

**Paper on Human Rights Violations**

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## EU-GRASP

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# Paper on human rights violations: Multilateralism and Human Security: the EU's discourse in Cases of Human Rights Violations

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## **Executive summary**

This Research Report provides an analysis of the EU's official discourse with respect to four human rights crises: the humanitarian crisis during and after the conflict in Gaza between Israeli forces and Hamas in 2008-2009; the crisis caused by the Lebanon war of 2006; the humanitarian disaster of the Sudanese province of Darfur (2003-2010); and, finally, the political, social and economic crisis in Zimbabwe (2001-2010). The case studies analyzed in this Research Report reveal a number of similar trends, as well as some stark differences. In order to systematize the findings of the study, we have summarized the key elements of each case study according to the overall conceptual categories driving this research (below):

### **A comparative analysis of the EU's involvement in four crisis scenarios**

<b>Case study</b>	<b>Type of intervention</b>	<b>Multilateral security governance</b>	<b>Predominant framing of the EU discourse</b>	<b>Human security focus</b>
<b>Sudan-Darfur</b>	Public statements; targeted sanctions; support to AU mission (AMIS);  direct military	<b>STRONG:</b>  within the UN; cooperation with the AU; but ICC controversy.	Justice vs impunity; humanitarian aid	<b>STRONG:</b>  Attacks on civilians; atrocities; genocide; vulnerable groups (women and

	operation (Chad); aid policies			children).
<b>Zimbabwe</b>	Public statements; targeted sanctions; aid policies	WEAK: Limited cooperation with African region; no cooperation with other international actors	Rule of law; democratic participation; humanitarian aid	STRONG: Food security; responsibility to protect; social and economic needs of the population.
<b>Lebanon</b>	Public statements; aid policies	STRONG: with the UN (UNIFIL); international donors	Civilian conflict management; humanitarian aid	WEAK Economic crisis, environmental catastrophe
<b>Gaza Strip</b>	Public statements; aid policies	WEAK: Lack of cooperation and common positions	Cease hostilities (from both parties); humanitarian aid	WEAK Suffering of the local population

In two cases (Gaza and Lebanon), the EU did not intervene directly with a 'hard' foreign policy action, but limited itself to issue a number of declarations and provide humanitarian aid. In Zimbabwe, by contrast, the EU introduced targeted sanctions aimed at: barring key personalities within government and security forces from travelling to Europe, freezing their personal assets in European banks and imposing an embargo on arms trade. In Darfur, which is the case with the most extensive EU involvement, Brussels also funded a military mission led by the African Union (AU), the so-called African Mission in Sudan (AMIS) and, in 2009, it directly intervened with an ESDP military mission deployed along the borders between Sudan and Chad/Central African Republic. In each case, the scope and scale of the European intervention was evidently dictated by specific political interests and considerations concerning capabilities. For instance, the EU military intervention in Chad/Central African Republic was supported (and largely manned) by the French government in order to support these countries' response to the refugee crisis in Darfur and, also, to prevent the conflict from spreading to neighbouring countries. The sanctions against Zimbabwe were initially supported by the British government as a response to the land grabbing policies introduced by the Zimbabwean leadership against white farmers, most of which are of British descent, and met no objections by the other EU Member States. In both cases, the Cotonou

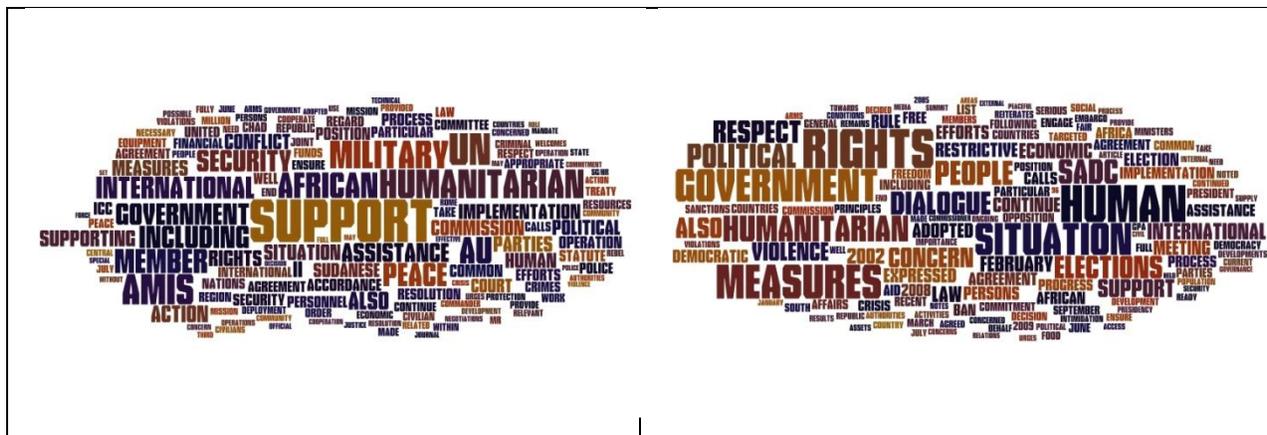
Agreement, that is the overall framework of cooperation between the EU and the Africa, Caribbean and Pacific countries, provided the legal context within which to operate.

As regards the Lebanon war and the conflict in the Gaza Strip, the EU's intervention was more limited, partly due to political sensitivities mainly concerning the involvement (as an offender) of Israel. Numerous divisions emerged within the EU, thereby stifling a unitary approach and a more resolute condemnation of the human rights violations perpetrated. Against this backdrop, the European strategy focused exclusively on aid policies and humanitarian relief.

As regards the level of cooperation with other international actors (multilateral security governance), there are several differences and similarities. In Lebanon and Darfur/Sudan, the EU managed to stimulate or contribute towards a significant multilateral effort. Regarding the Lebanon war, European countries and representatives of the Commission encouraged and participated in various international meetings, most notably the G8 summit held in Saint Petersburg on 15-17 July 2006 and the International Conference on Lebanon held in Rome on 26 July 2006, while some EU Member States were also members of the UN Security Council during the crisis and were instrumental to the ratification of the UNSC Resolution 1701. Moreover, a number of European countries directly contributed to the UN Interim Force in Lebanon. In Darfur/Sudan, not only did the EU collaborate with the AU but was also an enthusiastic supporter of the decision to refer the leaders of the Sudanese regime to the International Criminal Court in order to be prosecuted for crimes against humanity. On the contrary, in Zimbabwe the EU was not able to stimulate an effective multilateral process for the management of the crisis, mainly due to its inability to effectively interact with the Southern African Development Community against the background of a latent hostility showed by some African countries. Finally, in Gaza, the multilateral context was fundamentally flawed (given that one of the parties to the conflict, Hamas) was systematically excluded from the international talks. In any event, our analysis indicates that the EU acted half-heartedly during the Gaza conflict and did not play a significant role vis-à-vis other international actors.

In all crises, the EU discourse was framed by a number of underlying elements. In the case of Darfur, for instance, the 'justice' framework appeared to be rather preponderant as opposed to the culture of 'impunity' promoted by the Khartoum government. Hence, the EU's commitment to guaranteeing that international jurisdiction would have prevailed in order to bring those responsible for human rights violations to justice. In Zimbabwe, the most recurrent theme was the breach of the 'rule of law and the fundamental democratic principles' perpetrated by the Mugabe





In spite of differences and contradictions, the EU’s discourse appears to have been coherent at least in so far as it has lived up to the ‘people first’ principle underlying the human security doctrine. However, when it comes not only to the instruments and policies adopted but also the capacity to criticize and possibly retaliate against human rights abusers, the double standard syndrome that has long afflicted the EU’s foreign policy and more mundane *realpolitik* concerns come to the surface, invariably limiting the credibility of the Union as a genuine defender of human rights.

## 1. Introduction

Among the principles inspiring the European Union (EU) we find the Universal Declaration of Human Rights (1948) and the following UN Covenants on civil, political and economic rights (1966). Moreover, human rights are at the core of the European integration process (which was built over the ashes of civil war and genocide) and its long-term aspirations. Invariably, therefore, the foundational recognition of human rights also reverberates in the EU's foreign policy and external relations.

While human rights have long been defended and promoted as a value in their own right, the evolution of global politics has increasingly shown that human rights abuses can also become 'international security' issues and threaten the stability of the international system. For instance, terrorism can be fuelled by human rights violations. Migration flows are exasperated by refugees fleeing abusive governments. Failed states incapable of defending their own citizens can easily trigger civil wars and destabilize entire regions, with spill-over effects onto the global arena.

Thus, in the continuously evolving jargon of international politics, human rights have come to be gradually 'securitized', that is, interpreted and operationalized in terms of security concerns and the EU has been no exception to this trend. Obviously, the risk involved with the securitization of human rights is that the issue is often addressed with strategic (read: military) means, while other types of responses may be more appropriate. Intervention, whether portrayed as humanitarian or not, is always a double-edge word: indeed, military operations can further exasperate the human rights abuses they aim to address. In this regard, the EU has been trying to adopt a more flexible and comprehensive approach to the problem of human rights violations as security threats, mainly through the concept of 'human security'. Such a focus would help promote the 'primacy of human rights' as a cornerstone of all humanitarian interventions: not only calling for the respect of civilian rights in conflict zones, but also, and most importantly, for the adoption of human rights as the driving principles of all interventions. In this vein, non-violent initiatives and other diplomatic means should be given primacy over any other effort. So, while the traditional military goal is to end a war or remove an abusive government (often also at the expenses of protecting the rights of civilians), the human security focus calls for a completely different approach: the goal becomes the protection of civilians, the promotion of their rights and the preference for non-violent means of confrontation. Quite importantly, all these components must be designed and implemented within a multilateral cooperation framework, so as to strengthen their legitimacy and openness (Kaldor et

al. 2004). But how much focused on human security focus is the EU discourse during fully-fledged crises? To what extent is the human security 'lens' reflected in how the EU intervenes to address human rights violations?

In order to offer some tentative answers to these questions, this Research Report provides an overall analysis of four major cases of severe human rights violations. The studies were conducted under the auspices of the project "Changing Multilateralism: the EU as a Global-regional Actor in Security and Peace (EU-GRASP)".

Each study is based on a systematic content analysis of official documents, press releases, newspaper articles and interviews. Quantitatively, we have collected all available information and also identified the most recurrent terminology and key words, which were reported graphically whenever possible. Qualitatively, we have tried to connect concepts and themes with one another to understand how the EU discourse differs from crisis to crisis and what underlying similarities can be singled out. The goal is to identify the most important components of the EU discourse with respect to human rights as a security issue. Although the process of securitization can take different forms and reduce human rights to a merely military/strategic issue, the lens of 'human security' (with its multidimensional character) can provide a much broader spectrum of options. Thus, in this Research Report, we try and identify how common and significant is the human security lens in the EU discourse in order to also assess the consistency between the EU's ambition to promote human security and its framing of human rights crises.

The report is organized as follows:

- Section 2 discusses the importance of human rights in the EU policies and introduces the notion of human security, with its multilateral and multilevel focus.
- Section 3 outlines the objectives and methodology of the research.
- Section 4 provides a detailed description of the historic and political evolution of the four crisis scenarios in order to contextualize the analysis.
- Section 5 presents the analysis of the EU discourse in each crisis scenario.
- Section 6 offers some concluding remarks and a comparative outlook.

## **2. The EU, human rights and security**

### **2.1. Human rights as founding values of the EU's internal and external policies**

The founding principles for the EU's international action derive from the Universal Declaration of Human Rights ratified by the United Nations in 1948 and its following Covenants of 1966, which established that the rights of individuals can be above those set by their national authorities (Held 1995).

Human rights are also at the core of the European integration process and its long-term aspirations. All Member States are constitutional democracies and share a set of common values based on the primacy of human rights. Article 6 of the consolidated version of the Treaty on the European Union (TEU) establishes the founding values of the EU (European Union 2006: 12):

The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.

Moreover, Article 7 introduces institutional mechanisms to punish serious and persistent violations of human rights by EU Member States, which were further strengthened by the modifications introduced in 2000 by the Treaty of Nice.<sup>1</sup> Human rights are also the cornerstones of the so-called Copenhagen criteria, which govern the accession process of EU candidate countries. Building on Article 49 of the TEU, which establishes that any country seeking membership of the EU must conform to its fundamental values, the Copenhagen European Council in 1993 (and, in 1995, the Madrid European Council) also established that, for the EU to take into consideration a potential membership, the candidate country must possess stable institutions guaranteeing, among others, human rights and democracy.

Invariably, the foundational recognition of human rights also reverberates in the EU's foreign policy and external relations (Lucarelli and Manners 2006), where they have become cross-cutting elements permeating all economic relations, trade agreements and special partnerships with other countries. In establishing the CFSP, the TEU (Article 11) underlined that one of the Union's foreign policy goals was "respect for human rights and fundamental freedoms" (European Union 2006: 14). Consequently, the objective of promoting human rights is also extended to development policies and all other forms of cooperation with third countries in accordance with Article 177 of the consolidated version of the Treaty establishing the European Community (TEC), which affirms that EU development policy "shall contribute to the general objective of [...] respecting human rights and fundamental freedoms" (European Union 2006: 126). This commitment was further strengthened in 2000 through the adoption of the EU Charter of Fundamental Rights, which

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<sup>1</sup> See Part I, Substantive Amendments, Article 1.

enshrined the basic freedoms and rights of all European citizens and, ever since, it has been guiding the EU's external promotion of human rights.<sup>2</sup>

According to the 2001 Commission's communication on *The European Union's Role in Promoting Human Rights and Democracy in Third Countries*, the EU is well placed in the protection of human rights at the international level:

Uniquely amongst international actors, all fifteen Member States of the Union are democracies espousing the same Treaty-based principles in their internal and external policies. This gives the EU substantial political and moral weight. Furthermore, as an economic and political player with global diplomatic reach, and with a substantial budget for external assistance, the EU has both influence and leverage, which it can deploy on behalf of democratisation and human rights (European Commission 2001a).

