perceptions about the nature of terrorism, the urgency and way to deal with it, as well as the need to tackle this issue at the EU level (Coolsaet 2010: 872–3).

The 9/11 attacks in the United States and the bombings in Madrid and London in 2004–5 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 in 2005 an *EU Strategy for Combating Radicalisation and Recruitment to Terrorism* and a *Counter-Terrorism Strategy* 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 2005a, 2005b; Commission 2014). The Action Plan and Strategies were the basis of a broad range of measures including an agreement on a list of terrorist organizations, an EU-wide arrest warrant, rules for joint operations between national police forces and legislation against money laundering and terrorist financing.

The insufficiency of the Action Plan and Strategies appeared one decade later in the wave of jihadist terrorist attacks in several European cities. These events triggered the adoption of a plethora of new and reinforced measures, such as the ' Passenger Name Record ' (PNR) directive, legislation to address terrorist and violent extremist propaganda online, reinforced checks at external borders and the creation of a European Counter Terrorism Centre within Europol (Andreeva 2020; Commission 2020e; European Parliament and Council 2017; Kaunert and Léonard 2019). However, many issues remained unresolved, particularly when

falling within the remit of member states' competences or when related to sensitive issues, such as the fate of European foreign fighters and the return of their families from Syria or Iraq (Bures 2020; Foret and Markoviti 2020).

As the list of policy instruments mentioned 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 has become incorporated across the whole gamut of the EU's relations with third parties and also became a strategic priority of EU foreign policy (Cross 2017; MacKenzie 2010). 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, Daesh 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 above). One of the main motivations behind the increased cooperation in the field of non-proliferation was precisely to limit the possibility that chemical, biological, nuclear and other dangerous materials would fall into the hands of terrorist or criminal groups.

The EU has also attempted to streamline cooperation against terrorism in its foreign policy towards other countries. It has included counter-terrorism clauses in agreements with third countries; initiated political dialogues as well as information sharing on counter-terrorism; and provided support to third countries in the fight against terrorism, including through capacity-building initiatives (financed through the NDICI and EPF) and CSDP training and capacity-building missions (see previous section and Chapter 7) (Cross 2017). The latter reflects that CSDP is taking up a task endowed to it by the Treaty of Lisbon, namely to contribute to 'the fight against terrorism, including by supporting third countries in combating terrorism in their territories' (Art. 43 TEU). This in fact often boils down to a fight against Islamic jihadist movements that are part of, or are affiliated with, Al-Qaeda or Daesh and that have increasingly gained territorial control over parts of the Middle East and Northern Africa (MENA) and sub-Saharan African countries (see Box 5.2).

The main criticism against the EU's counter-terrorism policies is that the objective of countering terrorism (and related phenomena such as organized crime, extremist violence, illicit trafficking of human beings, drugs or weapons) often prevails over other major foreign policy objectives and over upholding values such as human rights, democracy and the rule of law. Counter-terrorism

cooperation with third countries often entails cooperating with – and becoming dependent on – political regimes and governments that do not uphold these values or that are known for corruption and bad governance (Kaunert *et al.* 2020). The fight against terrorism and radicalization also has resulted in EU practices that threaten to undermine European citizens' privacy rights and freedoms, as well as the rights of alleged terrorists, which has resulted in cases before the Court of Justice of the EU (see Chapter 3).

Another criticism is that complex phenomena and movements are often narrowed down to their 'terrorist' dimension, to the detriment of a more sophisticated understanding of them. A case in point is the EU's designation of Hamas as a terrorist organization, notwithstanding its victory in democratic election in the Palestinian Territories, which undermines the EU's legitimacy in promoting values such as democracy (see above and Chapter 10). Groups that are seen as merely terrorist organizations in the West (such as certain local Jihadist movements) are sometimes as much ideological movements with the capacity to appeal to a certain identity as well as to provide basic services, goods and order, which explains their attractiveness and legitimacy among parts of the local population. The reluctance of the EU to acknowledge the multidimensional nature of these 'terrorist' but in fact hybrid organizations also hampers the development of a more effective foreign policy (ICG 2021b; Lecocq 2021; Lecocq and Keukeleire 2018) (see also Chapter 11).

The EU's integrated approach demonstrates that the EU increasingly acknowledges the importance of tackling the wide range of grievances underpinning the influence of terrorist, jihadist or hybrid actors. However, as is indicated by the EU's Counter-Terrorism Coordinator, a counter-terrorist policy can only have a chance at success if the EU contributes equally to strengthening political structures and to 'education, creation of economic and job opportunities for young people and prevention of violent radicalization' (Council 2012b: 22).

## 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' or 'strategies', the EU has developed a broad conceptual basis for these important foreign policy issues 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'. As this chapter has shown, these key issues are operationalized in the four facets of the EU: CFSP, CSDP, external action and the external dimension of internal policies. These facets are analysed in the next four chapters.

## Chapter 6

### The Common Foreign and Security Policy (CFSP)

Chapter 2 argued that different and even conflicting motivations lay at the root of the Maastricht Treaty's creation of the CFSP. The decision to create CFSP stemmed as much from member states' interrelational, integration and identity objectives as from their external objectives (see Chapter 1). For many member states, the main rationale was to allow the EU to manage interstate and interinstitutional dynamics within the Union and not, or not primarily, to deal with the outside world. It thus comes as no surprise that while member states could agree to create a CFSP at Maastricht, they initially had no intention of providing it with the necessary actors and instruments to turn it into a robust foreign policy tool. It was only from the late 1990s onwards that the majority of member states started to consider the CFSP framework useful to pursue external objectives. Since then, this has led to the development of new actors with specific responsibilities for CFSP (see Chapter 3) and new instruments (see, e.g., Chapter 7 on CSDP), making the initially hollow CFSP shell an increasingly useful operational facet of EU foreign policy.

This chapter provides a critical assessment of the formal setup of the CFSP as outlined in the TEU and juxtaposes this treaty image against the empirical reality (for a legal analysis, see Butler 2019; Wessel 2020). It then evaluates the various *modi operandi* provided in the Treaty and turns to one of the most important, although often overlooked, elements of CFSP: systematic cooperation between member states. Finally, the chapter briefly considers the scope and priorities of CFSP (which are further assessed in Chapters 5, 10 and 11), assessing both its declaratory and operational policies.

#### Formal features and nature of CFSP

##### CFSP: What's in a name?

Major expectations, but also misunderstandings, are created by the very name *Common Foreign and Security Policy* and by the first paragraph of the crucial Article 24(1) TEU: