

**Final Report on Human Rights
Violations**

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Final Report on Human Rights Violations: Human rights and security: an analysis of the EU’s discourses and strategies in selected conflict and humanitarian crises

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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; 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 (2001-2011). 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 below:

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
Sudan-Darfur	Public statements; targeted sanctions; support to AU mission (AMIS); direct military operation (Chad); aid	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).

	policies			
Zimbabwe	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.
Lebanon	Public statements; aid policies	STRONG: with the UN (UNIFIL); international donors	Civilian conflict management; humanitarian aid	WEAK Economic crisis, environmental catastrophe
Gaza Strip	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 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, 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 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. Both regarding to 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 a language that can be broadly referred to as 'human security' focused, 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.

We report below four 'word cloud' graphs showing the most recurrent terms utilized by the EU in its official documents regarding each crisis, which show the significant incidence of human security components. The bigger the font of the term, the more recurrent it is in the EU discourse.

Gaza conflict

Lebanon war



Darfur crisis

Zimbabwean crisis



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

The inspiring principles for the European Union (EU) derive from 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. Therefore, the international community has the right to intervene not only to defend human rights but also to guarantee its own security.

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 would be more appropriate. Intervention, whether its 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 keystone for all humanitarian interventions: not only calling for the respect of human 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 become the protection of civilians, the promotion of their rights, the preference for non-violent means of confrontation and a multilateral involvement of interposition forces, civil

society groups and humanitarian operators. But how much human security focus is included in the EU discourse during fully-fledged crises? To what extent is this approach 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 inspiring 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 Rights of 1966, which established that the rights of individuals can be above those set by their national authorities (Held 1995), and from some key OSCE documents such as the Helsinki Final Act (1975) and the Charter of Paris for a New Europe (1990). As it is nowadays accepted by most international institutions, democratic governments and international civil society groups, these documents enshrine globally accepted principles and cannot be viewed as an imposition of Western or European-based values at the expense of cultural diversity. Moreover, these documents and their content clear the path against accusations that an external human rights policy might infringe on state sovereignty.

Human rights are 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.¹

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.

¹ See Part I, Substantive Amendments, Article 1.

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

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

² 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.

Commission, generally through its cooperation office EuropeAid.³ 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 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, for promoting 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

³ 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.

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 the political dialogues that the EU conducts with third countries and regional groups. The aim is to gather information about the human rights situation in the country in question, or to express concern about the country's human rights 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).⁴ 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, “large-scale aggression against any Member State is now improbable” and this might result in a fundamental shift in security challenges as “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 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 keystones for humanitarian interventions. This principle not only calls for the respect of human rights in conflict zones, but also, and most importantly, suggests that such concern should be the main driving force of humanitarian interventions and diplomatic initiatives and should be given primacy over efforts aimed at securing a “temporary suppression of violence” (Kaldor *et al.* 2007: 9). Six other principles - clear political authority, bottom-up approach, multilateralism, regional focus, use of legal instruments, use of appropriate force – are also outlined to delineate a broader strategy for conflict management.

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

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

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. 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.⁵

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 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.

⁵ ‘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 (accessed on 31.1.2011).

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. Objectives of the research and methodology

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; the crisis caused by the Lebanon war of 2006; the humanitarian disaster of the Sudanese province of Darfur; and, finally, the political, social and economic crisis in Zimbabwe. The time frame adopted in each case was coherent with the evolution of the different crises. Thus, for instance, 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: the evolution of key case studies

4.1. Case study 1: Human rights violations during the Gaza War (2008-2009)

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 at the Gaza-Egypt border and EUPOL COPPS in the West Bank (Peters 2010).

The first mission stopped working after the Hamas victory in the January 2006 Palestinian Legislative Council elections (since June 2006 EUBAM had been operational only 30% of the time, due to Israeli security concerns). This depended on the Rafah crossing being directly controlled by Hamas forces. Having blacklisted Hamas as a terrorist organization since 2002, the EU was unable to conduct talks or negotiations with them, thereby restricting its room for manoeuvre and potential soft power.

In March 2006, Hamas set up a government in the occupied 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 closure of Gaza. Unable to ensure the opening of the Rafah crossing, at the request of the Quartet, in June 2006 the EU put in place the Temporary International Mechanism (TIM). 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 and to which the derailed peace process was reduced to.⁶

Just a month later, the European Union's High Representative fully sponsored the perspective of a Palestinian government led by Abbas - with no participation by Hamas - in order to have 'one' voice. Despite these encouragements and the EU's 'West Bank first' approach, through Saudi mediations, a National Unity government between Hamas and Fatah saw the light in March 2007. In June 2007, however, among clashes in the streets and claims by Hamas of attempt at taking the life of Ismail Haniya, elected as Palestinian Prime Minister in 2006, the Islamic party took control of the Strip and Fatah established its headquarters in Ramallah, West Bank.

Thanks to renewed international efforts, in November 2007 the Annapolis conference pushed for a re-start of negotiations. Yet, it proved to be short-lived. Gaza, in the meantime, remained on hold, while living conditions did not cease to worsen: since the Hamas takeover, the US and the EU endorsed a diplomatic boycott against the Strip, while a full-scale blockade policy was employed by Israel, restricting the flow of food, fuel and medical supplies.

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 18th January 2009⁷, 13 Israelis and 1387 Palestinians were killed, mostly civilians⁸ 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, however, forceful political stances forcing the two sides to go back 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. There was no credible reproaching by the EU or individual European countries, although Israel's behaviour was publicly denounced by most NGOs and the UN Commission on Human Rights Resolutions (Hafner-Burton 2008). When European leaders met with Arab leaders to discuss the follow-up after the ceasefire, in Sharm el Sheikh on

⁶ Personal Communication, Council of the EU, Brussels, May 2007.

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

⁸ 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, 3rd February 2010

Sunday 18th January 2009, the main offer they made regarded the possible employment of their naval forces against arms smuggling into the Gaza Strip, with British Prime Minister Gordon Brown proposing to use the British Navy to patrol the Red Sea and the Gulf of Aden to that purpose⁹. This had namely been one of Israel's main demands during the truce negotiations.

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. Neither Israel nor Hamas contributed to the Report, which focused on *jus in bello*, that is, the conduct of both parties during the war, leaving aside *jus ad bellum* aspects, that is, the legitimacy of the military intervention in the first place. The Report controversially concluded that war crimes and possibly crimes against humanity had been committed, by both Israel and Hamas, responsible of indiscriminate attacks against civilians. Conclusions against Israel were harsh:

The Mission is of the view that Israel's military operation in Gaza between 27 December 2008 and 18 January 2009 and its impact cannot be understood or assessed in isolation from developments prior and subsequent to it. The operation fits into a continuum of policies aimed at pursuing Israel's political objectives with regard to Gaza and the Occupied Palestinian Territory as a whole. Many such policies are based on or result in violations of international human rights and humanitarian law. Military objectives as stated by the Government of Israel do not explain the facts ascertained by the Mission, nor are they congruous with the patterns identified by the Mission during the investigation" (United Nations, Human Rights in Palestine and other Arab occupied territories, 24 September 2009, p.2).

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. Iain Scobbie, a law professor at London University, has pointed out that the argument that Israel acted in self-defence, supported by many European states as well as the US, is legally unsustainable because self-defence is the legal justification for the initiation of force (*jus ad bellum*), not for its exercise in a situation of belligerent occupation (*jus in bello*) (Erekat, 2009). According to Scobbie, the Gaza war is part of a continuum of violence between Israel and the Palestinians going back to 1987 and the First Intifada, a statement with which the Israeli Supreme Court had concurred in 2005. Furthermore, contrary to what Israel has tried to argue, the Israeli Defence Forces (IDF) intervention was far from being a

⁹ Al-Mughrabi, N., *Hamas and Israel separately announce Gaza ceasefire*, Reuters, 18 January 2009

'proportionate' response to Hamas rocket attacks, guided by discrimination between civilians and military personnel. 'Proportionate', in legal terms, is generally based on an equivalence of damage. However, since 2001, when rocket attacks from Gaza to Israel began, 23 Israelis have been killed, compared to the thousands of Palestinians – 5,000 by some estimates – who have died in Gaza since 2001 (Joffé, 2009). Operation 'Cast Lead' was far also from being 'discriminate' inasmuch as between 40% and 70% of the victims were women and children (United Nations Office for the Coordination of Humanitarian Affairs 2009).