In the EU institutional setup, the promotion of human rights cuts across the classical division in pillars. Some policies, such as sanctions, embargoes and military operations are decided upon and coordinated through an intergovernmental policy process, which is specific of the so-called second pillar (CFSP and ESDP). By contrast, all pro-human rights policies that concern direct assistance, political aid and cooperation fall under the first pillar and are managed directly by the European Commission, generally through its cooperation office EuropeAid.<sup>3</sup> Political conditionality, that is, the inclusion of a number of clauses for the respect of human rights in the trade and partnership agreements signed by the EU with third countries, is the connecting element between communitarian policies (e.g. development aid) and intergovernmental decisions (e.g. sanctions). When these conditions are not respected (for instance, human rights are abused in a partner country), the EU can unilaterally decide to close the tap of development aid, suspend trade relations and, through the CFSP's decision-making process, even impose sanctions and embargoes. Moreover, since 1992, the EU's practice has been to include a number of clauses concerning 'essential elements' in all agreements with third countries with a view to also promoting the ratification of

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<sup>2</sup> Formally adopted in Nice in December 2000 by the Presidents of the European Parliament, the Council and the Commission, it constitutes an important political undertaking. It has achieved binding legal effect with the entry into force of the Treaty of Lisbon.

<sup>3</sup> All Member States have their own political aid strategies and funds: although invited to join the Commission's initiatives on the ground, Member States' policies have not always respected the general guidelines agreed upon in Brussels. Moreover, Member States run different and sometimes competitive policies, privileging specific aspects of development co-operation in accordance with contextual strategic goals.

international human rights conventions and, through an institutionalized procedure of political dialogue, preventing the escalation of political crises.

As a matter of fact, the EU has often demonstrated hostility towards the use of heavy measures, such as sanctions and embargoes, to promote human rights in other countries. More generally, instead, it has favoured a gradual approach characterized by political dialogue, development cooperation and democracy assistance, which is based on the conviction that rewarding positive attitudes towards political reforms is a better long-term strategy than overtly punishing temporary setbacks (Crawford 1997a, 2001a). This ‘carrot more than stick’ approach has been utilized in many different circumstances, especially towards important trade partners, and was epitomized by the enlargement processes of 2004 and 2007, when nations from the former socialist bloc succeeded in joining the European ‘club’ not always for tangible political and institutional merits. Assessing the facts against the rhetoric, the academic literature has often pointed out inconsistencies and double standards in the EU’s actual policies for the promotion of human rights, especially in the haphazard use of CFSP instruments (K. Smith 1998, 2001; Ward 1998). On a number of occasions, analysts have demonstrated how the widely heralded goal of human rights’ protection and promotion has been sidelined due to other (more compelling) interests, such as economic advantages, commercial gains and security (Olsen 2000; Youngs 2001b; 2002; Balfour 2006; Panebianco 2006). Not surprisingly, the EU has traditionally shown a greater zeal in resorting to punitive measures for violations of human rights in those regions of the world where it had ‘the upper hand’, particularly in the ‘poor, marginal countries’ of sub-Saharan Africa (K. Smith 2001: 193).

Practically, the EU’s approach to human rights in external relations can be divided into two areas: mainstreaming and direct promotion. The “mainstreaming” principle requires integrating human rights and democratization issues into all aspects of EU policy decision-making and implementation of external relations policies. In its relations with other countries, the EU defines detailed country strategy papers in which an assessment of the situation of human rights and democratization is included. This assessment is in turn an integral element of the assistance strategies adopted, with regular reviews providing the opportunity for expanding and refining references to human rights. Moreover, regional cooperation programmes are also used to advance human rights cooperation. The main policy for direct promotion is the European Instrument for Democracy and Human Rights (EIDHR), adopted by the Council and the European Parliament in 2006 (previously known as ‘initiative’). It is supported by a special budget (of approximately 1 billion € for the financial period of 2007-2013 managed directly by the European Commission) and works mainly through cooperation with civil society organizations, but also in partnership with some key international

institutions. Furthermore, since 1995, the EU inserts a standard clause in all cooperation agreements with third countries, stating that respect for human rights and democratic principles constitutes an essential element of the agreement. Under this clause, sanctions may be put in place in response to serious violations of human rights or of the democratic process. However, as argued by the EU, the principal role of the clause is to provide the Union with a basis for positive engagement on human rights and democracy issues with third countries. The Cotonou Agreement with the African, Caribbean and Pacific (ACP) countries includes the latest version of the “essential elements” clause. It provides for consultations and dialogue with signatory countries where there have been violations so that human rights and democratic processes can be restored as quickly as possible. Finally, human rights are regularly addressed in political dialogue fora that the EU holds with third countries and regional groups. The aim is to gather information about the state of human rights, express concerns about the country’s human rights track record and identify practical steps to improve it.

## 2.2. Human rights and security in the EU discourse

Since the creation of the EU, the main objectives of the CFSP as detailed in article 11 of the Maastricht Treaty on the European Union (TEU) were to “safeguard the [...] independence and integrity of the Union” and to “strengthen [its] security”, while also helping “strengthen international security” and “develop and consolidate democracy and the rule of law, and respect for human rights and international freedoms” (TEU, Title V, Article 11).<sup>4</sup> The 2003 European Security Strategy (ESS) translated the Maastricht agenda into a new vision of ‘security challenges’ as they emerged after the end of the Cold War, underlying that “the post Cold War environment is one of increasingly open borders in which the internal and external aspects of security are indissolubly linked” (European Union 2003). Importantly, the ESS set out by recognizing that, in the new global landscape, “Europe faces new threats which are more diverse, less visible and less predictable”, ranging from terrorism to regional conflicts, which “destroy human lives and social and physical infrastructure” and “threaten minorities, fundamental freedoms and human rights”. In sum, the “new” threats identified by the ESS could all be associated with the fact that “a number of countries and regions are caught in a cycle of conflict, insecurity and poverty”.

The 2003 ESS was followed in 2004 by the publication of the Barcelona Report of the Study Group on Europe’s Security Capabilities, which further elaborated the principles outlined in the ESS into what was branded as “a human security doctrine for Europe” (Kaldor *et al.* 2004). The report is

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<sup>4</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/treatychap5.pdf> (accessed on 31.1.2011).

substantially different in focus from the ESS as it concentrates overwhelmingly on principles that should be followed in “operations” – i.e. in specific interventions – as opposed to delineating a general, long-term security strategy. It does, however, put forward a coherent strategic view, essentially focused on the promotion of the idea of the “primacy of human rights” as cornerstones for humanitarian interventions. This principle not only calls for the respect of human rights in conflict zones, but also, and most importantly, it suggests that such concern should be the main driving force of humanitarian interventions and diplomatic initiatives should be given primacy over efforts aimed at securing a “temporary suppression of violence” (Kaldor et al. 2007: 9). Moreover, a human security focus for Europe would also imply an all-encompassing emphasis on multilateral governance, both at the global level and on the ground.

As opposed to the causal patterns and timely-arranged strategies discussed in the ESS, the principles included in the Barcelona report are set forth without a pre-set order, and they are arguably aimed not so much at drawing a precise roadmap for humanitarian interventions but rather at inspiring a general refocusing of EU policies based on three general discourses: the debates on just war and humanitarian interventions; the need to improve the level of participation and integration of international and local actors; and the need to reinstate the value of international law and shared norms within a multilateral governance framework. Although it is not officially endorsed by EU organs, the 2004 Barcelona report was praised by the then High Representative for the CFSP, Javier Solana, who agreed with the Study Group that “a military response is not enough to deal with the new threats and challenges faced by the international community”, and stressed “the complementarity of civilian and military means” and the importance of having an “effective multilateral system” in place for tackling the new security threats.<sup>5</sup>

Unlike the Barcelona report, which focused on the close link between human rights and security, the ESS framed the role of human rights abuses essentially in the context of state failure, lack of democracy or abuse of power and did not directly consider the breach of human rights as one of the primary root cause of human insecurity and transnational threats. Indeed, the ‘securitizing’ discourse enshrined in the ESS does not see the breach of human rights *per se* as a primary cause of security threats (or a threat in itself, as does the Barcelona report). Yet, it considers the respect of

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<sup>5</sup> ‘EUHR Solana responds to report by Study Group on Europe's Security Capabilities’, *EU@UN*, 16 September 2004. Available at: [http://www.eu-un.europa.eu/articles/fr/article\\_3814\\_fr.htm](http://www.eu-un.europa.eu/articles/fr/article_3814_fr.htm) (accessed on 31.1.2011).

human rights instrumentally, as a fundamental ingredient of a peaceful and secure international order:

The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reforms, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order (European Union 2003).

It can then be argued that, as per the key official documents, human rights are not 'securitized', that is, they are not directly translated into a language of security and portrayed as a security issue, but are largely seen as a building block to sustain human security. In this regard, the EU argues that whenever human security is threatened (often because of human rights violations), then increasing social grievances can easily result in threats to international stability and exert a direct or indirect impact on the EU itself, for instance, through growing flows of refugees, terrorism and drug trafficking.

In 2008, with the Report on the Implementation of the ESS, the Council partially revisited its approach to incorporate certain elements of the human security doctrine:

We have worked to build human security, by reducing poverty and inequality, promoting good governance and human rights, assisting development, and addressing the root causes of conflict and insecurity (European Union 2008).

The Report also highlights the EU's effort to further streamline attention to human rights across all policy areas by focusing on what they call "people-based approach":

We need to continue mainstreaming human rights issues in all activities in this field, including ESDP missions, through a people-based approach coherent with the concept of human security (Council of the European Union 2008).

The Report ends with a reference to the need to act more forcefully to uphold and promote the respect of human rights worldwide:

These issues cross boundaries, touching as much on domestic as foreign policy. Indeed, they demonstrate how in the twenty-first century, more than ever, sovereignty entails responsibility. With respect to core human rights, the EU should continue to advance the agreement reached at the UN World Summit in 2005, that we hold a shared responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity (Council of the European Union 2008).



### 3. Research objectives and methodology

This Research Report provides an analysis of the EU's official discourse with respect to four human rights crises. The time frame adopted in each case was coherent with the evolution of the different crises. Thus, in the case of the Gaza conflict, the analysis focuses not only on the duration of the armed conflict from December 2008 to January 2009, but also looks at the continuation of the humanitarian emergency in the Gaza Strip until the 2010 attack on the flotilla trying to breach the blockade imposed by Israel. The analysis of the Lebanon war concentrates specifically on the evolution of the conflict in 2006, while the analysis of both Darfur and Zimbabwe cover a multi-year period (2003-2010 for Darfur and 2001-2010 for Zimbabwe) due to the prolonged security crises in these two areas.

The study is based on a systematic content analysis of official documents, press releases, newspaper articles and interviews. Quantitatively, we have collected all available information and also identified the most recurrent terminology and key words, which were reported graphically whenever possible. Qualitatively, we have tried to connect concepts and themes with one another to understand how the EU discourse differs from crisis to crisis and what underlying similarities can be singled out-

The goal is to identify the most important components of the EU discourse with respect to human rights as a security issue. Although the process of securitization can take different forms and reduce human rights to a merely military/strategic issue, the lens of 'human security' (with its multidimensional character) can provide a much broader spectrum of options. Thus, in this Research Report, we try and identify how common and significant is the human security lens in the EU discourse in order to also assess the consistency between the EU's ambition to promote human security and its framing of human rights crises.

In terms of sources and references, this is the key information we utilized:

#### 1. Gaza conflict

- Time frame: December 2008 – June 2010
- Sources: all speeches and declarations by the EU High Representative mentioning the Middle East Peace Process or explicitly mentioning the Gaza Strip (30 items); the news section (having in their title 'Gaza' or 'Middle East Peace Process') of the European Parliament's webpage (20 items); interviews and declarations appeared in the main European newspapers during the above time frame mentioning 'Gaza' and 'European Union' as key words (40 items).

2. Lebanon war
  - Time frame: July 2006 – September 2006
  - Sources: all official documents issued by EU organs (including the Commission, the European Council and the Finnish presidency) during the time frame identified (56 items).
3. Darfur/Sudan
  - Time frame: December 2003 – December 2010
  - Sources: all official documents by the EU focussing specifically on Darfur and Sudan. This includes Council conclusions, decisions and common positions (40 items), Presidency statements, declarations and press releases (41 items), EUHR Solana speeches and press releases (37 items) and statements and press releases from the Commission and Commissioners (16 items).
4. Zimbabwe
  - Time frame: January 2011 – December 2010
  - Sources: all official documents (e.g. Council conclusions, press releases, resolutions, etc.) mentioning 'Zimbabwe' issued during the research time frame (101 items).

In order to place each analysis within its political, social and economic context, we have also used secondary references and face-to-face interviews with local experts to reconstruct the evolution of each crisis and identify key dynamics.

