

**Publication of Policy Briefs on New
Security Issues**

September 2011

Deliverable N°7.8

Month 32



EU-GRASP

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

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Publication of Policy Briefs on New Security Issues

Policy Brief on Migration

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Forum on the Problems of peace and War

Executive Summary:

The relevance that migration as an issue area is assuming for the European Union is visible on more fronts. Recent events in North Africa and the Middle East have shown how the management of irregular migration is part and parcel of European foreign policy, of European actorness and normative tenure. A restrictive approach to the matter, mainly spurred by a security understanding and framing of the same, has demonstrated to be not a far-sighted strategy for the Union, which is at a crucial crossroad of her integration process. Aside from internal problems, the external projection of European migration policy exhibits controversial outcomes. If the Union aims at dealing with the matter properly it is necessary that she embarks on a new and comprehensive approach with origin and transit countries; that she properly shape relations with countries experiencing similar challenges and that she develops common internal prerogatives on migration and asylum matters. To have an impact on global politics the EU should live up to her aspirations and comply with fundamental principles subsumed in her experience. Part to this process would imply to deviate from a prevalently security interpretation and governance of irregular migration, which looks as short-sided and flawed strategy to face the phenomenon.

Introduction

A security approach to irregular migration has developed especially as referred to unwanted flows of people heading for the Union. Mainly conceived as an outside challenge impinging on the area of freedom, security and justice, the management of irregular migration has required an external strategy. Thus, relations with third countries have been deepened, mainly through an invitation to share responsibilities on the matter and to develop a coordinated approach with countries exhibiting similar challenges. The main trust of this Brief is that a security interpretation and governance of migration has posed a series of problems to the European Union's image, actorness and integration process. The adoption of restrictive measures and the emphasis on the necessity to return and readmit irregular migrants has promoted the development of short-sighted policies both at the internal and external level. The broad usage of alarming tones referred to undesired migration in national and European documents together with tools and strategies chosen to organize and deal with the matter have favored a security understanding of a phenomenon that, instead, encompasses a broad array of other facets, from economic to human rights elements, from regional stability to development issues.

Background

Handling migration implies coordination with actors from where third citizens depart or transit. Also, and given its peculiarities, managing migration and asylum is a topic broadly discussed among actors perceiving and facing similar challenges. Relations with third actors need to take into account the complex and variegated dynamics of migratory flows. Recent events in North African countries and the Middle East have underscored the importance of envisaging migration policies with third countries consistently with a broader packet of measures aimed at a comprehensive regional strategy. In fact, many can be the causes of irregular movements, ranging from poverty to conflicts, and thus different the strategies to tackle them. Thus, relying on policies emphasizing restrictive measures and control priorities can be only a part of a broader strategy aimed at downplaying the root causes of potential flows. More to that, because of its trans-border nature and the role of different countries in the migratory path, regional approaches encompassing more actors seem to be better tailored to handle and to share common understandings on the matter.

The first months of 2011 have caused more than a challenge to the European approach to irregular migration. The European Union and Member States have traditionally broadly relied on old

constituencies in North Africa and the Middle East to ask for the control of irregular flows en route to Europe. Thus, uprisings in these geographical settings have created embarrassments as well as uncertainties on how to make up for the new context emerged. Also, the events have deeply underlined the weaknesses of the European Union policy on migration and asylum, emphasizing burden-sharing matters and posing into doubt one of the most important achievements of the European project, that is, the free movement of persons within the Union. All this has to do with a general approach to irregular migration which emphasizes a security dimension to the phenomenon, confining on the back burner other European priorities, such as for example the promotion and respect for human rights. This has favored the endorsement of short-term yet high-impact policies, which ultimately have proven to be quite ineffective and detrimental to the EU's aspirations.

Critique of the existing policies

Handling irregular migration is an ever relevant argument for debate among the EU and third countries, especially of transit; among the EU and actors perceiving the phenomenon in a similar way; and among Member States. All developments in this sense testify to the type and effectiveness of the Union external projection and actorness.

Through Member States individual actions and EU's policies, third countries have been called to undertake a relevant role in the management of irregular migration. While the Union has developed instruments to regulate the return of undesired persons, plans and programs have been tailored to potentiate third countries capacities and willingness to contain irregular flows. An increasing field for dialogue, intensified coordination with the United States on migration and asylum matters is the product of both similar understandings on the matter as well as of the necessity to regulate the effects of own policies on others. Finally, having made the free movement of persons one of the cornerstones of the European integration evolution, the handling of irregular migration has increasingly come to interest Member States, their relations and responsibilities on the matter.

A security footprint applied to migration has been apparent in many forms. While this security turn has prioritized the matter it has also posed manifold challenges to the point that migration is one the issue areas where the EU is tested today on her role and tenure in the international landscape. If it is difficult to analyze the impact of security discourses on European governance because of characteristics that are specific to the EU, but it is clear that they have touched upon a sensitive matter for the public union and have helped Member States justify the undertaking of specific

provisions. Emergency discourses have especially followed tipping moments emphasizing the need for urgent and immediate actions. For example, the terrorist attacks of 11 September, the following ones in Europe in 2004 and 2005 and the growing of the phenomenon in third countries have seen the use of strong tones invoking urgent measures, establishing a link between terrorism and migration. The terrorist events alimented fears against the potential abuse of asylum systems; thus, asylum seekers became a category to carefully monitor. 'Saving the lives' of migrants was a peculiar security discourse introduced and magnified by tragedies occurring in attempts at reaching European coasts; the likely provisions associated to the discourse, though, leaned towards readmission practices and even more restrictive measures in the European neighbourhood. Security tones have started to be employed to describe the situation in Greece, interested by increasing flows following the closure of main Mediterranean transit routes to the EU especially from 2008.

Aside from security discourse, it is worth emphasizing how migration has been organized and how this has influenced its handling. The starting point of an analysis considering irregular flows as a security challenge has to take into account the framing of the area of freedom, security and justice, considered as a secure space. The free circulation of people has raised the problem of the 'external frontier' to be safeguarded against unwanted challenges destabilizing internal settings. Thus, a paramount role has been devoted to 'borders', their role and function. 'Secure borders' is both a descriptive and prescriptive concept encompassed in the European Internal Security Strategy and in the United States' Homeland protection program, as well as an issue for dialogue. Surveillance and patrolling systems and the employment of military and of security technology tools have been used to control borders, while an increasing role is devoted to defence industries in the production of equipments. Framing migration and asylum as parts of a same area has impacted on asylum seeking understanding and governance. Asylum has increasingly been considered as another tool to circumvent normal migration controls. Finally, a special reflection is due to the structures used to contain irregular migrants, detention centers both within and on the borders of the Union, which re-propose exclusion dynamics emphasizing insecurity feelings.

The prevalent security approach undertaken by the EU and Member States presents weaknesses on many fronts. First of all, some of the practices undertaken to remove irregular citizens have been considered in breach of main conventions on basic human rights protection. Relying on third and authoritarian regimes for the control of irregular flows has also proved to cause risks to migrants' lives. If 'saving the lives' of migrants was the overt concern of member states and national leaders,

many authors insist that surveillance structures and systems in the Mediterranean have produced opposite outcomes. Huge controls are likely to increase the number of people drawing out of their attempt to cross the Mediterranean, as they will search for more dangerous routes with less traceable but less safe boats. More to that, migration controls undertaken seem not to properly answer the challenge. The argument is that given the closure of specific routes and yet unchanged figures of migrants on the move, these latter are likely to search other paths, so that flows are simply diverted. For example, in last years, and in concomitance to major controls of the Libyan corridor, it has been possible to see an increased number of irregular migrants searching to reach Europe through Greece.