The war and its aftermath have meant several things for the Palestinians living in Gaza: underdevelopment, with most factories closed down, a general attitude of aid dependency, with over 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 movement¹⁰. Hence, not just a humanitarian crisis lasting several years has taken place in these territories, but a political and economic collapse requiring political and economic solutions and strong third party interventions.

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 donations¹¹. 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"¹².

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

¹¹ *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

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

4.2. Case study 2: the humanitarian crisis during the Lebanon War (2006)

The 2006 Lebanon war was a 33-day long conflict between Israel and the paramilitary forces of Hezbollah, which unfolded between 12 July and 14 August 2006. The focus of military operations was primarily Southern Lebanon, but they rapidly involved the entire territory of Lebanon and 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 Lebanese or 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 UNSCR 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).

The 2006 Lebanon war could be understood as only one episode in the long history of inter-state wars and inter-communitarian violence that plagued Lebanon since World War II. The ethnic and religious diversity of Lebanon resulted in two major civil wars and a multitude of political crises. Israel repeatedly intervened in the internal affairs of its neighbour, most notably with a full-fledged

ground invasion in 1982 during the second Lebanese civil war that protracted until 1985. Since the end of the second civil war in 1990, Israel also attempted in various occasions to stop rocket launches by Hezbollah over Galilee with military blitzes, the most notable of which was the so-called Operation Grapes of Wrath in April 1996, that resulted in nearly 200 battle-related deaths, including approximately 170 Lebanese civilians. An international peacekeeping force – the United Nations Interim Force in Lebanon (UNIFIL) – was set up in March 1987 by UNSCR 425 and 426 and operated in Southern Lebanon ever since with yearly mandates.

The war, however, also presented various distinctive features, which primarily descended from the peculiar status of Hezbollah within Lebanon. Since its emergence in the early 1980s, Hezbollah gradually claimed a quasi-sovereign status over large areas in southern Lebanon and developed a paramilitary force able to carry out operations comparable in many respects to conventional military campaigns. As such, the 2006 war has been considered as a paradigmatic example of a new category in warfare, labelled by Frank Hoffman as “hybrid war” – a war in which the distinction between conventional and unconventional operations is blurred and both sides engage in “a range of different modes of warfare, including conventional capabilities, irregular tactics and formations, terrorist acts including indiscriminate violence and coercion, and criminal disorder” (Hoffman 2007, 14). In this sense, the strategic complexities of the 2006 Lebanon were replicated two years later in the war on Gaza between Israel and Hamas, where, like Hezbollah, the latter claimed quasi-sovereign status on a territory bordering with Israel and demonstrated ability to resort to advanced, quasi-conventional fighting techniques, including the systematic and coordinated use of short-range rocket attacks.

Whether or not such category of “hybrid” wars really constitutes a radically new feature in warfare, the ability of quasi-state actors like Hamas and Hezbollah to employ capabilities that are traditionally associated with conventional armies undoubtedly represented an important turning point in the recent history of the Arab-Israeli-Palestinian conflict. On the one hand, it signalled the emergence of substantial military threats to Israel at a scale probably unseen since the last conventional war between Israel and its neighbours – the 1973 Yom Kippur war. On the other, the fact that neither Hezbollah nor Hamas fighters could claim a fully “conventional” status, and that the fighting techniques of both organizations include suicide bombing, implied that these wars took place in a legal and moral limbo. Israel, for instance, 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 over 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 unacceptable¹³. 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”¹⁴.

4.3. Case study 3: the Darfur crisis in Sudan (2003-2010)

The history of the relationship between Sudan and the EU has been far from smooth. The introduction of conditionality in the European development policy in the 80s proved to have some major consequences for Sudan who was still embroiled in its decade long war between the North and the South. Whereas economic conditionalities only had limited effect in Sudan, the introduction of a new generation of conditionalities focusing more specifically on issues related to human rights soon appeared as being a contentious issue for the Sudan-EU relationship. In fact, aid to Sudan under the European Development Fund was suspended by the EU in 1990 on the basis of human rights violations and concerns regarding democracy and the rule of law. In reality, the suspension of aid to Sudan was a direct result of the military coup led by Omar al-Bashir that 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 SPLA/M and thus putting an end to the 30-years long conflict. In 1999, the EU initiated a political dialogue with Sudan aiming to resume normal relations under the framework of the Cotonou agreement, which is the overall cooperation with the African, Caribbean and Pacific countries. In January 2005, the EU signed with Sudan a Country Strategy Programme and a National Indicative Programme just two weeks after the signing of the Sudanese Comprehensive Peace Agreement (CPA). The timing for resuming aid to 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. Although it has roots in the history of instability and marginalisation of the area bordering Chad and Sudan, the conflict in Darfur erupted in 2003 and

¹³ ‘Germany backs Britain’s refusal to call for ceasefire’, *The Guardian*, 1 August 2006.

¹⁴ ‘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.

culminated in 2004. The conflict itself was triggered by rebel attacks led by the Sudan Liberation Movement/Army (SLA) and the Justice and Equality Movement (JEM). These attacks were retaliated by the government in Khartoum, which not only sent in troops to quell the rebellion but also used local militias to suppress it.¹⁵

Initially, the EU adopted a cautious approach towards the conflict in Darfur. The relations with Sudan were already quite strained and European governments (just like a number of international actors) were mostly concerned with securing a deal between North and South Sudan (Slim 2004: 822). Most importantly the EU gave its support to the African Union (AU) efforts at mediation and later on at the deployment of a AU mission in Sudan (AMIS).

Alongside its support to AMIS, the EU also adopted different decisions in order to support the settlement of the Darfur conflict. Thus, 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 Sudan.¹⁶ In July 2005, the High Representative for the CFSP Javier Solana decided to appoint a Special Representative for Sudan with the mandate to represent the EU in the different mediation efforts but also liaise with the AU, Sudanese government and other Sudanese parties.¹⁷

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”¹⁸. This also revealed an increasingly uneasiness by the EU, especially given the uncollaborative attitude of the Sudanese government.

At the international level, it was not until March 2005 that the UN Security Council members voted in favour of Resolution 1591, which allowed for the creation of a Sudan Committee which could decide to impose sanctions on certain individuals (United Nations Security Council 2005a). The EU reacted to the adoption of the UN Resolution by adopting a Common Position concerning restrictive

¹⁵ For a more detailed account of the conflict see: Burr & Collins 2006; De Waal 2007; Hassan & Ray 2009

¹⁶ Common Position concerning the imposition of an embargo on arms, munitions and military equipment on Sudan, 2004/31/CFSP, Brussels, 9 January 2004

¹⁷ Council Joint Action on the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan, 2005/557/CFSP, Brussels, 18 July 2005

¹⁸ Sudan crimes ‘tantamount to genocide’, European Parliament - Press Release EP04-043EN, 16 September 2004

measures it could impose on Sudan¹⁹. On the 31 March 2005, the Security Council adopted the Resolution 1593 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.²⁰

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 it would also support planning and provide technical expertise²¹. In the mean time, the EU 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"²². 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.²³

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).²⁴

¹⁹ Common Position concerning restrictive measures against Sudan and repealing Common Position 2004/31/CFSP, 2005/411/CFSP, Brussels, 30 May 2005

²⁰ 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).