## **4. The EU faced with human rights crises: focus on official discourses**

In the following sections we focus more specifically on the content analysis of all key documents and declarations issued during the selected crises (as indicated in the Methodology section above). In all our case studies, we find that the EU's discourse focused quite extensively on protecting the rights of civilians (through a more or less explicit 'human security' lens) and persuading the conflicting parties to adopt non-violent means of confrontation. Although the following sections proceed separately, the concluding analysis provides a more specific comparative framework.

### **4.1. Gaza War (2008-2009): three discourses in the EU's framing of the Gaza crisis**

The European Union has been an active player in the Israeli-Palestinian conflict at least since the 1970s, forging its role between a facilitator, an economic sponsor and a distant but concerned observer. It was only few years ago, however, that it could set foot on the ground. It did so since Israel withdrew unilaterally from the Gaza Strip in November 2005 and the way was paved for the

Union to launch two capacity-building ESDP missions, EUBAM Rafah along the Gaza-Egypt border and EUPOL COPPS in the West Bank (Peters 2010).

In March 2006, Hamas set up a government in the Palestinian Territories, which the US, the EU and all major international actors considered not legitimate, resulting in a boycott and a blind-eye approach to Israeli moves towards the enclosure of Gaza. Unable to ensure the opening of the Rafah crossing, in June 2006 the EU put in place the Temporary International Mechanism (TIM) at the request of the Quartet. The TIM was aimed at channelling funds to the Palestinian Authority, thereby circumventing Hamas. 'Keeping the Gazans afloat' seemed to have become the mantra in Brussels.<sup>6</sup>

The humanitarian conditions of Gazans dramatically deteriorated with the three-week war launched by Israel ('Operation Cast Lead') allegedly to halt militant rocket fire from Gaza against the Jewish cities of Sderot and Ashkelon. After 22 days, when a ceasefire was eventually agreed upon on 18<sup>th</sup> January 2009<sup>7</sup>, 13 Israelis and 1387 Palestinians were killed, mostly civilians<sup>8</sup> and over 40000 homes, all government buildings, water and electricity infrastructures were destroyed. The international community and the EU in particular pledged to ease Palestinians' suffering, providing humanitarian and technical assistance, without any meaningful pressure on the two sides to return to the negotiating table.

Neither the EU Council nor European Member States urged Israel to refrain from violent actions and find peaceful ways to counter security threats, although Israel's behaviour was publicly denounced by most NGOs and the UN Commission on Human Rights Resolutions (Hafner-Burton 2008). After the end of the Gaza war, the United Nations commissioned Judge Richard Goldstone to draft a Report to be handed to the United Nations Human Rights Council (UNHRC) on the responsibilities of the two sides before and during the December 2008-January 2009 war.<sup>9</sup> At the vote at the UNHRC, 25 countries voted in favour of endorsing the Report (no European country among them), five voted against it (the US, Italy, Hungary, Slovakia, Ukraine), 11 abstained and France and the UK, among others, refused to vote.

The war and its aftermath have meant several things for the Palestinians living in Gaza: under-development, with most factories shutting down, a general attitude of aid over-reliance, with more

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<sup>6</sup> Personal Communication, Council of the EU, Brussels, May 2007.

<sup>7</sup> Al-Mughrabi, N., *Hamas and Israel separately announce Gaza ceasefire*, Reuters, 18<sup>th</sup> January 2009

<sup>8</sup> According to reports, 773 civilians were killed, among whom 115 women and 300 children. See, Shlaim A., *G2: Gaza's great betrayer: it's more than a year since Israel launched its devastating, unjustified onslaught against Gaza and still the Palestinians are living on the verge of a humanitarian disaster*, The Guardian, 3<sup>rd</sup> February 2010

<sup>9</sup> United Nations, *Human Rights in Palestine and other Arab occupied territories*, 24 September 2009, p.2.

than 1 million Gazans (out of a total population of 1,5 Million) dependent on humanitarian aid, increasing detachment from the West Bank and weakening of the Palestinian national movement<sup>10</sup>. In May 2010, a humanitarian assistance flotilla travelling to the Gaza Strip intending to break the Israeli naval blockage (23 miles from the coast) was attacked by the Israeli Defence Force and nine activists were killed. The flotilla included three ships, gathering 700-800 activists and politicians from more than 40 countries. Besides building materials, medical supplies, the ships were carrying paper for schools, dental surgery, crayons and chocolate, all paid for by donations<sup>11</sup>. As a consequence of the international uproar following the killing, the UN commissioned the Human Rights Council to launch an investigation. Their Report concluded that:

The Israeli military was guilty of 'an unacceptable level of brutality' and deployed 'totally unnecessary and incredible violence'....The conduct of the Israeli military and other personnel towards the flotilla passengers was not only disproportionate but demonstrated levels of totally unnecessary and incredible violence". "It betrayed an unacceptable level of brutality. Such conduct cannot be justified or condoned on security or any other grounds"<sup>12</sup>.

The relevance of the Middle East Peace Process (MEPP) for Europe has never ceased, and only increased in terms of identifying it a geopolitical priority since the 2003 European Security Strategy, which defines it as 'the' question determining the evolution of the security Middle Eastern context.<sup>13</sup> The same relevance was acknowledged, among others, by the EU first High Representative for Foreign Affairs and Security Policy, Catherine Ashton, when she maintained that the "Middle East is a major foreign policy priority for the EU".<sup>14</sup>

With its Member States having different positions vis-à-vis the Israeli-Palestinian issue (Behr, 2008), the EU has often been accused of being able only to reach minimum common denominator approaches. This is further aggravated by the EU's lack of a unified approach to the region: distinct and only partly overlapping policy approaches rule relations with the Mediterranean (Mashreq and Maghreb) and the Gulf (Youngs and Echagüe, 2010: 3-4). Therefore, one should not be surprised by

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<sup>10</sup> McCarthy, R., *International: Special Report: Gaza War, on year on: resistance rhetoric masks new Hamas approach*, The Guardian, 28 December 2009

<sup>11</sup> *Gaza aid flotilla to test Israel's blockade: Ships have 10,000 tonnes of cargo and 800 activists Turkish-backed plan likely to increase tensions*, The Guardian, 26 May 2010

<sup>12</sup> *The UN condemns brutality of Israeli raid on aid flotilla*, The Independent, 23 September 2010

<sup>13</sup> Solana, J., *A secure Europe in a better world*, European Security Strategy, 12 December 2003, Brussels. Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf> (accessed on 31.1.2011).

<sup>14</sup> Visit of HR/VP Catherine Ashton to the Middle East (14-18 March 2010), 12 March 2010, Brussels, A35/10. Available at: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/113341.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/113341.pdf) (accessed on 31.1.2011)

the ad hoc reaction shown by Brussels and EU Member States vis-à-vis serious human rights violations as those occurred in the Gaza Strip.

As regards human rights violations, the Union adopted different discourses, enabling different practices on the ground. We have identified three EU discourses on human rights in the case of the Gaza crisis. The first is a non-discourse, exemplified by the failure to mention human rights-related considerations and concerns, focusing on the political, military and economic dimensions of the conflict. The second discourse identifies human rights as important tools for other goals, mostly political, related to achieving peace and security in the region and beyond. The third discourse sees the respect of human rights as a goal per se.

Example of the first discourse is given by the High Representative Ashton, who refrained from delivering public statements and declarations on the Israeli-waged war against Gaza in 2008. The international Quartet expressed itself for the first time after the military attacks only in March 2010, condemning Israeli settlements plans and making no references to the deteriorated living conditions in the Strip<sup>15</sup>.

Over time, especially with the persistence of the Israeli blockade against the Gaza Strip and particularly since the Israeli attack on the international flotilla in May 2010, the EU adopted the second discursive theme, centred around the devastating consequences of the lack of respect for human rights within the Israeli-Palestinian 'peace process'. In this regard, humanitarian aspects were securitised, at least discursively, and the deteriorating conditions in the Occupied Territories were increasingly depicted as a direct consequence of continuing actions and policies, and not just an aspect to be dealt with in isolation as if it did not pertain to the political arena.

This third type of discourse, by contrast, has been in place at least since the electoral victory of Hamas in 2006, when EU began to depict the situation in Gaza mainly in humanitarian terms. In a trip to the region, the then High Representative Javier Solana, stated:

We must not forget. We know very well that the centre of gravity of the crisis in the Middle East, if we want it to be solved, is the Palestinian-Israeli problem. And we want to put all our energy and all our intensity into seeing how we can move the situation towards finding a solution<sup>16</sup>.

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<sup>15</sup> See the Council page on declarations on the Middle East Peace Process: <http://www.consilium.europa.eu/showPage.aspx?id=395&lang=it> (accessed on 31.1.2011).

<sup>16</sup> Summary of Remarks to the Press by Solana, 13<sup>th</sup> August 2006. Available at: [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/en/declarations/90843.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/declarations/90843.pdf) (accessed on 31.1.2011).

When the war broke out in the Gaza Strip, on December 27<sup>th</sup> 2008, the EU HR Javier Solana reiterated that there were no military solutions to the Israeli-Palestinian impasse and condemned Hamas rocket attacks as well as Israeli attacks as if they could be considered in equal terms, with no distinction between their political goals and damage-inflicting capacity.

I call for an immediate cessation of military actions on both sides. The EU has repeatedly condemned rocket attacks against Israel. The current Israeli strikes are inflicting an unacceptable toll on Palestinian civilians and will only worsen the humanitarian crisis as well as complicate the search for a peaceful solution. There is no military solution to the situation in Gaza. I therefore urge the parties to return to the calm as brokered by Egypt and call on everybody in the region to use their influence to encourage restraint and prevent recourse to violence<sup>17</sup>.

Yet, human rights are a much bigger conceptual 'basket' than humanitarian crises, as they include physical survival but also civil and political liberties: while basic humanitarianism tends to represent human beings as victims, the human rights focus should emphasize the inalienable liberties of citizens. Thus humanitarian discourses tend to fall in our second category, where the respect of human rights is instrumental to other goals, such as peace and security. By espousing a solely humanitarian framework, the (perhaps unintended) effect is to de-politicise human rights in general as well as the unequal distribution of forces and the underlying condition of power driving the Israeli-Palestinian conflict.

The first official statement on the Middle East was issued by the European Council on 26-27<sup>th</sup> January 2009, just after the end of the military confrontation:

The European Union deeply deplores the loss of life during this conflict, particularly the civilian casualties. The Council reminds all parties to the conflict to fully respect human rights and comply with their obligations under international humanitarian law and will follow closely investigations into alleged violations of international humanitarian law. ....Gravely concerned by the critical humanitarian situation on the ground, the EU calls for the unimpeded provision and distribution of humanitarian assistance to the suffering people of Gaza. ....In response to the current crisis the European Union will focus its support and assistance on the following : immediate humanitarian relief for the population of Gaza, prevention of illicit trafficking in arms and ammunition, sustained re-opening of crossing points on the basis of the 2005

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<sup>17</sup> Statement by Solana on the violence in and around Gaza, 27<sup>th</sup> December 2008. Available at: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/declarations/105079.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/declarations/105079.pdf)

Agreement on Movement and Access, rehabilitation and reconstruction and the resumption of the peace process<sup>18</sup>.

While acknowledging the lack of respect for human rights from both sides, Brussels fails to recognize that Gazans are stateless citizens, with no institution in charge of their protection/promotion of human rights. By contrast, the reference to Israel's security prerogatives is always present, thus levelling the ground between state security and human security, a contradiction in terms according to the people-centred approach underpinning the human security doctrine.

As regards the EU's portrayal of Palestinians' rights, it appears that security was de-constructed and its political component reduced to physical survival. EU demands were limited to halting violence and restore the status quo ex ante. The hope being that, with time, Palestinian material conditions would improve, if and when a peace agreement will be reached with Israel. In other words, security for Israel is linked to national sovereignty, the respect of borders and the prerogatives that go with their inviolability. For the Palestinians, the absence of a state legitimises the reduction of their aspirations to security to a mere 'humanitarian security', that is, the security of not becoming victims to random violence, far from the security of counting on established and internationally recognised borders, patrolled by national police forces legitimately responding to attacks to the country's sovereignty.

Human security, with reference not just to the physical survival but to human dignity (Tadjbakhsh and Chenoy, 2009:10), is a concept only rarely applied to Palestinians. While referring to human security enlarges the scope and breadth of civilians' security, since it encompasses several issue areas and conceptual dimensions of security, referring to humanitarian aspects de-politicises the implications of the intervention, the context of the external action and reduces the political complexity to a humanitarian crisis to be addressed by the international community.