While all actors agree on the opportunity to strengthen capacities in third countries, most of them maintain that this has not to be translated into an 'externalization' process, relinquishing specific responsibilities on migration and asylum as sometimes seems to be the case regarding European and Member States policies. More to that, a byproduct of policies emphasizing security understandings and exclusion dynamics are discrimination effects. Analysts have pointed out the effects of a tight cooperation between transatlantic partners on information sharing regarding personal data, and on policies aimed at border control, prospecting the emergence of 'a new Northern axis "Fortress Europe-USA"' (Statewatch 2001). In particular, activities such as screening and profiling can led to discrimination practices. Last, the security interpretation to irregular migration has privileged bilateral paths of relations where immediate effects can be appreciated over more multilateral ones and has also posed serious coordination problems among Member States, as the last months debate on Schengen testifies.

Policy Options

This Brief acknowledges that dealing with irregular migration does not offer easy solutions. It also maintains that coordination with third countries is paramount given the cross-border nature of the issue. Given ongoing anxieties against irregular migration it is also understandable that bilateral agreements, especially those agreed by Member States and third countries seem to be better suited to obtain reliable responses in due time, given the series of incentives and negotiation tables these dispose of. It is also understandable why a go it alone policy is opted for in time of crisis to protect against what is perceived as a potential destabilizing factors to national security.

This is why keep pursuing bilateral or unilateral strategies seems to many actors the most profitable course of action to contain irregular flows, to provide timely answers to the public opinion and to marginalize the potential effect of a migration crisis. Recent events in North Africa and the Middle East, though, have already proved how short-term this kind of approach to the problem is. In particular, recent facts have underlined two problems the European Union has the opportunity to work on: first, her integration process by envisaging a common migration and asylum policy. Second, a de-securitization process, allowing irregular migration to be discussed in a broader strategic debate on a EU external action both effective and consistent with her priorities. If one trusts the Union as a unique actor in the international landscape, committed to propose a new and unrepeated project of integration it is to be hoped that both steps are undertaken.

In last months, Commissioner Malmström has put a great emphasis on the possibility to foster a common asylum system and to strengthen European measures dealing with irregular immigration, such as, for example, FRONTEX, the agency for the coordination of Member States operational cooperation on the external border. Were these achievements to be reached, the Union would benefit of tools to face jointly and consistently migration or asylum crisis; would deepen her position in the international landscape as a single actor and would be better able to negotiate with third actors. Nevertheless, it is unlikely that such a path will be undertaken if a security approach to the matter remains prioritarian, as Member States would consider national prerogatives as tools to decide who is allowed or not in their own state. More to that, it is to be doubted that far-sighted strategies can be undertaken to calm-down migratory pressures. Security connotations exasperate the search for immediate protection policies putting on the back burner other strategic options. This is the reason why a widespread de-securitization of the matter is all the more necessary. This does not mean to downgrade the importance of the issue but to underline its complex and multifaceted nature. Uprisings on the borders of the Union have opened up a debate on a new approach to be undertaken with third countries, one that privileges an intra-regional dialogue based on democracy and shared prosperity promotion. Root causes of migration are given much more emphasis; thus, the need is recognized to undertake more long-term although probably less-visible policies and abandon the use of measures and tools that would reinforce the security interpretation to the matter. Again, this approach seems to be quite incomplete if the EU does not embark on a strategy deepening common migration and asylum policies, able to set priorities for the Union as an external actor and able to create mechanisms for Member States actions coordination.

Policy recommendations

Thus, this Brief suggests that much more efforts should be put on looking at the complexity of migration as an issue area of which the security dimension is one facet among others and on deepening internal integration processes. This option would propose longer-term and more effective strategies to deal with migratory flows; would incentive regional integration processes in third areas; would avoid the use of irregular migration as an harm on negotiations; would incentive a more comprehensive and fruitful dialogue between actors sharing similar concerns; would calm-down national anxieties and discrimination dynamics in national settings and thus incentive better suited accommodation of irregular migrants and asylum seekers in their territory; would propose the EU as a single actor in the international landscape pursuing her aspirations to being a different actors and would restate the free movement of persons within the Union as one of her building blocks.