²¹ 2674th Council Meeting, GENERAL AFFAIRS, Sudan - Darfur - EU supporting action, Brussels, 18 July 2005, 10813/05 (Presse 177).

²² 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.

²³ Council Decision implementing Common Position 2005/411/CFSP concerning restrictive measures against Sudan, 2006/386/CFSP, Brussels, 1 June 2006.

²⁴ 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

Possibly, the EU's decision to send troops to Chad and CAR also reflected the frustration with the incapacity of the AU mission to accomplish its task and secure the region. On multiple occasions Sudan had shown its reluctance to fully collaborate with AMIS II and implement the provisions of the negotiation agreements. The AU mission was also suffering from a severe lack of resources and both human and material capacity to act effectively. While the EU favoured the transfer of the peacekeeping operation to the UN, the Sudanese government rejected the idea of a UN operation in Darfur and managed to render ineffective the UN Security Council Resolution 1706 which called for the deployment of a 20 000-strong UN force²⁵. It was not until a year later that the UN was able to adopt a new resolution to establish this time a hybrid mission AU-UN.

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.²⁶ 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".²⁷

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. The EU backed the conclusions reached by the investigation led by Chief Prosecutor Moreno-Ocampo and, even before the ICC decided upon the case, the EU strongly reaffirmed its support for the Court²⁸. Sudan, on the other hand, vigorously rejected this decision criticizing the very jurisdiction of the ICC and also claiming that the prosecution was counter-productive with respect to the resolution of the Darfur conflict.²⁹

²⁵ *Sudan reject Darfur resolution*, BBC News, 31 August 2006 available at: <http://news.bbc.co.uk/2/hi/africa/5304160.stm> (accessed on 31.1.2011)

²⁶ *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).

²⁷ 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.

²⁸ Presidency Declaration after the communiqué of the prosecutor of the International Criminal Court (ICC), Brussels, 15 July 2008, 11807/1/08 REV 1 (Presse 212), P 086/08.

²⁹ *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).

4.4. Case study 4: the political and humanitarian crisis in Zimbabwe (2001-2010)

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, which ever since fell dramatically, boasting the highest inflation rate in the world (over 200,000,000%), unprecedented unemployment, mass migration towards neighbouring countries (especially South Africa) and prolonged famine.³⁰

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".³¹ The targeted sanctions imposed by the EU included: an embargo on

³⁰ <http://www.guardian.co.uk/world/2008/oct/09/zimbabwe> (accessed on 31.1.2011).

³¹ 2409th Council meeting, GENERAL AFFAIRS, ZIMBABWE - Council conclusions, Brussels, 18/19 February 2002.

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.³²

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 2003, a general strike against government policies was followed by arrests and beatings and, a few months later, the leader of the Movement for Democratic Change (MDC), Morgan Tsvangirai, was arrested and charged with treason, adding to an existing charge over an alleged plot to kill President Mugabe dating back in 2002. Tsvangirai will be acquitted from both charges two years later. During this period, the EU renewed the sanctions against Zimbabwe and expanded the list of officials banned from travelling to Europe to also include President Mugabe’s wife.

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 and make homeless large sections of the urban poor, who comprised much of the support basis of 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.³³ 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

³² Common Position 2002/145/CFSP. Official Journal L 247 of 14 September 2002 p. 56.

³³ <http://ww2.unhabitat.org/documents/ZimbabweReport.pdf>

Zimbabweans to flee to neighbouring countries”.³⁴ 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 to intervene.³⁵

Amid the world’s highest inflation (year-on-year inflation exceeds 1,000%), the police began a new wave of attacks against trade unions’ demonstrations, taking their leaders into custody and allegedly torturing them, thereby prompting a new harsh condemnation by European authorities.³⁶ In December 2006, the Zimbabwean parliament approved a plan to postpone presidential polls from 2008 to 2010, effectively extending Mugabe’s rule by two years. However, international pressure and the preliminary talks held by representatives of Zanu-PF and the MDC in South Africa over the course of 2007 achieved the result of restoring the initial timeline for the presidential elections to be held in 2008, along with new parliamentary polls. The results of this election were withheld for four weeks, spurring protests by opposition parties and condemnation by the international community. While the MDC publicly claimed victory, the government requested a recount of the votes that – not without criticisms for the lack of transparency and accountability with which it was conducted – attested that Tsvangirai won most votes, but not enough to avoid a run-off against Mugabe. Denouncing intimidation and threats, the opposition leader pulled out a few days before the run-off poll and Mugabe was, once again, declared winner.

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.³⁷ 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

³⁴ EU-US declaration on working together to promote peace, stability, prosperity, and good governance in Africa, Washington, 20 June 2005.

³⁵ 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.

³⁶ Declaration by the Presidency on behalf of the European Union on the suppression of demonstrations in Zimbabwe, 13131/06 (Presse 259), Brussels, 22 September 2006.

³⁷ 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.

After the 2008 presidential elections, Russia and China vetoed a Western-backed UN Security Council resolution to impose sanctions on Zimbabwe (including an arms embargo), much to the regret of the EU that was hoping for the adoption of a multilateral package of restrictive measures under Chapter VII of the UN Charter. The EU General Affairs and External Relations Council declared "unacceptable and unjustifiable" the withholding of the presidential elections' results and called for them to be released "immediately, and to be a genuine reflection of the free and democratic will of the Zimbabwean people, as the delay raises serious concerns about the credibility of the process".³⁸ Later in September, 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.³⁹ In December, though, a new social crisis erupted. The government declared a national emergency over a cholera epidemic and the collapse of its health care system, which seriously preoccupied the EU.

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".⁴⁰

³⁸ ZIMBABWE - Council conclusions, General Affairs and External Relations, Luxembourg, 29 April 2008, 2864th and 2865th Council meetings, 8619/08 (Presse 105).

³⁹ General Affairs and External Relations, 2914th Council meeting, Brussels, 8 December 2008, 16862/08 (Presse 359).

⁴⁰ Declaration by the Presidency on behalf of the EU on the recent development in Zimbabwe, Brussels, 3 February 2009, 5987/09 (Presse 29).

At the Africa-EU ministerial troika meeting in April, the divergence between the African interests and the European approach surfaced again. On the one hand, African leaders pushed for a rapid normalization of the relationship between Zimbabwe and the EU, stressing the importance to immediately lift all sanctions (a request made also by Prime Minister Tsvangirai) and address the situation “with the required flexibility”, while the EU insisted on maintaining targeted sanctions against the Mugabe’s entourage.⁴¹

In June, the new government began a constitutional review while retail prices fell for the first time after years of hyperinflation. Both the EU and the US restored their delegations in the country and the IMF also provided \$400 million support as part of G20 agreement to help Member States. As part of the Cotonou Agreement, the EU also restored political dialogue with the Zimbabwean government for the first time since the breakdown of diplomatic relations in 2002, through a Ministerial troika meeting in Brussels and an EU Troika visit to Harare.

In January 2010, Prime Minister Morgan Tsvangirai reiterated his request to ease the targeted sanctions, arguing that the unity government’s progress should be rewarded. At the same time, a Zimbabwe’s High Court rejected a regional court ruling against President Mugabe’s land-reform programme and commercial farmers voiced their concern for a renewed wave of attacks. In September 2010, the prime minister alleged that the ruling party had been instigating violence at public consultations on the new constitution.

5. Human rights crises and the EU discourse: a comparative analysis

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 found 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.

⁴¹ 12th AFRICA-EU Ministerial Troika meeting, Luxembourg 28 April 2009, 7472/09 (Presse 60).

5.1. Three discourses and approaches: an evaluation of the EU's role during the Gaza conflict

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:

Resolution of the Arab/Israeli conflict is a strategic priority for Europe. Without this, there will be little chance of dealing with other problems in the Middle East.⁴²

The same relevance was acknowledged, among others, by the EU first High Representative for Foreign Affairs and Security Policy, Catherine Ashton prior to her visit to the region:

The Middle East is a major foreign policy priority for the EU...The resolution of the Arab-Israeli conflict is a key European interest and the EU, on the basis of its December 2009 Council Conclusions, is determined to step-up its efforts to facilitate the peace process⁴³.