Some exceptions to this prevailing discourse, can be found in some declarations issued by the then High Representative Solana:

Looking ahead, it is not sufficient to bring about a permanent halt to military operations in Gaza and to the launching of rockets against Israel. Returning to the status quo ante will not be enough. Gaza is an integral part of the future Palestinian state. While taking care of the immediate needs for reconstruction, we must place our efforts in the broader perspective of a comprehensive resolution of the conflict that is the root cause of the tragedy of Gaza. First we

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<sup>18</sup> Council Conclusions on the MEPP, 26-27<sup>th</sup> January 2009, Brussels. Available at: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/gena/105545.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/gena/105545.pdf).

should not relax our efforts to improve the situation on the ground in the West Bank too. Secondly, in order to remove the risk of a return of violence and of more death and destruction, urgent work is needed to restore a credible and sustained political process that will lead to a just and lasting peace for Palestinians and Israelis alike, and ultimately all the peoples in the region. We cannot rest until this goal is achieved.<sup>19</sup>

Despite the more comprehensive understanding of the conflict and the need for political responses to it, in terms of human rights discourse there have been no changes in the EU approach. After the dramatic May 2010 flotilla incident, the Spanish Foreign Minister Moratinos, representing the EU Presidency in the first semester of 2010, deplored the excessive use of force by Israel, as did French FM Kouchner, expressing his 'deep shock' and condemning the disproportionate use of force, considered to be 'unjustified'<sup>20</sup>, while the new British Foreign Minister William Hague said that 'Europe would maintain pressure on Israel'<sup>21</sup>. Few days later, Kouchner, Moratinos and Italian Foreign Minister Franco Frattini, wrote a piece on the International Herald Tribune, whose title was 'Averting another Gaza'<sup>22</sup>. In it, the three ministers described the 'unacceptable human cost' of the flotilla incident, characterised as an attempt by Israel to 'use force to achieve its political and security aims'. The three points mentioned as necessary following steps were: serious and independent investigations, lifting the blockade and the revival of the peace process. Along similar lines the official position of the EU:

We strongly urge that all involved act with a sense of restraint and responsibility and work for a constructive resolution. The EU remains gravely concerned by the humanitarian situation in Gaza. The continued policy of closure is unacceptable and politically counterproductive. We would like to reiterate the EU's call for an immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza.<sup>23</sup>

What we see here is an expansion of the concept of humanitarian catastrophe into a political window of opportunity: the gravity of the events, the disproportionate action undertaken by Israel

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<sup>19</sup> Comments by HR Javier Solana on the occasion of the international conference for the reconstruction of Gaza, Sharm el Sheikh, 2 March 2009, S 058/09, available at:

[http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/discours/106459.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/discours/106459.pdf)

<sup>20</sup> Statement by Bernard Kouchner, 31<sup>st</sup> May 2010. Available at: <http://www.franceonu.org/spip.php?article4512>

<sup>21</sup> Kouchner and Hague pressure Israel over Gaza, BBC News, 7 June 2010. Available at: <http://www.bbc.co.uk/news/10251805?print=true>. Last access: 17th November 2010.

<sup>22</sup> Kouchner, B., Frattini, F. and Moratinos, A.M., *Averting another Gaza*, International Herald Tribune, 11<sup>th</sup> June 2010

<sup>23</sup> Statement by the spokesperson of the HR Catherine Ashton on the flotilla sailing to Gaza, Brussels, 28 May 2010, A 91/10. Available at:

[http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/114694.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/114694.pdf) (access: 17.11.2010)

against civilians is represented as an exceptional behaviour not to be tolerated further. The limited human rights understanding found in European declarations, in other words, has not changed, incorporating human security dimensions, becoming the guiding principle for the EU's international relations, but the EU has tried to portray serious human rights violations as political actions modifying the balance of power as far as the peace process is concerned.

The EU President, van Rompuy, expressed 'shock and grave concern' by the tragic events, characterising the loss of lives as 'inexplicable'<sup>24</sup> and asked for a serious and impartial investigation, to which Israel never contributed, accusing the UN of being biased against its actions<sup>25</sup>. However, there was no naming and shaming of Israeli actions, and as soon as the blockade was slightly lifted few weeks later, the EU was welcoming new positive developments in the region. For example, on June 20<sup>th</sup> 2010, Catherine Ashton stated that:

I am very encouraged by the announcement of the Government of Israel. It represents a significant improvement and a positive step forward. Once implemented, Israel's new policy should improve the lives of the ordinary people of Gaza while addressing the legitimate security concerns of Israel.<sup>26</sup>

In the meantime, there were lively discussions, especially among Members of the European Parliament (MEPs), as to how respond in a more decisive and assertive way to Israel. Proposals ranged from weakening of economic cooperation, negative conditionality measures, boycotts, to the adoption of targeted sanctions. The Spanish Green David Hammerstein, for example, argued that: "Europe should condition its future relations with Israel to the regular opening of its crossings with Gaza. The present situation of blockade is an illegal exercise of collective punishment<sup>27</sup> while Kathy Sinnott, from the Independence/Democracy Group, criticised the EU for not adopting trade sanctions against Israel<sup>28</sup>.

The word cloud related to European discourses on Gaza (Figure 1) exemplifies the analysis provided by here.

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<sup>24</sup> Remarks by Herman Van Rompuy at the EU-Russia summit, on the Israeli military operation against the flotilla, Rostov-on Don, 1<sup>st</sup> June 2010. Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/114739.pdf> (access. 16.11.2010)

<sup>25</sup> Ibid.

<sup>26</sup> Statement by HR Catherine Ashton on Israeli Gaza decision, A 107/10, Brussels, 20 June 2010. Available at: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/115409.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/115409.pdf) (access: 17.11.2010)

<sup>27</sup> European Parliament, *Eyewitnesses in Gaza*, External Relations, REF.: 20090115STO46441, 21<sup>st</sup> January 2009

<sup>28</sup> European Parliament, *Gaza: increased humanitarian aid, end of blockade and damage assessment needed*, External Relations, 18 February 2009, REF: 20090218IPR49756





some areas in northern Israel. The war was directly caused by a military operation carried out by Hezbollah on 12 July 2006 in Israeli territory during which three Israeli soldiers were killed and two abducted. The operation signalled an escalation of the frequent border skirmishes between Israel and Hezbollah forces in southern Lebanon and was interpreted by Israeli authorities as an 'act of war'. The Israeli forces immediately retaliated and, on 12 and 13 July, they bombed a series of Hezbollah positions and extended the attacks to civilian infrastructures hitting, on 13 July, the Hariri International Airport in Beirut. On 14 July the leader of Hezbollah, Hassan Nasrallah, declared that Hezbollah was ready for "an open war" with Israel. In the following weeks, Israel continued air strikes over the entire territory of Lebanon and on 23 July initiated a ground invasion. Hezbollah opposed strong resistance to the advance of the Israeli Defence Forces (IDF) and fired approximately 4,000 rockets onto northern Israel.

The war reached its peak in late July, when the killing of 28 civilians (more than half of which were children) in the village of Qana by the IDF attracted unanimous condemnation from the international community. The attack resulted in an intensification of the international efforts to reach a sustainable ceasefire that culminated in the approval of UNSC Resolution 1701 on 12 August. The resolution called for the immediate cessation of hostilities, the withdrawal of the IDF from Lebanon and of Hezbollah forces from south of the Litani river, and the deployment of peacekeepers in South Lebanon. The approval of the resolution coincided with the most intense Israeli military operation of the entire war, shortly before Hezbollah (on 13 August) and Israel itself (on 14 August) officially enacted the ceasefire. At the end of the hostilities, the conflict had resulted in 1,191 deaths and 4,409 injured, and forced more than 900,000 people to leave their homes (United Nations General Assembly 2006, 3). The estimates of the damage caused by Israel on Lebanese cities and civilian infrastructure varied from US\$ 10-15 billion (Harvie and Saleh 2008, 857).

Israel repeatedly tried to frame this war as little more than a counterterrorism or counter-insurgency operation and refused to refer to the 2006 Lebanon conflict as a "war" in its official statements, until an official decision of the Israeli government in this sense was taken on 25 March 2007 – i.e. eight months after the end of the conflict (Navot 2009, 17). Indeed, Dalia Gavriely-Nuri (2008) argued that throughout the war Israel tried to implement a strategy of "metaphorical annihilation" of the war by systematically downplaying the impact and consequences of the conflict on both sides. Also, from a legal and moral perspective, Israeli authorities engaged with members of the international community (including the EU envoys such as Javier Solana) in debates on the applicability of just war principles to such "hybrid" combat situations. These focused especially on

*ad bellum* and *in bello* proportionality – i.e. the extent to which the Israeli reaction was proportionate to both the strategic and the tactical threats posed by Hezbollah – and on discrimination – i.e. on the choice of targets for the IDF bombardments, and on the use of human shields by Hezbollah (cf. Myers 2008; Svendsen 2010).

During and after the crisis, the European Union was involved in both multilateral and bilateral conflict resolution activities. At a multilateral level, individual European countries and representatives of the EU Commission contributed to the elaboration of common policies vis-à-vis the conflict during various international meetings, most notably the G8 summit held in Saint Petersburg on 15-17 July 2006, the International Conference on Lebanon held in Rome on 26 July 2006, and the Stockholm Conference on Lebanon's Early Recovery on 31 August 2006. During the crisis, five EU Member States were also members of the UN Security Council (France, United Kingdom, Denmark, Greece and Slovakia) and as such played a central role in the negotiations that led to UNSCR 1701. Apart from working towards projecting European influence abroad, certain EU bodies were also significantly involved throughout the crisis in the internal negotiations among Member States for the elaboration of a common European position. These efforts culminated in the negotiations over a shared European document on the crisis, which unfolded in the last week of July on the basis of a draft proposal circulated by the Finnish presidency that was approved, in a deeply revised form, during an extraordinary meeting of the General Affairs and External Relations Council on 1st August.

Throughout the crisis, both European and international media focused primarily on the internal EU negotiation process, during which the EU Member States split almost evenly in two opposing coalitions at least over two major issues. One group, led by Finland and France and which included Spain, Italy, Sweden and Greece, supported the call for an “immediate ceasefire” and the explicit condemnation of breaches of international humanitarian law; while other countries, most notably the United Kingdom, Germany, the Czech Republic, Poland, Denmark and the Netherlands, was wary of calling for an “immediate” ceasefire before the threat posed by Hezbollah had been properly addressed and asked for milder language in condemning breaches of international humanitarian law, also because the large majority of civilian casualties (including those among UN observers) were attributable to Israel. These disagreements resulted in a rather weak and ineffective final document, that mostly reflected the vetoes posed by the latter group by not calling for an “immediate” ceasefire and by arguing in general terms that the “loss of innocent civilian life”

was just “deplor[able]” – i.e. not necessarily illegal or unacceptable<sup>29</sup>. This document was attacked by the press as “convoluted” and caused the former EU Commission president and then Italian Prime Minister Romano Prodi to claim that “European policy is very weak and hugely inefficient in dramatic moments”<sup>30</sup>.

Despite the weak and vague language of the Council declarations, the attempt to limit the humanitarian disaster and to protect the lives and basic rights of the civilians in Lebanon was at the forefront of EU diplomatic efforts. Indeed, it is possible to argue that – similarly to the case of Gaza – the “lens” of humanitarian relief was by far the dominant perspective through which the crisis was framed. Two main pieces of evidence support this conclusion. On the one hand, significant attention was paid throughout the crisis to what the ESS defines as “civilian conflict management” – that is, conflict management activities primarily concerned with the alleviation of the consequences of the war on the civilian population – even at the expenses of other areas of conflict management, including military or economic initiatives. In this sense, EU bodies worked in five main directions: they worked for the evacuation not only of EU nationals but also of other foreigners from “developing countries”<sup>31</sup>; they called throughout the crisis – and especially after the 14 August ceasefire – for the end of the Israeli blockade on Lebanon<sup>32</sup>; they regularly denounced the damage to civilian infrastructure caused by Israeli air raids over Lebanon<sup>33</sup>; in the last phases of the war,

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<sup>29</sup> ‘Germany backs Britain’s refusal to call for ceasefire’, *The Guardian*, 1 August 2006.

<sup>30</sup> ‘Convoluted EU statement doesn’t quite call for immediate cease-fire’, *The Jerusalem Post*, 2 August 2006; ‘Prodi warns Israel over “excess”, says ceasefire failure a mistake’ *Agence France Press*, 4 August 2006.

<sup>31</sup> EU mobilizing civil protection assistance for Lebanon and Cyprus, 22 July 2006, IP/06/1075; EU action in response to the crisis in Lebanon, 25 July 2006, Press release 90622; €11 million to evacuate citizens of developing countries from Lebanon, 26 July 2006, IP/06/1063; Commission and Presidency to visit Middle East July 27/28, 26 July 2006, IP/06/1065; The crisis in Lebanon: EU Council will meet to assess the situation, 28 July 2006, Press release 90702.

<sup>32</sup> Speech by Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy, “The broader Middle East – The European approach” – Frankfurt, 14 July 2006, SPEECH/06/457; Commission ring-fences €5 million for immediate humanitarian assistance to victims in Lebanon, 17 July 2006, IP/06/1012; Louis Michel: “Humanitarian crisis in Lebanon continues”, 16 August 2006, IP/06/1103; Humanitarian crisis in Lebanon: Commissioner Michel’s visit to Tel Aviv to urge for Israeli action, 18 August 2006, IP/06/1108; EU foreign ministers commit increased numbers of troops to Lebanon, 25 August 2006; Speech by Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy, “Statement on the situation in the Middle East” – Strasbourg, 6 September 2006, SPEECH/06/483; Conclusions of the 2748<sup>th</sup>/2749<sup>th</sup> Council Meetings, General Affairs and External Relations, Brussels, 15 September 2006.

<sup>33</sup> Foreign Minister Tumioja demanded release of Israeli soldier, 4 July 2006; Presidency Statement on the recent developments in Israel and Lebanon, 13 July 2006; Speech by Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy, “The broader Middle East – The European approach” – Frankfurt, 14 July 2006, SPEECH/06/457; Conclusions of the 2744<sup>th</sup> Council Meeting of the General Affairs and External Relations Council – Brussels, 17-18 July 2006, C/06/219; Commission and Presidency to visit Middle East July 27/28, 16 July 2006, IP/06/1065; Council conclusions, extraordinary

they asked Israel to provide maps of minefields to help with the demining process<sup>34</sup>; and took the lead in helping Lebanon cope with a major oil spill caused by the Israeli bombing of a power plant located on the Lebanese coastline next to the city of Jieh, south of Beirut<sup>35</sup>.