In particular, specific actions may be:

- ✓ Insist on multilateral frameworks for discussion debating humanitarian, development and economic issues as related to migration.
- ✓ Carefully monitor Member States actions when these may be contrary to EU position as human right promoter, and voice disappointment loudly through its institutions according to the Lisbon Treaty predicaments.
- ✓ Consider the 'saving the lives discourse' as paramount to put at center stage the security of migrants and reflect on and reconsider the restrictive measures often adopted and ignited by this discourse.
- ✓ Balance the aim at reducing irregular flows with implications in terms of human rights protection.
- ✓ Keep promoting programs aimed at improving third states standards on human rights and improving conditions in detention centers. International Organizations do not contest these efforts, which are paramount, but want to make sure that they are not seen as shortcuts to externalize asylum procedure in Europe.
- ✓ Discuss thoroughly with neighboring states, candidate states and strategic partners matters regarding asylum seekers, refugees and their protection, return matters, technical assistance to third countries;
- ✓ Exchange positions, best practices and improve venues for cooperation at a regional and multilateral level with other actors while avoiding as much as possible the undertaking of

measures that, through profiling and screening processes are likely to discriminate between the EU or the EU and the US and the Rest.

Conclusion

Over the issue of migration and related matters, the European Union tests her actorness, her role as a distinct actor in the global landscape as well as her external strategy. Uprisings occurred in the first months of 2011 and the repercussions these have had on the debate regarding migration both within and outside the European space offer a unique opportunity to correct the ongoing approach towards irregular flows. Official discourses as well as practices have showed the restrictive approach adopted against irregular immigration, broadly informed by a security understanding of the matter. Ultimately, this approach has proven to be short-sided both because it has not reasoned enough on how to deal with root causes of migration and also because it has complicated coordination among Member States. Thus, this Brief suggests that better results on downscaling irregular flows can be achieved by de-securitizing the matter and reflect on a more long-term strategy on how to handle a deeply complex matter. Also, it recommends to keep pursuing a common migration and asylum policy that would contribute to smooth the impact of migration crises and to deepen the European integration process.

Policy Brief

Human Security? The strengths and weaknesses of the EU's involvement in human rights crises

Executive Summary

Humanitarian intervention is always controversial, especially if it involves the use of repressive measures, be it through military means or sanctions. The human security approach undoubtedly provides an interesting blueprint for the EU to improve coherence in its external action, as it is better suited to translate the Union's founding principles (and its inherent emphasis on non-military conflict resolution) into a policy practice. At the same time, though, political considerations remain relevant as demonstrated by the analysis of the EU's involvement in four human rights crises (Darfur, Zimbabwe, Gaza and Lebanon). In order to strengthen its credibility and consistency as a humanitarian actor, the EU should prioritize the protection of civilians, avoid double standards at all costs, and prioritize genuine multilateralism, which requires a real involvement of all parties. In this regard, therefore, the EU should refrain from posing 'take it or leave it' conditions and recognize that real multilateralism might well lead to non-optimal outcomes for the EU's interests.

Introduction

Human rights are at the core of the European integration process (which was built on 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 promoted as a value in their own right, the evolution of global politics has increasingly shown that human rights abuses can also become 'international security' issues and threaten the stability of the international system. For instance, terrorism can be fuelled by human rights violations. Migration flows are exasperated by refugees fleeing abusive

governments. Failed states incapable of defending their own citizens can easily trigger civil wars and destabilize entire regions, with spill-over effects onto the global arena.

Thus, in the continuously evolving jargon of international politics, human rights have come to be gradually 'securitized', that is, interpreted and operationalized in terms of security concerns and the EU has been no exception to this trend. Obviously, the risk involved with the securitization of human rights is that the issue is often addressed with strategic (read: military) means, while other types of responses may be more appropriate. Intervention, whether portrayed as humanitarian or not, is always a double-edged word: indeed, military operations can further exasperate the human rights abuses they aim to address. In this regard, the EU has been trying to adopt a more flexible and comprehensive approach to the problem of human rights violations as security threats, mainly through the concept of 'human security'. Such a focus would help promote the 'primacy of human rights' as a cornerstone of all humanitarian interventions: not only calling for the respect of civilian rights in conflict zones, but also, and most importantly, for the adoption of human rights as the driving principles of all interventions.