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). As argued by Richard Youngs, "policies towards the GCC, Iran, Iraq, Yemen and the oPTs are much less institutionalised and generally exist in isolation from each other", representing a compartmentalised approach which fails to see the existing horizontal linkages among policy dossiers and the linkages among regional countries (ibid). Within that context, we have assisted to an increasing securitisation of EU policies towards the Mediterranean, in parallel with the weakening of the Euro-Mediterranean Partnership and under the spotlight of the Union for the Mediterranean, sponsored by French President Sarkozy.

By combining the two above-mentioned aspects and trends, we should not be surprised by the ad hoc reaction shown by Brussels and EU Member States vis-à-vis serious human rights violations as

⁴² 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).

⁴³ 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 (accessed on 31.1.2011)

those occurred in the Gaza Strip, analysed only by reference to previous United Nations Security Resolutions and to the failed Israeli-Palestinian peace process as the root of all evil in the region. European stances with regard to the MEPP adhere to IHL and previous UNSC resolutions, but do not distance themselves much in terms of being able to act and adapt according to political circumstances and the evolution of events of on the ground, modifying sticks and carrots accordingly. Far from this, European stances seem like carved in stone, manifesting Europe's inability to forge a comprehensive approach to the MEPP taking stock of the regional context, the evolution of the domestic players, their requests and their changing legitimacy. In this way, the EU, even if acting consistently on a rhetorical level, gives the impression of being an ad hoc actor, with different Member States having different allegiances to the conflicting parties and failing to espouse political visions encompassing shared assessments over the changing political realities.

Moreover, on human rights, the Union adopts different discourses, enabling different practices on the ground. We have identified three EU discourses on human rights. 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, potentially conducive to virtuous political behavior, but clearly important as a good in itself.

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. 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 Strip⁴⁴.

Over time, especially with the persistence of the Israeli blockade against the Gaza Strip and especially since the episode of the attack to 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'. 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.

⁴⁴ 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).

After the electoral victory of Hamas in 2006, the EU depicted the situation in Gaza mainly in humanitarian crisis' terms. At that time the Union was deeply politically involved in the 34 day Israeli-Hizbullah war (summer 2006), requiring its political clout and mediation efforts. The closeby conflict in southern Lebanon between Israel and an Islamist political party, Hizbullah - recognised by the EU but unpopular in Brussels- created concern over a potential Israeli encirclement. On the south, tensions between Tel Aviv and Hizbullah remained high even after the conflict and on the west, Hamas failed to take into consideration to renew the truce with the Jewish state. 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 solution⁴⁵.

In the same text, Solana argued that re-opening the Rafah crossing was essential, and putting back on track negotiations remained the ultimate goal. No references however were made at that point to the continuing internal Palestinian leadership' rivalry and no correlation was underlined between the Israeli-Hizbullah war and the Israeli-Palestinian conflict. The lack of reference to the situation of human rights in the oPTs, source of serious concern even before the December 2008 war, highlights the first discursive strand, where there is no explicit mention of human -related security.

The following declaration by the EU was delivered by the Quartet and it strikes for the continuity and lack of contingency of the tone, of the considerations and of the recommendations it makes:

Taking stock of recent developments in the region, the Quartet stressed the urgent need to make progress towards a just, lasting and comprehensive peace in the Middle East. The Quartet expressed its concern at the grave crisis in Gaza and the continued stalemate between Israel and the Palestinians⁴⁶.

Despite at least publicly acknowledging 'the grave crisis in Gaza', human rights are not the cornerstone of a new approach or a new vision by the EU on how to address the lack of progress in

⁴⁵ Summary of Remarks to the Press by Solana, 13th August 2006. Available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/declarations/90843.pdf (accessed on 31.1.2011)

⁴⁶ Statement of the Quartet, 20th September 2006, New York, S261/06. Available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/declarations/91035.pdf.

peace negotiations and in internal struggles in the oPTs. In other words, even if somehow referred to, human rights are subjected to political and strategic considerations impinging on international efforts or their absence to lead to effective peace negotiations between the two sides.

When the war broke out in the Gaza Strip, on December 27th 2008, the EU HR Javier Solana reiterated that no military solutions could be found for getting out of the Israeli-Palestinian impasse, he condemned Hamas rocket attacks as well as Israeli attacks, equalizing them, with no distinction between their political goals, capacities 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 violence⁴⁷.

This is an instance of manifest violation of human rights, with a military attack launched by a well-armed and prepared state against a small militia defending an unarmed population unable to flee. Even in such a dramatic situation, the EU appeals timidly, showing mere 'concern' for the worsening of the humanitarian catastrophe and the further circle of violence that will ensue from the attack. But human rights are a much bigger conceptual basket than humanitarian aspects, linked only to physical survival of human beings from death, sicknesses and hunger. Human rights encompass much more, including civil and political liberties pertaining to free and aware human beings. In terms of the nature of actors, while most humanitarian discourses tend to represent human beings as victims, human rights discourses portray human beings as citizens to be protected in the wide spectrum of their rights and duties. Humanitarian discourses tend to fall in our second category, where the respect of human rights is instrumental to other goods, such as peace and security, in this case the re-start of peace negotiations with Israel on the one hand and domestic quiet in Palestine on the other. By talking in humanitarian terms, the (unintended) effect by the EU is de-politicising human rights in general, focusing on one aspect, physical survival, to the detriment of the corollary of civil and political rights that go with it.

⁴⁷ Statement by Solana on the violence in and around Gaza, 27th December 2008. Available at: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/declarations/105079.pdf

Remarkably, no EU public statements were made during the war, and the tone was sober and passive when these statements were made. The first statements on the Middle East conflict by the European Council after the war dated 26-27th January 2009:

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 Agreement on Movement and Access, rehabilitation and reconstruction and the resumption of the peace process⁴⁸.

While acknowledging the lack of respect of human rights from both sides, Brussels refuses to take a stance, simply 'deploring' human lives losses, framing the situation on the ground for Gazans as a humanitarian desperate one. Gazans are none's citizens, hence no state is supposed to take proper care of them, defending and respecting the implementation of their rights, and the EU fails even to point to this paradoxical situation.

The talk on Israel's security needs is always present as a rhetorical *captatio benevolentiae* move before venturing on asking additional restraint or understanding for the damages inflicted by the use of force. State security, in other words, strikes as a *primus inter pares*, where pares are other peoples' securities. Israeli borders, their inviolability, the safety within them, must be assured with all means, and the EU, implicitly complying with this values' hierarchy, downgrades Palestinians 'security. The discourse here is at the opposite of a human security, people-centred approach, since national sovereignty, the defense of borders and their security within fares first as compared to the defense of unarmed civilians whose democratically elected government is not recognised by the international community for political reasons. In this respect, in the same meeting, the Turkish Prime Minister Erodogan criticised EU leaders and the US for not engaging in dialogue with the democratically elected Hamas. Hamas, ignored by EU leaders, was the real stone guest, since every decision on future reconciliation moves would have to be agreed with the Islamic party, through

⁴⁸ Council Conclusions on the MEPP, 26-27th January 2009, Brussels. Available at: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/gena/105545.pdf.

Egyptian mediation. But ignoring Hamas is the reason why, subsequently, the discourse on Gazans is de-politicised and reduced to humanitarian terms: political rights, as the right to vote, stand in elections, freely choose a political party, all belong to the democratization agenda shared by the EU and the US with one caveat: the exclusion of Islamist parties. The victory of Hamas with the refusal to acknowledge it and engage in constructive dialogue, has paved the way, once violence with Israel erupted, to treat the Palestinians as powerless victims of a brutal political force unavoidably leading them to a humanitarian and political disaster.