Secondly, there is systematic evidence of EU officials addressing the crisis through the framework of one of the main principles of the human security doctrine outlined in the Barcelona Report – the so-called “primacy of human rights”. This is to a certain extent surprising, considering that the EU at that stage had not endorsed directly the Barcelona Report and that a review of the performance of the EU during the 2006 Lebanon war published by the same Barcelona working group found that its policies during the war showed only “elements of a human security approach” (Kaldor and Schmeder 2007, 14). On the contrary, EU officials not only focused predominantly on civilian conflict management activities, but also repeatedly suggested that addressing the humanitarian catastrophe caused by the war should be the *main* priority of the EU intervention and that such efforts should be given priority even over those aimed at securing an unconditional ceasefire. For instance, in her speech at the International Conference on Lebanon held in Rome on 26 July, EU Commissioner for External Relations and ENP Benita Ferrero-Waldner stresses that the humanitarian crisis in Lebanon was the EU’s “most immediate concern” and mentioned the need to “put an end to the crisis” from a political perspective only as third item in the agenda, preceded also by the need to evacuate EU nationals and other foreigners from the war-affected areas<sup>36</sup>. “Human suffering” is listed as the first concern in the conclusions of the extraordinary General Affairs and External Relations Council meeting held on 1 August<sup>37</sup>, and “humanitarian action” was also considered as the first “line of action” in Javier Solana’s press conference in Beirut on 12 August.<sup>38</sup>

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General Affairs and External Relations Council meeting – Brussels, 1 August 2006; Louis Michel: “Humanitarian crisis in Lebanon continues”, 16 July 2006, IP/06/1103.

<sup>34</sup> Louis Michel: “Humanitarian crisis in Lebanon continues”, 16 July 2006, IP/06/1103; Humanitarian aid and early recovery in Lebanon: the EU action, 31 August 2006, Press release 90891.

<sup>35</sup> Commission activates civil protection mechanism to help Lebanon cope with major oil spill, 18 July 2006, IP/06/1078; EU response to the conflict in Lebanon, 8 August 2006, MEMO/06/306; Louis Michel to visit Lebanon and Israel, 14-17 August 2006, 10 August 2006, IP/06/1094; EU assists Lebanon in managing the environmental impact of the Middle East crisis, 11 August 2006, IP/06/1098; Lebanon/Environment: International co-ordination efforts to contain oil spill in Lebanon are under way, 18 August 2006, IP/06/1106; Humanitarian aid and early recovery in Lebanon: the EU action, 31 August 2006, Press release 90891; Commission proposes environmental strategy to protect the Mediterranean Sea, 6 September 2006, IP/06/1155.

<sup>36</sup> Speech by Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy, at the International Conference on Lebanon, Rome, 26 July 2006, SPEECH/06/468.

<sup>37</sup> Council conclusions, extraordinary General Affairs and External Relations Council meeting, Brussels, 1 August 2006.

<sup>38</sup> Summary of the remarks to the press by Javier Solana, EU High Representative for the CFSP, Beirut, 12 August 2006.



human rights”, it is possible to counter-argue that their statements reflect the natural assumption that humanitarian needs should *logically* take priority, at least on a temporal basis, over other items in the diplomatic agenda.

Most importantly, moreover, the predominance of humanitarian considerations in EU official documents seems to reflect primarily the absence from these documents of reference to other conflict resolution strategies mentioned in the ESS but on which, during this specific crisis, no consensus among European countries existed. For instance, in the first phase of the crisis (until 31<sup>st</sup> July) EU documents refer to (or advocate the need for) civilian conflict management activities at least 23 times, while military measures (including calls for a ceasefire) and economic incentives are mentioned approximately 10 times.

Different EU bodies also demonstrated different attitudes towards the crisis. For instance, among EU bodies, it was the EU Commission – especially Benita Ferrero-Waldner, then EU Commissioner for External Relations and ENP, and Louis Michel, then EU Commissioner for Development and Humanitarian Aid – which called most consistently for the need of humanitarian action and to protect Lebanese civilians during the war. Indeed, in a speech delivered on 12 September 2006, Benita Ferrero-Waldner’s explicitly stated that “the Commission is a strong supporter of the concept of human security”<sup>39</sup>. This contrasts with other actors – most notably the Finnish presidency – which were more reluctant in adopting principles such as the “primacy of human rights” and which seemed to adopt a more “conventional” approach to the crisis, focused primarily on its political and strategic development. In this sense, it is possible to conclude that the absence of inter-governmental consensus on the political strategies to be adopted in order to end the war interacted with the specific ideological and political priorities of each individual acting and speaking on behalf of the EU to shape each actor’s individual response to the crisis.

The failure of EU organs to implement a clear and consistent conflict management strategy consistent with either the ESS or the Barcelona Report is confirmed by the fact that, while EU bodies seem to pay significant attention to severe violations of human rights directly caused by the war, it is more difficult to assess the presence of a human rights lens as framed in the “state building” sections of the ESS – that is, the extent to which the protection of human rights other than those directly affected by the humanitarian crisis (such as civil or political rights, whose violation could have contributed to the unfolding of the crisis at first) was a priority in the EU handling of the

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<sup>39</sup> Speech by Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy, “Conflict Prevention – looking to the future”, Brussels, 12 September 2006, SPEECH/06/513.

crisis. Throughout the crisis significant attention was paid “state building”, but primarily with reference to the aim of restoring the full sovereignty of the Siniora government over the entire territory of the Republic of Lebanon (i.e. “state building” in a literal sense) and not of attaining the goals outlined in the ESS (social reform, rule of law, human rights), which could be more accurately be described as part of “regime building”. Especially in the first weeks of the crisis, EU officials seem do not seem to have any intention to utilize the crisis for establishing the conditions for the protection of human rights in the medium- or long-term, or indeed for the improvement of the democratic credentials of Lebanon. At least until late August, the language used when referring to the potential for reforms in Lebanon is, in fact, very vague (cf. Javier Solana’s hope that the country would “move forward” after the war<sup>40</sup>).

The discourse partly changed with the Stockholm International Donor Conference on Lebanon on 31 August, where the aid effort for the reconstruction is also explicitly aimed at “laying the groundwork not only for immediate reconstruction work, but also [...] for a longer term recovery through support for crucial political and economic reform”<sup>41</sup>. The “Security and Rule of Law” package agreed in Stockholm, however, is still primarily focused on securing full control over the Lebanese territory through “strengthening the internal security forces”<sup>42</sup>, and the goal of the EU remained that of ensuring, in the short term, “the rapid extension of the Lebanese government’s authority throughout Lebanon” and, in the medium- and long-term, helping creating a “strong, sovereign, unified and politically independent Lebanon” after the crisis<sup>43</sup>. In the conclusions of the General Affairs and External Relations Council meeting held on 15 September, “security” reforms in Lebanon are prioritized over “economic and social reforms”<sup>44</sup>.

Still, the EU did provide substantial support for domestic reform in Lebanon in the aftermath of the war through the signing of the EU-Lebanon Action Plan on 19 January 2007. The Action Plan was identified explicitly as a “political document” which covered a timeframe of five years and whose implementation should “help fulfil the provisions in the Association Agreement and [...] encourage and support Lebanon’s national reform objectives” (European Neighbourhood Policy 2007). In exchange for its commitment to implement substantial internal reforms, Lebanon was promised

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<sup>40</sup> Summary of the remarks to the press by Javier Solana, EU High Representative for the CFSP, Beirut, 12 August 2006.

<sup>41</sup> Lebanon: Commission pledges €42 million for early recovery, 30 August 2006, IP/06/1138.

<sup>42</sup> Ibid.

<sup>43</sup> Speech by Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy, “Statement on the situation in the Middle East”, Strasbourg, 6 September 2006

<sup>44</sup> Conclusions of the 2748<sup>th</sup>/2749<sup>th</sup> Council Meetings, General Affairs and External Relations, Brussels, 15 September 2006.

“the perspective of moving beyond cooperation to a significant degree of economic integration”, “the possibility [...] to participate progressively in key aspects of EU policies and programmes”, and an aid package of €187 million for the period 2007-10 under the ENPI (ibid.).

While it is clear that both the political content and the economic benefits delineated in the Action Plan were directly influenced by the occurrence of the 2006 war and its impact, the negotiations for the plan were well underway when the war was unleashed (cf. Seeberg 2008, 82); indeed, other agreements with similar content had already been signed with most other countries that are part of the Barcelona process before 2006. Also, and more importantly, the content of the agreement seems to reflect the hesitations demonstrated by EU officials during the crisis in highlighting the importance of democratic reforms. Democratic promotion emerges among the priorities of the agreement, which includes a pledge to “work together to promote the shared values of democracy and the rule of law including good governance” and to “promote the establishment of a comprehensive strategy for reform of the system of political representation and the election framework” – one of the main critical elements of the democratic procedures in Lebanon. However, in its entirety the document has been described as full of ‘ambitious and non-binding passages’ (Seeberg 2008, 91) and its actual impact on the political and legal framework of the fragile Lebanese democratic system remains unclear.

On the other hand, the need to frame EU intervention in a multilateral setting (one of the recommendations included both in the ESS and in the Barcelona report) is one of the main concerns that emerge from the official EU documents. Rarely, if ever, these documents mention the initiatives of EU bodies without also referring to the need to coordinate with other international agencies or institutions, or, after 11 August, to the framework set by the UNSCR 1701. In the first phase of the war, the EU repeatedly declared that it supported “strongly”<sup>45</sup>, “wholeheartedly”<sup>46</sup> and “full[y]”<sup>47</sup> the mediation efforts of the UN. The conclusions of the General Affairs and External Relations Council held on 18 July also include an early endorsement of the plans for establishing an “international monitoring presence” in Lebanon – calls which intensify as the conflict escalates and which ultimately result in the deployment of the new UNIFIL mission disciplined in UNSCR 1701. Altogether, more than half of the documents analysed (30 out of 57) include direct endorsements of

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<sup>45</sup> Press statement by Margaret Beckett, UK Foreign Secretary, and Javier Solana, EU High Representative for CFSP, on the Middle East, 13 July 2006.

<sup>46</sup> Speech by Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy, “The broader Middle East – The European approach”, Frankfurt, 14 July 2006, SPEECH/06/457.

<sup>47</sup> Conclusions of the 2744<sup>th</sup> Council Meeting of the General Affairs and External Relations Council, Brussels, 17-18 July 2006, C/06/219.

UN initiatives. From a policy perspective, this support resulted primarily in EU countries taking the lead in the implementation of UNSCR 1701, especially by immediately pledging to provide 7,000 blue helmets for the UNIFIL II mission (Pirozzi 2006, 3). The EU's focus on the importance of generating consensus on a UN Security Council resolution and its readiness to take the lead in executing it could also be interpreted as an explicit attempt to reinforce the role of the UN as an international / global institution and as the guardian of the rule-based international order – i.e. to work towards two of the principles listed in the ESS as core components of “effective multilateralism”.

Significant evidence also exists of EU organs framing their intervention in the crisis through another principle discussed in the Barcelona report – the so-called “regional focus”. All EU organs – but especially the High Representative for the CFSP Javier Solana – repeatedly link the conflict resolution effort in Lebanon with the need to address the broader issues in the region, especially the worsening humanitarian and political situation in Gaza and the West Bank. On 16 July, in a press conference in Beirut, Solana well summarized the concept of “regional focus” by arguing that: “In the Middle East you ignite a match and you do not know how the fire will end. That is why we have to stop it with acts of good will by everybody”<sup>48</sup>. Throughout the crisis, EU organs also regularly reminded Israel, Lebanon and the other actors in the region “of the need to work for a comprehensive peace plan for the Middle East”<sup>49</sup> in order to reach a “stable”<sup>50</sup> and “lasting”<sup>51</sup> settlement. Altogether, such “regional focus” is present in at least 17 documents.

Nevertheless, when it comes to considering the contents or formula of such multilateralism, and the extent to which it prefigures some systematic form of regional or inter-regional governance, some significant issues emerge. First, there is very scarce evidence of EU organs considering regional state and institutional actors as important components of this multilateral process. At the beginning of the crisis, the Finnish presidency [EU02; EU04] referred twice to the need of “all countries in the region” to prevent further escalation of the crisis<sup>52</sup> – an invitation that should be interpreted as a direct warning to Syria and Iran to end their support to Hezbollah in the crisis. Since then, the only focus of EU multilateralism is cooperation with the UN, the G8 and the US.

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<sup>48</sup> Press statement of Javier Solana, EU High Representative for the CFSP, Beirut, 16 July 2006.

<sup>49</sup> EU Presidency statement on Lebanon, 12 August 2006.

<sup>50</sup> Humanitarian aid and early recovery in Lebanon: the EU action, 31 August 2006.

<sup>51</sup> Summary of the remarks to the press by Javier Solana, EU High Representative for the CFSP, Beirut, 12 August 2006; Humanitarian aid and early recovery in Lebanon: the EU action, 31 August 2006.

<sup>52</sup> Presidency Statement on the situation on the Israel-Lebanon, 12 July 2006; Presidency Statement on the recent developments in Israel and Lebanon, 13 July 2006.