In this vein, non-violent initiatives and other diplomatic means should be given primacy over any other effort. So, while the traditional military goal is to end a war or remove an abusive government (often also at the expenses of protecting the rights of civilians), the human security focus calls for a completely different approach: the goal becomes the protection of civilians, the promotion of their rights and the preference for non-violent means of confrontation. At a macro-level, a human security intervention should, whenever possible, be conducted within a multilateral framework.

This Policy Brief provides an overall of the strengths and weaknesses of the EU's involvement (or lack thereof) in four major cases of gross human rights violations: the crisis between Israel and Gaza in 2008, the 2006 Lebanon War, the Darfur crisis in Sudan from 2003 to 2010, and the Zimbabwean crisis from 2001 to 2010. The findings outlined here are drawn from extensive studies based on systematic content analyses of official documents, press releases, newspaper articles and interviews.

To intervene or not to intervene? Dilemmas of EU's humanitarian action

Intervention in human rights crises has always been a headache in international politics. Not only does it imply significant resources and risks for the international community, but it also raises legitimate questions as to its actual impacts. Thus, in the absence of commonly agreed rule of

engagement, the practice of intervention has been dominated by a good degree of improvisation. The EU, just like most other international actors, has been no exception.

In Lebanon and Gaza, where the skirmishes with Israel have caused two major humanitarian crises in 2006 and 2008-9 respectively, the EU has by and large been a bystander, limiting itself to issuing a number of generic declarations and focusing much of its energy on providing humanitarian aid. In Zimbabwe, by contrast, the EU has been quite vociferous and has swiftly introduced an arms embargo as well as targeted sanctions against top officials within government and security forces. In Sudan, the EU took an even bigger role by strengthening sanctions with the support for a military mission led by the African Union (AMIS and AMIS II) and, in 2009, by directly intervening with an ESDP military mission along the borders between Sudan and Chad/Central African Republic.

The scope and scale of European interventions were dictated not only by considerations about actual capabilities, but also by political interests within the EU. The 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. In both cases, colonial ties also played an important role.

During 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. No clear leading proposal emerged, let alone a country willing to take the lead. The EU's intervention was more limited also because of political sensitivities, mainly concerning the involvement (in both cases as an offender) of Israel. In the end, European authorities limited their action to providing aid policies and humanitarian relief, thereby refraining from taking a bolder political stance.

Multilateral cooperation? Lights and shadows

An important component of the human security approach is the multilateral nature of the intervention. In this case, too, Europe's performance has been characterized by lights and shadows. During the Lebanon war, EU countries and institutions elaborated common policies at various international meetings, most notably the G8 summit held in Saint Petersburg and the International

Conference on Lebanon of 2006, and supported the ratification of the UNSC Resolution 1701, besides contributing to the UN Interim Force in Lebanon. In Darfur/Sudan, the EU collaborated quite closely with the AU and encouraged the International Criminal Court (ICC) to indict the Sudanese president Bashir for crimes against humanity. On the contrary, in Zimbabwe the EU was not able to stimulate an effective multilateral process, mainly due to its inability to interact with the Southern African Development Community. 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. Moreover, the EU acted half-heartedly throughout the conflict and did not play a particularly significant role in collaboration or opposition to other international actors.

It must also be noted that the EU's multilateral strategy did not necessarily achieve its intended effects. A case in point is constituted by the involvement of the ICC in the Darfur crisis, which spurred a wave of criticisms by African countries and drove a wedge between the EU and, to a certain extent, the African Union, whose members have refused to collaborate with the UN-backed multilateral institution.