Were Palestinians' security and safety needs discursively securitised? Not really, the opposite took place: security was de-constructed and its political component reduced to physical survival. EU demands were limited to halting violence and restore the status quo ante. The hope being that, with time, Palestinian material conditions will 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, 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.

In the aftermath of the war, the Czech EU presidency did namely declare that:

The priority now is to ensure that no more civilians die as a result of this conflict....It is vital, therefore, that all required humanitarian assistance, including food, fuel and medical aid is freely and rapidly delivered into, and distributed within Gaza⁴⁹.

Gazans are victims, past, present and future recipients of humanitarian aid, their main survival tool, with no prospects of getting out of the impasse they created for themselves by democratically electing a party considered as terrorist in the US and Europe. The EU security discourse regarding Palestinians continues to be de-politicised, their human security reduced to physical survival devoid of political claims and aspirations. It belongs to the second discursive category, where human rights are considered in a minimal way, be it because they are instrumental to reaching political goals, or because they are interpreted in a minimal sense.

⁴⁹ Al-Mughrabi, N., Hamas and Israel separately announce Gaza ceasefire, Reuters, 18th January 2009. Available at: <http://www.reuters.com/article/idUSLI52680720090118>

Different kinds of security are invoked in that context according to the different recipients: the priority is attributed to state security, this implies that states' security needs come before individual rights, as it is often the case when the discourse revolves around Israel. Talking about human security, with reference not just to the physical survival but to human dignity and well-beings of human beings (Tadjbakhsh and Chenoy, 2009:10) is a concept applied only rarely 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.

When the war broke out, British Prime Minister Gordon Brown, the Vatican and the Quartet's envoy Tony Blair jointly called 'for an immediate restoration of calm'⁵⁰, while a White House spokesman said: " Hamas continued rocket attacks into Israel must cease if the violence is to stop. The United States urges Israel to avoid civilian casualties as it targets Hamas in Gaza."⁵¹ The White House, however, initially refrained from voting in favour of an early ceasefire at the UN.

The then British Foreign Minister David Miliband openly expressed his concern for the war and the ensuing casualties by espousing the same discursive theme underlining the humanitarian side of the war and de-politicising human rights:

The prime minister and I are following developments in Gaza with grave concern. The rise in rocket attacks on Israel since 19 December and yesterday's massive loss of life makes it a dangerous moment which should be of concern to the whole international community...I think that any innocent loss of life is unacceptable and in this case there have been massive casualties, some of them civilians and some of them children...The deteriorating humanitarian situation is deeply disturbing. As we made clear yesterday, Israel must abide by its humanitarian obligations⁵².

Also a statement by the French Embassy characterised the stance of the then French Foreign Minister Bernard Kouchner, one of the founders of the international humanitarian organization Doctors Without Borders:

⁵⁰ Colvin, M., Allen-Mills, T., Mahnaimi, U., *Israeli jets kill ,at least 255' in revenge strikes on Gaza*, The Sunday Times, 28th December 2008.

⁵¹ Ibid.

⁵² *David Miliband urges Gaza ceasefire*, The Guardian, 29 December 2008. Available at: <http://www.guardian.co.uk/world/2008/dec/29/gaza-israel-palestinians-david-miliband-ceasefire>

The Minister is concerned over the continuation of violence, the longer-range rockets recently launched from Gaza, the resumption of Israeli air raids and the preparations for a possible land operation....Only a renewal of the truce, broken by rocket fire from Gaza on Israeli territory can guarantee the minimum conditions acceptable to the people of Gaza. ...The Minister recalls the pressing need for humanitarian support for the Gazan population, which France and the European Union are ready to increase at any time... The European Union is ready to resume its role in providing assistance at the Gaza border crossings, which must remain open...The pursuit of negotiations between the Palestinian Authority and the Israeli government is the only solution to this interminable and bloody conflict, with continued efforts to re-establish Palestinian unity.⁵³

Human rights violations are considered as a consequence of the lack of peace between the Israeli and the Palestinians, the peace process being depicted as the only guarantee for the respect of human rights.

Some exceptions to this prevailing discourse, which opposes humanitarian concerns for the Palestinians to unalienable political rights for the Israeli, however, exist and can be found mainly in the High Representative Solana discourse, which tries to enlarge the picture and, despite refraining from naming and shaming or prescribing some courses of action to be avoided, does make political remarks:

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 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.⁵⁴

⁵³ Statement by Bernard Kouchner, Minister of foreign and European Affairs on the Situation in Gaza and Southern Israel. Available at: http://www.consulfrance-jerusalem.org/france_jerusalem/spip.php?article2022. (access: 16.11.2010)

⁵⁴ 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

Despite the more comprehensive understanding of the conflict and the need for political responses to it, in terms of human rights discourse there are no changes in the EU approach.

After the dramatic May 2010 flotilla incident, the Spanish FM 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'⁵⁵, while the British Foreign Minister William Hague said that 'Europe would maintain pressure on Israel'⁵⁶. 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'⁵⁷. In it, the three ministers described the 'unacceptable human cost' of the flotilla incident, characterised as an attempt, as the Gaza war, 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. While representing a sort of 'roadmap' for the rest of 2010, these words were only selectively taken up within the EU and only very partially transformed into deeds.

The comparison between the comments made by the EU High Representative before and after the incident is striking. Before, comments had focused on specific low politically salient episodes (compared to massive Gaza humanitarian catastrophe), addressing the Middle East issue by issue. For example, in April 2010 HR Ashton had stated:

The EU has on several occasions reiterated its concern about the lack of progress in the Middle East Peace Process and has called for the urgent resumption of negotiations that will lead, within an agreed time-frame as specified by the Quartet, to the two-state solution⁵⁸.

Shortly after, in May 2010, HR Ashton had made a traditional EU diplomatic declaration and statement of support to the parties, without however spelling out the role for the Union to play in that context (both in terms of potential sticks and carrots to employ):

⁵⁵ Statement by Bernard Kouchner, 31st May 2010. Available at: <http://www.franceonu.org/spip.php?article4512>

⁵⁶ 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.

⁵⁷ Kouchner, B., Frattini, F. and Moratinos, A.M., *Averting another Gaza*, International Herald Tribune, 11th June 2010

⁵⁸ Declaration by HR Catherine Ashton on behalf of the EU on the situation in the Middle East, 27 April 2010, 9069 (Presse 93), Brussels. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/114051.pdf (access: 9.11.2010)

The EU reconfirms its support for the United States' mediation efforts. The European Union will remain actively involved, including in the framework of the Quartet, along the lines agreed in Moscow on March 19 2010. It reiterates that a comprehensive peace in the region that must include also the Syrian and Lebanese tracks must be achieved on the basis of the relevant UN Security Council Resolutions, the Madrid principles including land for peace, the Roadmap, the agreements previously reached by the parties and the Arab Peace Initiative⁵⁹.

After the massacre of the activists on board of the flotilla, the EU official discourse took a slightly different turn:

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.⁶⁰

What we see here, as in the letter from the three European foreign ministers, is an enlargement of the concept of humanitarian catastrophe into a political window of opportunity: the gravity of the events, the disproportionate action undertaken by Israel 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'⁶¹ and asked for a serious and impartial investigation,

⁵⁹ Declaration by HR Catherine Ashton on behalf of the EU on the launch of proximity talks between Israel and the Palestinians, 10th May 2010, Brussels. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/114343.pdf

⁶⁰ 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 (access: 17.11.2010)

⁶¹ Remarks by Herman Van Rompuy at the EU-Russia summit, on the Israeli military operation against the flotilla, Rostov-on Don, 1st June 2010. Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/114739.pdf> (access: 16.11.2010)

to which Israel never contributed, accusing the UN of being biased against its actions⁶². 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 20th 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.⁶³

And the following statements and declarations adopted the same sober tone as before the flotilla incident. 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 punishment⁶⁴ while Kathy Sinnott, from the Independence/Democracy Group, criticised the EU for not adopting trade sanctions against Israel⁶⁵. Along similar lines, the deputy representative of the PA argued in Madrid that 'the international community should take the necessary measures in order to compel Israel to respect laws and international humanitarian law, which it continually violates, putting an end to the occupation'. He invited the international community to "reshape its relations with Israel according to the latter respect and compliance with international resolutions, ending its occupation".⁶⁶

The European Parliament, moreover, is the only forum where the accusation against Israel of using the blockade against the Strip as a form of collective punishment for having elected Hamas is clearly spelled out. The EP is the EU body that more explicitly incorporated a human-security thinking into

⁶² Ibid.