### 4.3. Vulnerability and impunity: the EU's intervention in the Darfur crisis (2003-2010)

The history of the relationship between Sudan and the EU has traditionally been bumpy. Development aid to Sudan had already been suspended by the EU in 1990 on the basis of human rights violations and concerns regarding democracy and the rule of law after the military coup led by current president Omar al-Bashir, who ousted the government of Prime Minister Sadiq al-Mahdi in June 1989. However, by the early 2000s the EU welcomed the more open attitude of the Khartoum government to the idea of signing a peace agreement with the Sudan People's Liberation Army/Movement (SPLA/M) and thus putting an end to the 30-years long conflict opposing the Sudanese northern and southern provinces, which culminated in the 2011 referendum for the independence of South Sudan. Yet, the timing for resuming diplomatic and aid relations with Sudan was somewhat awkward as in the meantime a new conflict had developed in the western region of Darfur and started gathering an increasing amount of international attention.

Initially, the EU adopted a cautious approach towards the Darfur conflict. Initially, it supported the African Union's (AU) efforts at mediation and, later on, the deployment of a military mission led by the AU itself (AMIS). Furthermore, as early as January 2004, the Council of the EU adopted a Common Position to maintain an embargo on arms, munitions and other military equipment against the Sudanese government.<sup>53</sup> The increasing media coverage of the conflict in Darfur and the lobbying of numerous international and local NGOs (as well as other humanitarian organizations) led the European Parliament to send a fact finding mission composed of several MEPs to Sudan in September 2004, which concluded that the violations committed in Darfur were "tantamount to genocide"<sup>54</sup>.

At the international level, it was not until March 2005 that the UN Security Council approved Resolution 1591, which allowed for the creation of a Sudan Committee entrusted with the power to impose targeted sanctions (United Nations Security Council 2005a). The EU reacted to the adoption of the UN Resolution by adopting a Common Position concerning restrictive measures on the Sudanese government.<sup>55</sup> On March 31<sup>st</sup>, the UN Security Council adopted the Resolution 1593

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<sup>53</sup> Common Position concerning the imposition of an embargo on arms, munitions and military equipment on Sudan, 2004/31/CFSP, Brussels, 9 January 2004

<sup>54</sup> Sudan crimes 'tantamount to genocide', European Parliament - Press Release EP04-043EN, 16 September 2004

<sup>55</sup> Common Position concerning restrictive measures against Sudan and repealing Common Position 2004/31/CFSP, 2005/411/CFSP, Brussels, 30 May 2005

which, following the recommendation of an earlier Commission of enquiry sent to Sudan, referred the case to the International Criminal Court (ICC) to investigate and prosecute international crimes committed in Darfur (United Nations Security Council 2005b). Given the EU's unabated support for the establishment and operations of the ICC, it came as no surprise that the EU applauded this decision, supported the work of the ICC Chief Prosecutor, Luis Moreno-Ocampo, and regularly called on the Sudanese government to collaborate with the Court.<sup>56</sup>

Meanwhile, the EU also seconded the establishment of a more robust AU mission in Darfur known as AMIS II, which would not only include training, logistical support and airlift, but would also support planning and provide technical expertise<sup>57</sup>. In the mean time, Brussels decided to freeze the assets and put certain restrictions on "persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan"<sup>58</sup>. The persons affected by these restrictions were some of the leaders of the rebel groups, but the list also included a member of the Sudanese armed forces.<sup>59</sup>

In parallel, the EU also started getting more involved in spill over effects that the Darfur conflict was having on the whole region. To a certain extent, the Darfur conflict had turned into a proxy war between Chad and Sudan, in which either government was supporting rebel groups to undermine each other (Tubiana 2008). Under the influence of France, a traditional ally of Chad, the EU decided to deploy an ESDP mission tasked with protecting civilians in danger, particularly refugees and internally displaced persons (IDPs), protecting UN personnel and equipment, and facilitating the delivery of humanitarian aid in eastern Chad and north-eastern Central African Republic (CAR).<sup>60</sup> Possibly, the EU's decision to send troops to Chad and CAR also reflected the frustration with the incapacity of the AU missions to accomplish their tasks, which ultimately led in 2009 to the establishment of a hybrid AU-UN mission.

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<sup>56</sup> 2719th Council Meeting, External Relations, SUDAN - Council conclusions, Brussels, 20 March 2006, 7035/06 (Presse 69); 2744th Council Meeting, External Relations, SUDAN/DARFUR - Council conclusions, Brussels, 17/18 July 2006, 11575/06 (Presse 219); 2748th/2749th Council Meeting, General Affairs and External Relations, SUDAN/DARFUR - Council conclusions, Brussels, 15 September 2006, 12255/06 (Presse 241).

<sup>57</sup> 2674th Council Meeting, GENERAL AFFAIRS, Sudan - Darfur - EU supporting action, Brussels, 18 July 2005, 10813/05 (Presse 177).

<sup>58</sup> Council Regulation imposing certain specific restrictive measures directed against persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan, EC 1184/2005, Official Journal of 23 July 2005, L 193/9.

<sup>59</sup> Council Decision implementing Common Position 2005/411/CFSP concerning restrictive measures against Sudan, 2006/386/CFSP, Brussels, 1 June 2006.

<sup>60</sup> Council Joint Action on the European Union military operation in the Republic of Chad and in the Central African Republic, 2007/677/CFSP, Luxembourg, 15 October 2007

During its investigation, the ICC included Ahmad Muhammad Harun, the former Minister of Internal Affairs, and Ali Kushayb, a militia leader, in the list of suspects for war crimes, a decision supported by the EU but received with anger by the Sudanese government, which rejected it by stating that the Court had no jurisdiction over Sudan.<sup>61</sup> The lack of cooperation demonstrated by the Sudanese government thus led the EU to declare “in the event of continued non-compliance with the terms of UNSC Resolution 1593, the EU will support appropriate further measures against those who bear responsibility for Sudan's failure to cooperate with the ICC”.<sup>62</sup>

The relationship worsened even further when the ICC started investigating the direct responsibilities of President Omar al-Bashir and, in 2008, when it issued a warrant of arrest against the Sudanese leader. While the EU backed the ICC’s inquiry, Sudan vigorously rejected it and a number of African countries claimed that it would be counter-productive with respect to the resolution of the Darfur conflict.<sup>63</sup>

To understand the full extent of the EU’s engagement in Darfur, it is first necessary to analyze the EU’s perception of the conflict and its consequences. One point that needs to be underlined regarding the EU’s discourse on human rights in the Darfur region relates to the European concern about the perceived absence of justice in the western province of Sudan. In Figure 3, we report the most recurrent words (items) used by the EU in its official documents to describe the human rights crisis in Sudan.

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<sup>61</sup> *Sudan defiant on Darfur suspects*, BBC News, 26 February 2007, available at: <http://news.bbc.co.uk/2/hi/africa/6402363.stm> (accessed on 31.1.2011).

<sup>62</sup> Declaration by the Presidency on behalf of the European Union on the Anniversary of the referral of the situation in Darfur/Sudan to the ICC, Brussels, 31 March 2008, 7918/08 (Presse 86), P 042/08.

<sup>63</sup> *Dancing Bashir scoffs at Darfur warrant*, BBC News, 5 March 2009, available at: <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/7926813.stm> (accessed on 31.1.2011).



impunity in Sudan that it is possible to understand its support to the ICC's involvement in the Darfur conflict through its indictment of high ranking Sudanese officials.

In its justification for proposing a UN Resolution on the human rights crisis in Sudan, the EU stressed it was motivated by concern in the “widespread human rights and humanitarian law violations and ongoing atrocities in Darfur including indiscriminate attacks on civilians, rape and other forms of sexual violence, forced displacement and disappearances, as well as at human rights violations throughout Sudan”<sup>66</sup>. As such, the question of sexual violence as a threat affecting local women is often referred to in EU documents and speeches by EU officials. For example, a 2007 document from the European Parliament lamented that “Rape and sexual violence are used as a weapon of war and are being used on an increasing scale in Darfur”<sup>67</sup>.

A similar case can also be made about the EU's discourse regarding the populations that have been displaced by the conflict in Darfur. The link between internally displaced people/refugees and security was clearly made in a 2005 Presidency statement: “While they seek protection abroad or in their own country, fleeing armed conflict or specifically targeted threats, they sometimes remain in danger at their place of refuge. Men are killed, women and girls raped. Camps themselves can be targeted and are often insufficiently protected. There is a clear need for increased and sustained physical protection in these situations”<sup>68</sup>. And indeed, the EU would also respond with a militarised solution with the deployment of the EUFOR Chad/RCA which has among its main mandates the securing of the population living in the refugee camps in eastern Chad and North-East CAR.

Together with the lack of security that the Darfur refugees and IDPs have had to endure, the EU has also repeatedly condemned the restrictions that have been imposed to those involved in the delivering of humanitarian aid to the region. And in the EU's view, the inability of the population to benefit from humanitarian aid while they are enduring a severe humanitarian crisis created by the conflict, poses a clear risk to their human security. The EU has also been increasingly referring to issues related to the delivering of humanitarian aid by tying it to security concerns. This concern was stressed by former Commissioner Nielson when he called for the establishment of a ‘secured’ humanitarian space.<sup>69</sup>

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<sup>66</sup> Presidency statement on the situation of human rights in the Sudan, PRES04-302EN, 10 November 2004

<sup>67</sup> Background note on the political and human rights situation in Sudan and Darfur, PE 398.380, Brussels, November 2007, p.5

<sup>68</sup> Statement on the Protection of Civilians in Armed Conflicts, PRES05-080EN, New York, 21 June 2005

<sup>69</sup> ECHO Annual Review 2003 – EU appeals for respect of humanitarian principles in Darfur, Sudan, EC04-104EN, Brussels, 28 April 2004.

Clearly, the EU has seen the EUFOR Chad/CAR mission as a way for it to contribute to an improvement of the situation in the neighbouring areas of Darfur by addressing and focussing on issues related to human rights and human security. The Council thus justified the mission by considering that

The deployment of EUFOR TCHAD/RCA is a concrete expression of the EU's commitment to actively work for the improvement of the security situation in Eastern Chad and North-Eastern Central African Republic, by contributing to the protection of refugees and internally displaced people, facilitating the delivery of humanitarian assistance, helping to create the conditions for displaced people to return to their places of origin voluntarily, as well as contributing to ensure MINURCAT's security and freedom to operate.<sup>70</sup>

The Darfur case also offered a first test for the scale and range of EU's support to the AU. From the very beginning the EU made it clear that it believed that the AU's engagement with the crisis situation in Darfur was the most promising solution to solve the problem and restore security and stability. "The EU considers that strengthening the EU-AU partnership is the best way to help improve security in Darfur"<sup>71</sup>. As such, the EU helped fund the mediation efforts undertaken by the AU through the recently established African Peace Facility and by using the EU Rapid Reaction Mechanism. Similarly the EU continued supporting the peacekeeping efforts in Darfur after it was decided to transform the mission from a solely AU one to a hybrid AU-UN mission known as the United Nations/African Union Hybrid operation in Darfur (UNAMID). The EU welcomed the establishment of UNAMID as it had witnessed the inability of AMIS to undertake a task that was too important for its size and capacity. This expansion of the mandate was the result of a UN Secretary General and AU Commission Chairperson Report on the situation in Darfur that had highlighted the need for a peacekeeping operation tasked with the "protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians" and "contribute to the promotion of respect for and protection of human rights and fundamental freedoms in Darfur" (United Nations Secretary General 2007).

But the EU did not only rely on the AU to resolve the conflict in Darfur. Rather, the commitment of the EU to international justice as represented by the ICC led it to back the involvement of this institution in the situation in Darfur. As mentioned above, the EU was particularly eager to put an end to what it believed was a culture of impunity in Sudan that allowed perpetrators of human

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<sup>70</sup> 2824th Council meeting, External relations, CHAD/CENTRAL AFRICAN REPUBLIC/SUDAN - Council conclusions, Luxembourg, 15/16 October 2007, 13720/07 (Presse 227)

<sup>71</sup> 2660th Council meeting, External Relations, SUDAN - Council conclusions, Brussels, 23/24 May 2005, 8817/05 (Presse 112)

rights violations to remain free. In fact, in the European eyes, the ICC is an essential instrument for international peace and security and the protection of human rights as it would hold accountable those who committed crimes against humanity. In a presidency statement before the establishment of the Court, the EU asserted its belief in the need for such an institution that would “help to create a climate of compliance with the most basic rules of international law, humanitarian law, human rights and the dignity of the human person. The Court, by ending impunity, will strengthen the primacy of law and contribute to the reign of peace in the world”<sup>72</sup>.

In the Darfur case, the EU saw the ICC involvement as a step in the right direction for putting an end to the human rights violations in the region and restore peace and security. The EU believed that the indictment of human rights violators would help stabilise the situation in Sudan. At the same time, in supporting the ICC’s decision to indict President al-Bashir and, later on, issue a warrant of arrest against the Sudanese president, the EU was antagonised by other African countries that feared the action of the ICC would be detrimental to the resuming of peace and security in Darfur. The AU in particular criticised the Court’s decision and tried to delay the review of the case by the ICC on the basis that it needed to prioritise peace and security in Darfur (Peskin 2009). Nevertheless, the EU maintained its course of action and firmly held on the idea that bringing the human rights violation perpetrators to justice was a necessary condition for the establishment of a sustainable peace in Sudan.