Framing the crises: human security focus

In all crisis scenarios, the EU discourse was framed by a number of underlying elements. In the case of Darfur, for instance, 'justice' was by and large the most prominent component of the EU discourse, centred on the need to identify culprits of human rights violations and fight the culture of 'impunity' marring many African countries. In Zimbabwe, the EU's declarations revolved the breach of the 'rule of law and the fundamental democratic principles' perpetrated by the Mugabe government, which triggered a vast array of targeted sanctions against top officials and politicians. In both crises, the human security lens was quite strong. In Darfur, the EU condemned the 'attacks on civilians', the 'atrocities' committed by the paramilitary forces and the army (which were equated to an actual 'genocide'), and continuously stressed the importance to protect 'vulnerable groups', especially women and children. 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 more generic. 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’. In terms of actionable proposals, the EU limited its discourse to proposing some forms of ‘civilian conflict management’ in Lebanon, while its declarations during the Gaza conflict simply demanded to ‘cease hostilities’ by both parties.

Attributing responsibility: double standards?

Human rights crises do not simply happen. They are caused and perpetrated by human beings. Therefore, the attribution of responsibility is fundamental to guarantee human security also in the long run. Our studies reveal that the EU was much resolute at identifying responsibilities in Sudan and Zimbabwe than it was in Lebanon and Gaza. Ever since the breakout of the humanitarian crises in Darfur and Zimbabwe, the EU immediately identified the Bashir and Mugabe governments as the driving forces behind the two humanitarian crises. This clear stance, of course, made the EU’s official response more coherent (at least in terms of policy procedures), but also triggered counter-reactions in the respective regions. By contrast, in the case of Lebanon and Gaza, the EU rhetoric is much less assertive with respect to the causation of human rights abuses, thus limiting itself to a mere recognition of the humanitarian consequences of the conflict. Official declarations were rather generic, calling for bilateral ceasefires and failing to identify clear responsibilities for human suffering. Our analysis of the Gaza conflict also points out the limits of a humanitarian discourse that fails to recognize the special status of Gazans (citizens without a state), whose human rights are not simply abused by the state of occupation operated by Israeli forces but also by the absence of an institutional state capable to deliver services to its citizens and fully recognized by the international community.

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

Policy recommendations

Humanitarian intervention is always controversial, especially if it involves the use of repressive measures, be it through military means or sanctions. The human security approach undoubtedly provides an interesting blueprint for the EU to improve coherence in its external action, as it is better suited to translate the Union's founding principles (and its inherent emphasis on non-military conflict resolution) into a policy practice. At the same time, though, there is no 'one size fits all approach' and EU will not be able to circumvent important political considerations when developing its responses to human rights crises, given that in contemporary global affairs all actions may elicit unexpected counter-actions and eventually lead to undesired outcomes. Based on the four cases discussed in this Policy Brief, the EU should:

- Prioritize the protection of civilians, even when doing so may be against the Union's short-term political and economic interests.
- Not refrain from taking a clear diplomatic stance, which is a fundamental precondition of international credibility. Obviously, this may lead to frictions with the other parties involved and, therefore, it will require a good degree of flexibility and leveraging.
- Avoid double standards at all costs, given that this has been a traditional factor in weakening the credibility of the EU as a humanitarian actor, also in Africa where Europe has traditionally played a leading role.
- Prioritize genuine multilateralism, which requires a real involvement of all parties. The EU should, therefore, refrain from a) unilaterally excluding unwelcome parties and b) posing 'take it or leave it' conditions. It should also recognize that real multilateralism might well lead to non-optimal outcomes for the EU's interests.

Conclusion

Although the notion of human security provides important guidelines for the EU's humanitarian action, the analysis of four key human rights crises (Darfur, Zimbabwe, Gaza and Lebanon) reveals that there is no 'one size fits all approach' and EU will not be able to circumvent important political

considerations each time. In order to strengthen its 'voice' and credibility, the EU should avoid double standards and prioritize genuine multilateralism, which requires a real involvement of all parties. At the same time, the EU should not refrain from taking a clear diplomatic stance, while avoiding to pose 'take it or leave it' conditions and exclude 'unwelcome' parties for the negotiating table. It should also recognize that real multilateralism might well lead to non-optimal outcomes for the EU's interests.

EU-GRASP

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