⁶³ 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 (access: 17.11.2010)

⁶⁴ European Parliament, *Eyewitnesses in Gaza*, External Relations, REF.: 20090115ST046441, 21st January 2009

⁶⁵ European Parliament, *Gaza: increased humanitarian aid, end of blockade and damage assessment needed*, External Relations, 18 February 2009, REF: 20090218IPR49756

⁶⁶ Agencias, *Exteriores confirma que los tres españoles de la flotilla están bien y pide su repatriación*, Madrid, 31 May 2010

evaluations and assessments of the MEPP. Broadening the understanding of the different elements impinging upon Palestinians' human rights is a step in the direction of considering human rights as a good *per se*, independently from political and wider strategic considerations. It is important to note however that these discussions never made the way into the real official political EU arena, and the discursive elements we extrapolated above did not become part of the official foreign policy discourse by the High Representative, the EU President or European leaders, if not accidentally and in an ad hoc way.

The word cloud related to European discourses on Gaza (Figure 1) exemplifies the analysis provided by the paper. At centre stage, namely, are humanitarian aspects, which in terms of importance and discursive weight, tend to obscure other discursive and policy elements concerning the Gaza Strip. The perception shared by European policymakers of the situation of the Strip concentrates on human rights in their humanitarian dimension. This corresponds to the second discourse we identified in the analysis. The word cloud demonstrates the limited space for the third possible discourse which identifies political rights as essential elements of human rights more broadly. The absence of any reference to political rights, with the term 'political' barely present in the cloud testifies to this. The EU, in other words, abides by a minimum common denominator approach in its understanding and dealing of the situation and the crisis of Gaza, failing to enlarge the discourse to potentially divisive issues as the recognition of Hamas and the option of engaging in dialogue with its political arm.

countries”⁶⁷; they called throughout the crisis – and especially after the 14 August ceasefire – for the end of the Israeli blockade on Lebanon⁶⁸; they regularly denounced the damage to civilian infrastructure caused by Israeli air raids over Lebanon⁶⁹; in the last phases of the war, they asked Israel to provide maps of minefields to help with the demining process⁷⁰; 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 Beirut⁷¹.

The initiatives for coping with the Jieh oil spill, in particular, reveal an explicit attempt to attract attention on an event that might have appeared of secondary importance in the midst of a war but that was likely to generate significant medium-term health and economic damages to a significant section of the Lebanese population, and which in turn could have contributed to the destabilization of the country. In this sense, it could be considered as a paradigmatic example of the attempt by the EU to securitise non-conventional dynamics – such as the occurrence of environmental

⁶⁷ 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.

⁶⁸ 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 2748th/2749th Council Meetings, General Affairs and External Relations, Brussels, 15 September 2006.

⁶⁹ 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 2744th 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 General Affairs and External Relations Council meeting – Brussels, 1 August 2006; Louis Michel: “Humanitarian crisis in Lebanon continues”, 16 July 2006, IP/06/1103.

⁷⁰ 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.

⁷¹ 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.

catastrophes, in this case indirectly caused by a military action - which were not immediately relevant from a military or political perspective but which were likely to cause human insecurity in the near future.

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 – i.e. at what the Human Security Working Group defined as a “temporary suppression of violence”. 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 stress that the humanitarian crisis in Lebanon was 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 areas⁷². “Human suffering” is listed as the first concern in the conclusions of the extraordinary General Affairs and External Relations Council meeting held on 1 August⁷³, and “humanitarian action” was also considered as the first “line of action” in Javier Solana’s press conference in Beirut on 12 August⁷⁴.

The word cloud graph below (Figure 2) highlights the centrality of the ‘human security’ discourse in the EU approach to the Lebanon crisis and a number of other key concepts in the political debates that surrounded the crisis – such as those on the use of the words ‘conflict’, ‘war’ and ‘crisis’ and on the importance of international and regional mediation.

⁷² 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.

⁷³ Council conclusions, extraordinary General Affairs and External Relations Council meeting, Brussels, 1 August 2006.

⁷⁴ Summary of the remarks to the press by Javier Solana, EU High Representative for the CFSP, Beirut, 12 August 2006.

consensus among European countries existed. For instance, in the first phase of the crisis (until 31st 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”⁷⁵. 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 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

⁷⁵ 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.

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 war⁷⁶).

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"⁷⁷. 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"⁷⁸, 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 crisis⁷⁹. 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"⁸⁰.

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 "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

⁷⁶ Summary of the remarks to the press by Javier Solana, EU High Representative for the CFSP, Beirut, 12 August 2006.

⁷⁷ Lebanon: Commission pledges €42 million for early recovery, 30 August 2006, IP/06/1138.

⁷⁸ Ibid.

⁷⁹ 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

⁸⁰ Conclusions of the 2748th/2749th Council Meetings, General Affairs and External Relations, Brussels, 15 September 2006.

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”⁸¹, “wholeheartedly”⁸² and “full[y]”⁸³ 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 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

⁸¹ Press statement by Margaret Beckett, UK Foreign Secretary, and Javier Solana, EU High Representative for CFSP, on the Middle East, 13 July 2006.

⁸² 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.

⁸³ Conclusions of the 2744th Council Meeting of the General Affairs and External Relations Council, Brussels, 17-18 July 2006, C/06/219.

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”⁸⁴. 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”⁸⁵ in order to reach a “stable”⁸⁶ and “lasting”⁸⁷ 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 crisis⁸⁸ – 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.

5.3. Vulnerability and impunity: the EU’s intervention in the Darfur crisis

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 securitized discourse on human rights in the Darfur region relates to the

⁸⁴ Press statement of Javier Solana, EU High Representative for the CFSP, Beirut, 16 July 2006.

⁸⁵ EU Presidency statement on Lebanon, 12 August 2006.

⁸⁶ Humanitarian aid and early recovery in Lebanon: the EU action, 31 August 2006.

⁸⁷ 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.

⁸⁸ 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.

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.

From an early point, the EU has condemned what it has seen as a culture of impunity by reiterating that, in spite of the lawlessness in the region, “those responsible will be held accountable for violations of human rights and international humanitarian law in order to end impunity”⁸⁹. From the European perspective the fact that human rights perpetrators could not be brought to justice and held accountable for the violence they committed was detrimental to the security situation and the founding of a sustainable peace in Darfur. As stated in a resolution of the European Parliament, the EU is “fully convinced that ending impunity for the planners and perpetrators of horrific crimes committed in Darfur is an essential component in the solution to the conflict in Darfur”⁹⁰. The EU’s concern with and fight against the culture of impunity in Darfur is also proved by the decision to attribute the Sakharov Prize to Salih Mohamoud Osman a Sudanese human rights lawyer working in Darfur. According to the European Parliament, its decision to award the Sudanese lawyer with this recognition as to reward his work in trying to bring justice to the victims. In the words of the EP President, Hans-Gert Pöttering, with this award, the Parliament “confirms its solidarity with the people of Darfur and restates its belief that any lasting solution for this region will require justice, democracy and human rights”⁹¹. It is also by taking into account this European rejection of absence of any accountability and the ongoing 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.