#### **4.4. Economic, political and humanitarian meltdown: the EU’s involvement in Zimbabwe**

Zimbabwe is a landlocked country in southern Africa with a population of about 12.5 million, of which around 3 million live in and around the capital, Harare. For many decades, Zimbabwe was an agricultural powerhouse, exporting foodstuff to the whole region and enjoying comparatively high levels of economic growth and infrastructural development. Yet, the radical land reforms introduced in 2000, which nationalized and redistributed most commercial land, thwarted the country’s agricultural productivity and resulted in a deep economic crisis. Moreover, government mismanagement, corruption and political turmoil had a major impact on the country’s economy, boasting the highest inflation rate in the world (over 200,000,000%), unprecedented

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<sup>72</sup> Presidency Statement on the Establishment of the International Criminal Court, PRES00-251EN, New York, 18 October 2000

unemployment, mass migration towards neighbouring countries (especially South Africa) and prolonged famine.<sup>73</sup>

In February 2000, President Mugabe suffered his first major defeat since the end of colonization in a referendum on a draft constitution. A few months later, in June, the ruling party, Zanu-PF, narrowly fought off a challenge from the opposition Movement for Democratic Change (MDC) led by trade unionist Morgan Tsvangirai, but lost its power to change the constitution. In June 2001, the EU had issued its first declarations on Zimbabwe following a report prepared by the then British foreign minister, Robin Cook, in which the General Affairs Council declared its “deep concern” and urged the country’s government to end political violence, protect the freedom of mass media and the independence of the judiciary, grant access to a EU mission to observe the upcoming elections and, above all, put an end to the illegal occupation of properties. In October, the EU decided to activate the consultation procedure provided for in Article 96 of the Cotonou Agreement, which was extended to all members of the African, Caribbean and Pacific (ACP) group, besides dispatching a troika to visit Zimbabwe and meet with President Mugabe.

In early 2002, before the country’s presidential elections planned for March, the Zimbabwean Parliament approved a law limiting media freedom and objected to the accreditation of a number of EU monitoring mission’s delegates, which motivated Brussels to close Article 96 consultations and “take appropriate measures”.<sup>74</sup> The targeted sanctions imposed by the EU included: an embargo on the sale, supply or transfer of arms and technical advice, assistance or training related to military activities; an embargo on the sale or supply of equipment that could be used for internal repression; a travel ban on persons who engage in serious violations of human rights and a freezing of their funds.<sup>75</sup>

In March, Robert Mugabe was re-elected in presidential elections condemned as seriously flawed by the opposition, the EU and other foreign observers. In June, the government proclaimed a 45-day countdown for some 2,900 white farmers to leave their land, under the terms of a land-acquisition law passed in May. The EU criticized this initiative and, “whilst recognising the need to reduce poverty by redressing the historical imbalance in land distribution in Zimbabwe”, it condemned “the ongoing fast track land reform policy as a major cause of the present humanitarian crisis” and urged Mugabe’s government to review its fast track land reform according to UN proposals. In early

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<sup>73</sup> <http://www.guardian.co.uk/world/2008/oct/09/zimbabwe> (accessed on 31.1.2011).

<sup>74</sup> 2409th Council meeting, GENERAL AFFAIRS, ZIMBABWE - Council conclusions, Brussels, 18/19 February 2002.

<sup>75</sup> Common Position 2002/145/CFSP. Official Journal L 247 of 14 September 2002 p. 56.

2003, a general strike against government policies was followed by arrests and beatings and, a few months later, the leadership of the MDC was arrested and charged with treason.

2005 was a critical year for Zimbabwe's political and social life. In March, the parliamentary elections saw the ruling Zanu-PF party winning two-thirds of the seats, amid protests by opposition movements that the polls were rigged. About a month later, Mugabe's government initiated Operation Murambatsvina (also referred to as Operation Restore Order), which was a large-scale campaign to forcibly clear urban slums across the country. Although the government portrayed the operation as a crackdown against illegal housing and as an effort to reduce the spread of infectious diseases, social movements and non-governmental organizations claimed that the main goal of the campaign was to drive out large sections of the urban poor, who comprised much of the support basis for the opposition parties. According to the UN, Operation Murambatsvina affected over 700 thousand people directly, who lost their homes and livelihood, and had an indirect impact on about 2,5 million people.<sup>76</sup> In June, the EU and the US issued a joint declaration emphasizing how the continuing governance and human rights crisis "has lead to a near breakdown of the economic situation of one of the most promising economies in Africa and cause huge flows of Zimbabweans to flee to neighbouring countries".<sup>77</sup> It was after the publication of a UN report noting that Operation Murambatsvina was "indiscriminate", "conducted with indifference to human suffering", "illegal under domestic and international law" and "has caused a humanitarian crisis of unprecedented proportions" that the EU, for the first time since the outbreak of the crisis, called upon the African Union (AU) to intervene.<sup>78</sup>

In 2007, the Zimbabwean crisis became of greater concern to the neighbouring countries and the southern African region as a whole. The then South African president, Thabo Mbeki, slowly abandoned his preference for a 'quiet diplomacy' approach and got directly involved to facilitate a dialogue between the Zimbabwean government and the MDC leaders, enlisting the full support of the EU.<sup>79</sup> Due to the close links between the EU and South Africa, and the strategic importance of the latter in the region, Brussels tried to exert some influence on Pretoria in order to convince the African partners that a tougher position against Mugabe's government was necessary. Yet, despite

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<sup>76</sup> <http://ww2.unhabitat.org/documents/ZimbabweReport.pdf>

<sup>77</sup> EU-US declaration on working together to promote peace, stability, prosperity, and good governance in Africa, Washington, 20 June 2005.

<sup>78</sup> Declaration by the Presidency on behalf of the European Union concerning the recent events in Zimbabwe, 11493/1/05 REV 1 (Presse 198), Brussels, 28 July 2005.

<sup>79</sup> 8425/07 (Presse 80), PRESS RELEASE, 2795th/2796th Council meetings.

the various joint EU-SA communiqués, the reaction of most African countries to the EU's approach vis-à-vis Zimbabwe was lukewarm at best. For instance, although most governments in the region were growing uneasy towards the excesses and abuses committed by the Mugabe's government, they nevertheless supported the Zimbabwean president's participation in the 2007 Lisbon Summit with the EU and harshly criticized the threat put forward by European leaders not to let Mugabe participate because of the travel ban.

In September 2008, Mugabe and Tsvangirai eventually signed a power-sharing agreement (the so-called global political agreement), but implementation stalled over who was to get the top ministerial jobs. The EU "regretted" the long standoff in negotiations since the agreement was signed and lamented that little progress had been made with regard to the implementation of the deal, although – for the first time since 2002 – it started reducing the names of public officials on its ban list.<sup>80</sup> In February 2009, Tsvangirai was eventually sworn in as prime minister, after protracted talks over formation of government. The EU took this opportunity to welcome the formation of a new government with the hope that "the political solution reached will lead to the immediate end to political violence and intimidation" and, more importantly, that it will address the "overriding priority [...] to alleviate the suffering of the Zimbabwean people".<sup>81</sup>

Soon after the 2001 elections and the escalation of the political and economic crisis in Zimbabwe, the EU initially made an attempt at exploiting the political dialogue mechanisms available through the Cotonou agreement and, after the failure of bilateral and multilateral talks, it imposed targeted sanctions aiming specifically at boycotting arms trade with Zimbabwe and restricting the freedom of movement of key figures within government and the armed forces. From the very outset, partly in response to criticisms that sanctions would make the economic situation even worse and further aggravate the hardship under which ordinary Zimbabweans were living, the EU clarified that these measures were devised in such a way as not to harm the Zimbabwean 'people':

These targeted sanctions are aimed solely at those whom the EU judges to be responsible for the violence, for the violations of human rights and for preventing the holding of free and fair elections in Zimbabwe. [...] The sanctions are designed not to harm ordinary citizens of

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<sup>80</sup> General Affairs and External Relations, 2914th Council meeting, Brussels, 8 December 2008, 16862/08 (Presse 359).

<sup>81</sup> Declaration by the Presidency on behalf of the EU on the recent development in Zimbabwe, Brussels, 3 February 2009, 5987/09 (Presse 29).



normalize its economic relations with the country, at least as a sign of recognition of the progress made, in spite of the ongoing difficulties.

Besides its focus on sanctions, another important element of the EU's approach to the crisis was the involvement of regional institutions and neighbouring countries in order to exert pressure and provide potential avenues for a locally-managed 'exit strategy' for the ruling elite. In various occasions, the EU sent its officials (including a high-level EU troika that visited Mozambique, Malawi and South Africa in 2002) to gather support from the members of the Southern African Development Community (SADC) and push for a regional solution. This was done in the name of the EU's commitment to "work closely with African partners to address Zimbabwe as an issue of mutual concern" and in light of "Africa's commitment to human rights and good governance". Yet, it was only in 2005 that the EU called upon the African Union to use its "influence to bring an end to the government provoked sufferings in Zimbabwe"<sup>83</sup>.

In 2007, though, the Zimbabwean crisis loomed large on the December Lisbon Summit, which was expected to launch the historic Africa-EU Joint Strategy and seal the reforms concerning the new trade framework between the European bloc and its African counterparts. The hitherto collaborative relationship between the African Union and its leaders and the EU experienced a first major blow due to the contested participation of the Zimbabwean leader in the summit, in spite of the EU travel ban. In response to the EU's intention to prevent Mugabe from entering the European territory, African leaders rallied around their neighbour and argued that if this were to be a meeting 'among peers' then nobody had the right to decide who could participate and who could not. Eventually, the EU had to bow to the pressure of African countries. At the outset of the summit, it even appeared to soften its tone on Zimbabwe, as reflected in the keynote address given by the then High Representative for the Common Foreign and Security Policy, Solana:

The EU is concerned by the degradation of the economic, humanitarian and political situation in Zimbabwe. The degradation is the result of a crisis of governance. The first to suffer are the people, the people of Zimbabwe. Many are leaving the country, with consequences for the whole region. At a time when Southern Africa is doing well, Zimbabwe is going down. [...] The EU and Zimbabwe have always enjoyed good relations. But things changed in 2002, when fundamental rights started to come under threat. The EU felt that Zimbabwe was in breach of the Cotonou Agreement. Some targeted measures were taken. But let me be very clear here: there are no EU economic sanctions against Zimbabwe. The EU and its Member States are today, by far, the

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<sup>83</sup> 2675th Council Meeting, General Affairs and External Relations, EXTERNAL RELATIONS, Brussels, 18 July 2005.

biggest contributors to Zimbabwe. And the EU and Zimbabwe never stopped trading. We must think about the future.<sup>84</sup>

The Africa-EU latent friction on the case of Zimbabwe was possibly aggravated by the adoption of the Global Political Agreement between the ruling party and the main opposition forces. Indeed, most African leaders expected more “flexibility” on the part of the EU “to facilitate the early social economic recovery of the country and the consolidation of the progress made so far”, while European authorities remained sceptical of the actual achievements of the accord, although they welcomed the new phase.<sup>85</sup>

Along with the continuous reference to ‘targeted’ sanctions, the EU has repeatedly stressed the ongoing ‘humanitarian’ involvement and aid cooperation in Zimbabwe. In most official declarations, European institutions remind the significant amount of aid disbursed in Zimbabwe, which distinguishes the EU as the first donor in the country in spite of its sanctions and embargoes. After the European offer to send an electoral observer mission was rejected in June 2008, Louis Michel, then EU Development and Humanitarian Aid Commissioner, criticized the ban imposed by the Zimbabwean authorities on international humanitarian relief support and underlined that “hundreds of thousands of people who depend on aid from the European Commission and others for their very survival now face an even more uncertain future”<sup>86</sup>. This happened against the backdrop of a comparatively significant effort made by EU agencies to provide emergency aid to Zimbabwean civil society and non-governmental groups, with over 90 million Euros spent in 2007, which made the European Commission the most important donor in the country.

In this regard, the key issues raised by EU institutions and officials regard: food security, the independence of civil society, and the responsibility to protect citizens and address their economic and social needs. With respect to food security, the EU has been focusing on guaranteeing access to staple foods and other fundamental foodstuff against the backdrop of widespread famine caused by the breakdown of the country’s agricultural production. In 2009, in support to the efforts made by the new government to revive local agriculture, the EU allocated € 9 million to a food security project. As underlined by Karel De Gucht, Commissioner for Development and Humanitarian Aid, this type of intervention had a clear human security focus: “Though the food security situation has

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<sup>84</sup> Intervention by Javier SOLANA, EU High Representative for CFSP, at the EU-Africa Summit, Lisbon, 9 December 2007, S364/07.

<sup>85</sup> 12th AFRICA-EU Ministerial Troika meeting, Luxembourg, 28 April 2009, 7472/09 (Presse 60).

<sup>86</sup> Commissioner Louis Michel calls for immediate lifting of ban on humanitarian actions in Zimbabwe, Brussels, 6 June 2008, IP/08/902.

started to improve slightly, Zimbabwe continues to face a protracted emergency. [...] It is therefore crucial in this period that ongoing food security interventions are reinforced and consolidated in order to reach the populations in need”.<sup>87</sup> At the same time, the EU also identified the risks between the provision of food aid and the risk that it may be used as a “political tool” by the incumbent leadership in order to secure support, especially from the urban population.<sup>88</sup>

In this regard, the EU has been a rather vociferous supporter of the rights of civil society and its independence vis-à-vis government. Particularly, in 2004, the EU criticized the so-called NGO Bill adopted by the Zimbabwean parliament as it would have severe consequences for the operations, even the existence of many local and foreign NGOs active in Zimbabwe”:

By curtailing the work of local and international NGOs, the NGO Bill will further reduce the democratic space in Zimbabwe. [...] The European Union believes that civil society should play a central role on the issue of governance, and that NGOs doing so unhindered are an essential part of a healthy democratic environment.<sup>89</sup>

Furthermore, in 2008, it issued a declaration accusing the Zimbabwean government of violence and intimidation against NGOs, including a specific threat to suspend aid and prevent their access to rural areas.

Directly linked to the issue of civil society’s independence from government is the EU’s concern with the respect of peaceful protests and demonstrations by both civic and political movements. Obviously this third element encompasses all segments of the EU discourse about the Zimbabwean crisis and reveals a significant human security focus, as it is inextricably connected with the vulnerability of citizens, their fundamental rights and the government’s unfulfilled responsibility to protect. In 2003, when a first wave of police attacks against protesters was denounced, the EU’s presidency expressed its concern with the increasing incidents pertaining to the arbitrary arrest, inhuman treatment and torture of members of the opposition and civil society organisations:

The EU strongly condemns the unprecedented violence and repression against the opposition after the protest actions of 18-19 March 2003. The EU is especially concerned by the recent events and condemns the wave of arbitrary arrests of approximately 400 opposition supporters many of whom have suffered illtreatment and even torture by

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<sup>87</sup> European Commission allocates €9 million to reinforce food security in Zimbabwe , IP/09/1233. Brussels, 13 August 2009.

<sup>88</sup> Maputo, 8 November 2002, 14106/02 (Presse 349).

<sup>89</sup> Declaration by the Presidency on behalf of the European Union on the adoption of the NGO bill in Zimbabwe, Brussels, 22 December 2004, 16249/04 (Presse 371).

security forces. [...] We strongly condemn President Mugabe's recent appeals on 21 and 22 March to smash any democratic opposition. These appeals actually triggered this new wave of violence. The EU reiterates her call on the Government of Zimbabwe to respect human rights, to immediately cease its campaign of violent repression and to call to account those responsible for the use of violence and torture.<sup>90</sup>

Along the same lines, the EU harshly condemned Operation Murambatsvina in 2005, underlining the “brutal actions which have led to over 20 000 arrests and to the massive and arbitrary destruction of the dwellings and means of existence of the neediest urban populations”, which attested to the “*blatant* proof of the Zimbabwean Government's *lack of concern* for the *well-being of the civilian population*, especially in urban areas” (emphasis added). In 2008, Brussels “strongly” condemned “the state-sponsored campaign of violence and intimidation against Zimbabweans that has been increasing throughout the prolonged electoral process” and called “for an immediate end to the beatings, tortures, killings and other human rights abuses”<sup>91</sup>. At the same time, though, it welcomed the announcement of a second electoral round and called upon the government to guarantee “a level playing field and a secure environment conducive to ensuring that the results of [the] forthcoming second round will reflect the free and democratic will of the Zimbabwean people”<sup>92</sup>.

Assessing the apex of the humanitarian crisis ravaging Zimbabwe, the EU Council issued an important declaration containing several references to the suffering of ordinary Zimbabweans and the government failing its responsibility to protect:

The situation in Zimbabwe has deteriorated in a manner that stands in stark contrast to the *duties and responsibilities of Governments*, according to global and regional standards and charters, not least the SADC principles and charters. The victims of this misrule are the Zimbabwean people. *The Council condemns the regime for its ongoing failure* to address the most basic economic and social needs of its people. The Council views with particular distress the escalation of the humanitarian crisis including the cholera epidemic that has taken the lives of so many Zimbabweans and that threatens the health security of the neighbouring countries and

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<sup>90</sup> Declaration by the Presidency on behalf of the European Union on the crackdown on the opposition in Zimbabwe, P/03/41 Brussels, 28 March 2003, 7911/03 (Presse 96).

<sup>91</sup> General Affairs and External Relations External relations, 2870th Council meeting, Brussels, 26-27 May 2008, 9868/08 (Presse 141).

<sup>92</sup> *Ibidem*.

of the region as a whole. The Council reiterates its deep concern at the continued deterioration of economic and social conditions in Zimbabwe.<sup>93</sup>

Thus the human security ‘focus’ has permeated the EU discourse about the political, social and economic crisis in Zimbabwe. In late 2010, over a year after the establishment of the new government, the EU High Representative Catherine Ashton and the new Commissioner for Development Andris Piebagis met with a delegation from Harare and declared that “[t]he EU appreciates some progress made implementing the Global Political Agreement in Zimbabwe and remains ready to continue the dialogue and to respond flexibly and positively to any clear signals of further concrete progress” and that “[d]espite the political issues, the Commission continues to provide direct aid for health, education, food security and governance to the people of Zimbabwe [and] remains committed to provide further assistance based on continued progress and clear signs of improved political environment in Zimbabwe”.<sup>94</sup>

## 5. Conclusion: a comparative summary

The four case studies analyzed in this Research Report reveal a number of similar trends, as well as some stark differences. In order to systematize the analysis, we have reported the key elements of the various case studies in Table 1.

**Table 1 – A comparative analysis of the EU’s involvement in four crisis scenarios**

Case study	Type of intervention	Multilateral security governance	Predominant framing of the EU discourse	Human security focus
<b>Sudan-Darfur</b>	Public statements; targeted sanctions; support to AU mission (AMIS);  direct military operation (Chad); aid policies	STRONG:  within the UN; cooperation with the AU; but ICC controversy.	Justice vs impunity; humanitarian aid	STRONG:  Attacks on civilians; atrocities; genocide; vulnerable groups (women and children).

<sup>93</sup> General Affairs and External Relations General Affairs, 2920th Council meeting, Brussels, 26 January 2009.

<sup>94</sup> The EU – Zimbabwe political dialogue: moving towards enhanced cooperation, Brussels, 2 July 2010, A 123/10.

<b>Zimbabwe</b>	Public statements; targeted sanctions; aid policies	WEAK: Limited cooperation with African region; no cooperation with other international actors	Rule of law; democratic participation; humanitarian aid	STRONG: Food security; responsibility to protect; social and economic needs of the population.
<b>Lebanon</b>	Public statements; aid policies	STRONG: with the UN (UNIFIL); international donors	Civilian conflict management; humanitarian aid	WEAK Economic crisis, environmental catastrophe
<b>Gaza Strip</b>	Public statements; aid policies	WEAK: Lack of cooperation and common positions	Cease hostilities (from both parties); humanitarian aid	WEAK Suffering of the local population

We have studied the type of intervention and analyzed the EU' discourse in four human rights crises: the Gaza Strip during the 2008-2009 war; Lebanon during the 2006 conflict with Israel; the Sudanese region of Darfur during 2003-2010; and, finally, the political, social and economic crisis in Zimbabwe from 2001 to 2010. In two cases (Gaza and Lebanon), the EU has not intervened directly with a specific foreign policy action, but has limited itself to issue a number of declarations and provide humanitarian aid. In Zimbabwe, the EU also introduced targeted sanctions aimed at banning key personality within government and security from travelling to Europe, freezing their personal assets in European banks and imposing an embargo on arms trade. In Darfur, which is the case with the most extensive EU involvement, Brussels also funded a military mission led by the African Union (AU), the African Mission in Sudan (AMIS and AMIS II) and, in 2009, directly intervened with an ESDP military mission deployed along the borders between Sudan and Chad/Central African Republic. The scope and scale of the European intervention was evidently dictated by specific political interests and considerations concerning capabilities. The EU military intervention in Chad/Central African Republic was supported (and largely manned) by the French government in order to support these countries' response to the refugee crisis in Darfur and, also, to prevent the conflict from spreading to neighbouring countries. The sanctions against Zimbabwe were initially supported by the British government as a response to the land grabbing policies introduced by the Zimbabwean government against white farmers, most of which are of British

descent, and met no objections by the other EU Member States. In both cases, the Cotonou Agreement, that is the overall framework of cooperation between the EU and the Africa, Caribbean and Pacific countries, provided the legal context within which to operate.

In the other two cases, the EU's intervention was more limited also because of political sensitivities, mainly concerning the involvement (in both cases as an offender) of Israel. In the cases of the Lebanon war and the conflict in the Gaza Strip, numerous divisions emerged within the EU, thereby stifling a unitary approach or a more resolute condemnation of the human rights violations perpetrated. Aid policies and humanitarian relief were therefore the key instruments utilized by the European authorities.

As regards the level of cooperation with other international actors (multilateral security governance), there are also differences and similarities. In Lebanon and in Darfur/Sudan, the EU managed to stimulate or contribute to a significant multilateral effort. Regarding the Lebanon war, European countries and representatives of the Commission contributed to the elaboration of common policies vis-à-vis the conflict during various international meetings, most notably the G8 summit held in Saint Petersburg on 15-17 July 2006 and the International Conference on Lebanon held in Rome on 26 July 2006, while some EU Member States were also members of the UN Security Council during the crisis and were instrumental to the ratification of the UNSC Resolution 1701. Moreover, a number of European countries directly contributed to the UN Interim Force in Lebanon. In Darfur/Sudan, the EU only collaborated with the AU but was also supportive of the decision to refer the leaders of the Sudanese regime to the International Criminal Court to be prosecuted for crimes against humanity. On the contrary, in Zimbabwe the EU was not able to stimulate an effective multilateral process for the management of the crisis, mainly due to its inability to effectively interact with the Southern African Development Community and the latent hostility with some African countries. Finally, in Gaza, the multilateral context was fundamentally flawed, given that one of the parties to the conflict ( Hamas ) was systematically excluded from the international talks. In any event, our analysis indicates that the EU acted half-heartedly during the Gaza conflict and did not play a particularly significant role vis-à-vis other international actors.

In all the crisis scenarios investigated, the EU discourse was framed by a number of underlying elements. In the case of Darfur, for instance, the 'justice' framework appeared to be rather preponderant as opposed to the culture of 'impunity' promoted by the Khartoum government. Hence, the EU's commitment to guaranteeing that international jurisdiction would have prevailed in order to bring the persons responsible for human rights violations to justice. In Zimbabwe, the

most recurrent theme was the breach of the ‘rule of law and the fundamental democratic principles’ perpetrated by the Mugabe government, while in Lebanon the EU discourse revolved around the importance of ‘civilian conflict management’. Finally, in the case of Gaza, the EU mainly centred its discourse on the need to ‘cease hostilities’ by both parties.

In all four crises, the EU adopts the language of human security, although at varying degrees. In Darfur and Zimbabwe, the reference to dimensions and components of human security is strong. In the first crisis, the EU often pointed out the ‘attacks on civilians’, the ‘atrocities’ committed by the paramilitary forces and the army, that were tantamount ‘genocide’, and continuously stressed the importance to protect ‘vulnerable groups’, especially women and children, the key targets of the violent raids carried out in the afflicted Sudanese province. In Zimbabwe, the human security discourse touched upon concrete issues such as ‘food security’ and ‘the economic and social needs of the population’, but also on a more conceptual (and densely political) dimension such as ‘the responsibility to protect’, which, according to the EU, the Zimbabwean government had failed to fulfil or directly violated. On the contrary, it appears that in the case of Gaza and Lebanon, the human security focus – although present – was much less developed and structured than in the other two instances. In Lebanon, the EU often referred to the risk that the conflict could trigger a profound ‘economic crisis’ and even an ‘environmental catastrophe’, while in the case of Gaza the focus was on the ‘suffering of the local population’, which should be of concern to the conflicting parties.

In Sudan and Zimbabwe, the attribution of responsibility for violence is rather straightforward in the EU discourse. The Bashir and Mugabe governments are directly identified as the driving forces behind the human rights violations and the ensuing humanitarian crises. By contrast, in the case of Lebanon and Gaza, the EU rhetoric is much less assertive with respect to the causation of human rights abuses, thus limiting itself to a mere recognition of the humanitarian situations. Official declarations are rather generic, calling for bilateral ceasefires and failing to identify clear responsibilities for human suffering. Our analysis of the Gaza conflict also points out the limits of a humanitarian discourse, which fails to recognize the special status of Gazans (citizens without a state), whose human rights are not simply abused by the state of occupation operated by Israeli forces but also by the absence of an institutional state capable to deliver services to its citizens and recognized by the international community.

In spite of differences and contradictions, the EU’s discourse appears to have been coherent at least in so far as it has lived up to the ‘people first’ principle underlying the human security doctrine

(with the case of Gaza as a partial exception). However, when it comes not only to the instruments and policies adopted but also the capacity to criticize and possibly retaliate against human rights abusers, the double standard syndrome that has long afflicted the EU's foreign policy and more mundane *realpolitik* concerns come to the surface, invariably limiting the credibility of the Union as a genuine defender of human rights.

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## EU-GRASP

Changing Multilateralism: the EU as a Global-regional Actor in Security and Peace, or EU-GRASP in short, is an EU funded FP7 Programme. EU-GRASP aims to contribute to the analysis and articulation of the current and future role of the EU as a global actor in multilateral security governance, in a context of challenged multilateralism, where the EU aims at “effective multilateralism”. This project therefore examines the notion and practice of multilateralism in order to provide the required theoretical background for assessing the linkages between the EU’s current security activities with multi-polarism, international law, regional integration processes and the United Nations system.

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