⁸⁹ See for example: EU Presidency – Statement on the situation in Sudan, PRES04-325EN, Nairobi, 19 November 2004

⁹⁰ European Parliament Resolution of 22 May 2008 on Sudan and the International Criminal Court (ICC), 2009/C 279 E/23, Brussels, 19 November 2009

⁹¹ Sakharov Prize 2007 awarded to Salih Mahmoud Osman, who calls for world to intervene in Darfur, European Parliament – Press Release, 20071211/PR14773, Strasbourg, 11 December 2007

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”⁹³. This quote already shows how a human rights issue is being framed with a vocabulary that is part of a security discourse with the use of “sexual violence” and “weapon of war” to characterize the situation. In this regard, the EU also often refers to existing UN Resolutions regarding women in conflicts such as Resolution 1325.

A similar case can also be made about the EU’s discourse on the populations that have been displaced by the conflict in Darfur. The violence in the western province of Sudan is believed to have led more than 2,5 million people to flee the violence and the human rights violations resulting from the conflict. Among these around 200 000 to 300 000 have become refugees in neighbouring Chad. However, the security situation of these displaced people was far from being guaranteed and in fact even within and around the internally displaced people (IDPs) and refugee camps the security situation was unsafe. The link between IDPs/refugees and security was clearly made in a Presidency statement of 2005: “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”⁹⁴. The involvement of security personnel and rebels as well as the occurrence of violent clashes thus justifies the consideration of the situation in and around the camps as a security issue that needs an adequate response from the EU. 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. For example, the EU was quick to express its concern regarding the abduction of humanitarian workers operating in the Darfur region and as such welcomed the inclusion of a humanitarian protocol in

⁹³ Background note on the political and human rights situation in Sudan and Darfur, PE 398.380, Brussels, November 2007, p.5

⁹⁴ Statement on the Protection of Civilians in Armed Conflicts, PRES05-080EN, New York, 21 June 2005

the Abuja talks between the Sudanese government and the SLM/A and JEM⁹⁵. It in fact believed that the inability of aid workers to safely operate in Darfur directly affected the human security of the local population. This is also so because the EU greatly relies on aid organizations for reporting the ongoing situation. As such, the EU fears that restricting the movement of aid workers and humanitarian NGOs may perpetuate a culture of impunity while at the same time allow for the continuation of human rights violations. This concern was stressed by Commissioner Nielson when he called for the establishment of a 'secured' humanitarian space. "The concept of a humanitarian space requires warring parties to respect both the physical space occupied by humanitarian actors - including facilities such as hospitals - and the personnel who are working to assist the conflict victims. [...] This is a deeply disturbing development that threatens the delivery of vital aid to people in distress"⁹⁶. Far from being only a European concern, the securitization of the delivery of humanitarian aid has been a concern for numerous international actors involved in humanitarian operations⁹⁷.

The deployment of the ESDP mission EUFOR Chad/CAR in fact is a direct response to these concerns on the security inside and around the refugee camps and the safe delivering of humanitarian aid. The UN Resolution 1778 authorizing the deployment of EUFOR as a peacekeeping operation in Chad and CAR made it very clear. The deployed force was clearly stated to be a "multidimensional presence intended to help create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, inter alia by contributing to the protection of refugees, displaced persons and civilians in danger, by facilitating the provision of humanitarian assistance in eastern Chad and the north-eastern Central African Republic and by creating favourable conditions for the reconstruction and economic and social development of those areas" (United Nations Security Council 2007). In reality, the EUFOR mission was aimed at ensuring safety for a transitional period until the United Nations mission in the Central African Republic and Chad (MINURCAT) would take over the tasks of ensuring the security of refugees and IDPs.

⁹⁵ 2614th Council Meeting, General Affairs, Sudan - Council conclusions, Brussels, 2 November 2004, 13588/04 REV 1 (Presse 295)

⁹⁶ ECHO Annual Review 2003 – EU appeals for respect of humanitarian principles in Darfur, Sudan, EC04-104EN, Brussels, 28 April 2004.

⁹⁷ As an example, the UN has been particularly concerned about the security of its personnel and its ability to safely deliver humanitarian aid to the local population, a specific resolution (Resolution 1502 of 2003) has even been adopted in this regard. See among others: Bruderlein & Gassmann (2006); Stoddard, Harmer & Haver (2006)

It is not very surprising that Resolution 1778 reflects closely the EU concerns regarding the situation in Darfur and the neighbouring Chad and CAR as the resolution itself was drafted and introduced by European states. The above quoted passage thus regularly reappears in the different speeches, statements that would be produced by the EU later on. France, which is a permanent member of the Security Council, was closely concerned about the risk of the Darfur conflict spilling over in Chad and CAR as it had long standing defence agreements with both these states. It therefore comes as no surprise that France has been the European country that has advocated and spearheaded the deployment of EUFOR Chad/CAR. The whole process of deploying a European mission in Chad and CAR is known to have been initiated by a diplomatic cable sent by France to all other EU foreign ministries on 21 May 2007 (Mattelaer 2008: 14). The idea was initially met with lukewarm enthusiasm by the other European Member States who were also fearful that France was solely calling onto the EU to act as a continuation of its own bilateral policy with African states (Mattelaer 2008: 15). Eventually the process leading to the deployment of a European force was kick-started when Portugal took over the Presidency and showed an eagerness to engage with African issues in anticipation of the Africa-EU summit in Lisbon. The process was thus led by France who initiated the planning of the mission together with the relevant EU institutions. Eventually, the GAERC of 23-24 July acknowledged the possibility of deploying an ESDP mission in Chad and CAR when it welcomed the Commission and the Council Secretariat engagement with the situation in Darfur and the neighbouring countries and called for the planning of an ESDP operation that could be deployed “in support of the multidimensional UN presence in Eastern Chad and North-Eastern Central African Republic with a view to improving security in those areas”⁹⁸. Thereafter, a Crisis Management Concept would be drafted in order to set out the tasks and mandate of the future mission. In this regard, the Council relied on the preliminary work that had been done by the UN and most notably on the Secretary General Report on Chad and CAR of February 2007 which already considered the need for a peacekeeping force to be deployed in the two countries. This Secretary General Report had been revised in August 2007 in order to take into account the EU’s readiness to undertake the operation and following French lobbying both in New York, to get the agreement of the UN, and in N’Djamena and Bangui, to get the green light from Déby and Bozizé.

⁹⁸ 2817th Council meeting, External Relations, SUDAN/DARFUR - Council conclusions, Brussels, 23/24 July 2007, 11914/07 (Presse 171)

EUFOR Chad/CAR was officially established through the Council Joint Action of 15 October 2007⁹⁹. 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 IDPs, 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”¹⁰⁰. Therefore, the EU stressed that its concern was first and foremost the protection of the population and the safe delivery of humanitarian aid.

But the EU did not only rely on EUFOR Chad/RCA for the protection of the human rights of the population affected by the conflict in Darfur. In fact, the setting up of this mission was also justified by the inability of the EU to become more involved on the ground in Darfur. The unwillingness of the Sudanese government to see ‘westerners’ operating in its troubled province, prevented or deterred any large scale involvement of the EU within Sudan. To deal with the situation within Sudan, the EU was backing the efforts undertaken in this regard by the AU. The support provided by the EU to its panafrikan counterpart was multifaceted and wide ranging. It included at the same time, financial support for both mediation effort and later on the deployment of AU troops in Sudan, but also more technical support with the sending of technical advisors to help the AU accomplish its mission. The fact that the EU eagerly provided support to the AU's work in Sudan also needs to be understood in the light of the EU's embracing of the idea that the AU becomes a credible peace and security actor that can effectively solve the security problems of the African continent. This ideal would eventually be consecrated by the signing of Peace and Security Partnership as part of the Africa-EU Joint Strategy in 2007.

The Darfur case 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

⁹⁹ Council Joint Action on the European military operation in the republic of Chad and the Central African Republic, 2007/677/CFSP, Luxembourg, 15 October 2007

¹⁰⁰ 2824th Council meeting, External relations, CHAD/CENTRAL AFRICAN REPUBLIC/SUDAN - Council conclusions, Luxembourg, 15/16 October 2007, 13720/07 (Presse 227)

security in Darfur”¹⁰¹. 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. The fact that the AU also showed a concern about the human rights situation in Darfur also resonated well in European ears. It thus comes as no surprise that it welcomed the decision by the AU to deploy a mission in Sudan. This force, initially aimed at being an observation mission, became the AU Mission in Sudan (AMIS) and had among its mandate the responsibility of monitoring the cessation of hostilities but also ensure that there are no more cases of human rights violations¹⁰². After realizing the task at hand and the difficulty of accomplishing its protection mission given its very small size (only 600 soldiers were initially deployed), the AU Peace and security Council decided to expand the mission and refocus its mandate more towards the protection of the population and becoming a real peacekeeping operation. The EU soon adopted a Joint Action to step up its support to the renewed AMIS and allow it to benefit from the European technical expertise and resources¹⁰³. Through this Joint Action, the EU made available to AMIS airlift, logistic support, training as well as financial support. In addition, a certain number of European military experts as well as civilian police experts were nominated to be deployed with the AU mission and help it undertake its tasks on the ground. At the same time, the EU provided 300 million Euros to assist financially AMIS while Member States made both financial and in kind contributions. The total assistance provided by the EU and its Member States to AMIS is estimated to have totalled more than 500 million Euros¹⁰⁴.

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. It believed that the deployment of a larger mission (UNAMID would comprise around 20 000 military personnel and 6 000 police personnel). Moreover, the mandate of UNAMID was also to protect the civilian population from physical violence and violations of human rights. This expansion of the mandate was the result of a UN Secretary General and AU Commission

¹⁰¹ 2660th Council meeting, External Relations, SUDAN - Council conclusions, Brussels, 23/24 May 2005, 8817/05 (Presse 112)

¹⁰² For more on AMIS, see : Boshoff (2005)

¹⁰³ Council Joint Action on the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan, 2005/557/CFSP, 18 July 2005

¹⁰⁴ Factsheet: EU support to the African Union Mission in Darfur – AMIS, AMIS II/08, Brussels, January 2008

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 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”¹⁰⁵. The EU’s commitment to the work of the ICC in peace and security was further strengthened by the adoption of a Common Position on the ICC¹⁰⁶ and the signing of an agreement on cooperation and assistance with the ICC¹⁰⁷.

In the case of the Darfur conflict more precisely, 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 peace spoilers and human rights violators would help stabilise the situation in Sudan. In supporting the ICC’s decision to indict 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

¹⁰⁵ Presidency Statement on the Establishment of the International Criminal Court, PRES00-251EN, New York, 18 October 2000

¹⁰⁶ Common Position on the International Criminal Court, 2003/444/CFSP, Brussels, 16 June 2003

¹⁰⁷ Council decision concerning the conclusion of the Agreement between the International Criminal Court and the European Union on cooperation and assistance, 2006/313/CFSP, Brussels, 10 April 2006

bringing the human rights violation perpetrators to justice was a necessary condition for the establishment of a sustainable peace in Sudan.

5.4. Economic, political and humanitarian meltdown: the EU's involvement in Zimbabwe

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 Zimbabwe or her neighbours, nor should they prevent dialogue between the EU and Zimbabwe to address its economic and other problems.¹⁰⁸

Virtually in all statements issued during the prolonged crisis (2001-2010), the EU went to great lengths to reiterate its commitment to a 'people first' approach to the sanctions and embargoes imposed on Zimbabwe. As shown in Figure 4, a number of key words loosely connected with the key components of human security are mentioned quite often in the EU speeches and declarations:

¹⁰⁸ Idem.

Figure 4 – EU discourse on Zimbabwe: most recurrent items (word cloud)



Note: word cloud graph developed with wordle.net. The bigger the font of the term, the more recurrent it is in the EU discourse

For instance, the Council and the Commission specified, every time sanctions were renewed, that these 'measures' would not harm citizens. Yet, although their limited scope, there is no doubt that the existence of European sanctions against Zimbabwe exerted an additional strain on the diplomatic relationship between the southern African country and the European bloc. It is therefore not surprising that, since the installation of the new national unity government in 2008, Prime Minister Tsvangirai has been pleading with the EU to normalize its economic relations with the country, at least as a sign of recognition of the progress made, in spite of the difficulties still hampering the achievement of a satisfactory political settlement between the ruling party and the opposition forces.

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"¹⁰⁹.

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 biggest contributors to Zimbabwe. And the EU and Zimbabwe never stopped trading. We must think about the future.¹¹⁰

¹⁰⁹ 2675th Council Meeting, General Affairs and External Relations, EXTERNAL RELATIONS, Brussels, 18 July 2005.

¹¹⁰ Intervention by Javier SOLANA, EU High Representative for CFSP, at the EU-Africa Summit, Lisbon, 9 December 2007, S364/07.

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.¹¹¹

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”¹¹². 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 started to improve slightly, Zimbabwe continues to face a protracted emergency. Urban populations are particularly vulnerable due to lack of access to land. It is therefore crucial in this period that ongoing food security interventions are reinforced and consolidated in order to reach the

¹¹¹ 12th AFRICA-EU Ministerial Troika meeting, Luxembourg, 28 April 2009, 7472/09 (Presse 60).

¹¹² Commissioner Louis Michel calls for immediate lifting of ban on humanitarian actions in Zimbabwe, Brussels, 6 June 2008, IP/08/902.

populations in need”.¹¹³ 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.¹¹⁴

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.¹¹⁵

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 security forces. At least 250 people had to be hospitalized, dozens are reported missing, at least one MDC member has died. The European Union calls on the Government of

¹¹³ European Commission allocates €9 million to reinforce food security in Zimbabwe , IP/09/1233. Brussels, 13 August 2009.

¹¹⁴ Maputo, 8 November 2002, 14106/02 (Presse 349).

¹¹⁵ 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).

Zimbabwe to respect the constitutionally guaranteed right of the Zimbabwean people to protest peacefully. The stay away of 18-19 March was predominantly peaceful. While, in spite of MDC's calls for peaceful action, serious incidents took place at the margins of the protest action, under no circumstances can this justify this unprecedented violence against opposition supporters. 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.¹¹⁶

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”¹¹⁷. 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”¹¹⁸.

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

¹¹⁶ 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).

¹¹⁷ General Affairs and External Relations External relations, 2870th Council meeting, Brussels, 26-27 May 2008, 9868/08 (Presse 141).

¹¹⁸ Ibidem.

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 of the region as a whole. The Council reiterates its deep concern at the continued deterioration of economic and social conditions in Zimbabwe.¹¹⁹

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 Piebagls 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”.¹²⁰

6. 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
Sudan-	Public statements; targeted sanctions;	STRONG:	Justice vs impunity;	STRONG:

¹¹⁹ General Affairs and External Relations General Affairs, 2920th Council meeting, Brussels, 26 January 2009.

¹²⁰ The EU – Zimbabwe political dialogue: moving towards enhanced cooperation, Brussels, 2 July 2010, A 123/10.

Darfur	support to AU mission (AMIS); direct military operation (Chad); aid policies	within the UN; cooperation with the AU; but ICC controversy.	humanitarian aid	Attacks on civilians; atrocities; genocide; vulnerable groups (women and children).
Zimbabwe	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.
Lebanon	Public statements; aid policies	STRONG: with the UN (UNIFIL); international donors	Civilian conflict management; humanitarian aid	WEAK Economic crisis, environmental catastrophe
Gaza Strip	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, 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 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. Both regarding to 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 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.

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