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Justifying Common European Action through Human Rights and Security: A conceptual Perspective on Europe as an Actor in the World

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Human Rights as a justification for action in the international realm are often juxtaposed with justifications that rely on the concept of security, in particular the security of the own polity. It is equally common to consider human rights justifications as a rhetorical device to legitimate action which is 'actually' motivated by 'interest' of a less idealistic kind, namely economic ones or, again, security. Finally, such an opposition between 'human rights' and 'security' is often embedded in dichotomies with respect to theories of action (here norm, or ideas guided action in a sociological logic of action; there interest led action in a utilitarian/ rational logic of action) or with respect to time-honoured theories of international relations, namely 'idealism' versus 'realism'. Much of the debate in IR, but also in other domains of the social and political sciences, is still conducted in such dichotomies based on thick theoretical presuppositions.

This paper will try to go beyond such dichotomies. Thus, it will not juxtapose 'norms' with 'interest' as the driving forces behind action in the international realm. Instead, it will start from the pragmatist assumption that all actors resort to 'ideas' in view of problematic situations in order to make sense of them so that these can be 'acted upon.' Such ideas can be concepts of 'democracy', 'human rights' and 'diversity' but also of 'security' and 'prosperity.' They are used for identifying a specific problem at stake in a given situation and for justifying the envisaged action. The relevant questions thereby become how the different concepts that are evoked by the actors relate to each other (complementary or conflictual) and which precise meaning is given by the

actor to the undetermined, broad concepts.

This approach will be used in the following to reconstruct the policy field which is commonly termed 'the EU as an actor in the world.' It will thereby analyse which conceptual resources were employed by the actors (mostly national governments) in order to construct agreements for common action. The paper thus aims less to explain why agreements for common action came about than rather to understand better how this took place. By focusing on the key ideational resources and the ways in which they become 'effective' in view of given situation, the paper thus ultimately hopes to contribute to the debate what might be *specific* about 'Europe as a – emerging - actor in the world' when compared to the actions of other contemporary polities but also the actions of past European polities.

The paper will thereby proceed as follows: First, by way of relating this perspective to the broader 'literature', the debates as to the question of the *effectiveness* of Europe in the world and as to the *quality* of such effectiveness will be outlined (1). From here, the global condition of the post-1989 world will be discussed: the de-stabilisation of formerly fixed boundaries and the problems that ensued (2). Then, two distinct problems that the European Union polity faces in establishing itself as an actor on the world stage are presented, namely its capacity to justify humanitarian intervention or under the justification of defence or security (3). Yet, the use of similar supporting concepts to address these problems as well as the identification of similar root problems leads to an approximation of these two formerly distinct activities. They then receive a common justification: human security (4). In a last step will see how these new activities imply a re-positioning of Europe in the world (5).

1. The effectiveness and quality of Europe acting in the world

To act or not to act

Both the academic as well as the 'policy' debate are dominated, much more than those on other areas of common action, by the very question of whether the European Union is effective. The label under which this discussion takes place is the one of 'actorness' (for many Hill/ Wallace 1996, Bretherton/ Vogler 1999). Here, we see three major positions. The first is one of scepticism

towards European 'actorness'. The European Union is powerless in influencing the course of the world events and processes, not least because of its unwillingness to use force when this might be required by the situation at hand. Europe, as this position has it, is a political entity that does not conform to the standards of 'power politics', an entity that is either unwilling or unable to realise which game is – and will continue – to be the only show in town (Kagan 2003). This position, which draws on characterizations such as naivety and cowardice or both is identified in particular from those positioned to the west of Europe, but also from within, depicting this dilemma not a novelty but simply as a continuation of Europe's status from First or Second World Wars, calling into question Europe's essential role to participate in shaping world affairs.

A second position is not as sceptical. It is based on a similar conception of what it means to be 'effective' in the world and by what kind of means this can and should be achieved. Yet, it maintains that it is both desirable and feasible for Europe to become a global power (Leonard 2004). The situation since the end of the Cold War, it is argued, facilitates such a "coming of age." For such actorness to become real and for clear identification of the problems at stake, political will and, above all, the capabilities to act are required. A Europe with 'clout' would thus position itself among the other 'major players', assert its autonomy *vis-à-vis* them. While the 21st century might not be the 'European century', a stable and desirable world order will, for sure, not be without European involvement (Kirchner 2006).¹

Such effectiveness in the world is considered already the case by a third position. However, the understanding of what it means to be effective in the contemporary world, through which means such effectiveness proceeds, does markedly differ from the two preceding views. Not by force, but by example, by persuasion and good deeds, one might say, is Europe making a difference in the world (Tonra/ Christiansen 2004). While belittled by some observers as naïve and criticised by others for being without clout, it is this actorness that will be the most effective in the medium and long run. Thereby, the 'ethical' and 'normative' power Europe will promote the good in the world. Its essential actorness, even if some might fail to perceive it, is already given (Smith K.E. 1999; Smith 2003, Ginsberg 2001).

The second theme moves on from the question *whether* Europe is effective in the world to the

¹ For a critique of what is taken to be "Rhetoric without responsibility: the attraction of "ethical" foreign policy" cf. Chandler 2003.

one of what kind of effectiveness (or actorness, to use the dominant language) one might observe. The questions thus become: What quality does, would and should this Europe as an actor in the world possess? Why is Europe as an actor in the world needed and what quality should the actions have? While logically distinct, these questions are practically closely linked. Thus, again, three positions can be identified, which should, however, be outlined separately from the question of effectiveness, as a slight, but important, change in the configuration.

The quality of actions

The first position maintains that the meaning and purpose of European actorness is to serve *European interests* (Pape 2005). It is a prolongation of the perspective above that sees Europe in the continuation of great powers and re-affirms that it is both desirable and feasible that Europe also assumes this position in the contemporary world. The justification for such actorness is, in particular, the security interest of Europe in a – still, even if differently – dangerous world. Moreover, this world is populated by other, powerful agents seeking to exercise power for their own benefit. This is realism. A realistic Europe should therefore be powerful in the same way as these competing powers and desire to be like them. Europe should take the necessary steps to maintain its autonomy in this world: to do so, it needs to assert its *sovereignty*, and, in the end, become state-like (Morgan 2004). Europe should thus become *a power like any other*, taking its desirable and required role in a realists' world, in particular the one of balancing American power/ hegemony (Posen 2006).²

Precisely the move beyond such sovereignty is what determines the qualities that are identified in and desired for an active Europe by the second position. This conception of Europe as a normative, ethical, civilising power appears to be the most widely discussed (Manners 2002; Agasten 2000; Duchene 1978).³ This power is to emerge by Europe not looking away from the injustices of the current world, while also not resorting to traditional modes of conduct, be they of power-politics or isolation, where the first would be the morally wrong kind of power and the

² For a critique of what is taken to be “Rhetoric without responsibility: the attraction of “ethical” foreign policy” see Chandler 2003.

³ With this normative aim a militarization of European foreign policy is deemed both undesirable and unviable. Eilstrup Sangiovanni (2003) thus argues in “Why Common Security and Defence Policy is Bad for Europe that “a wholehearted non-military focus for Europe’s foreign and security policy could strengthen the Union’s political cohesion by building on those things that all member states-including small or neutral states-can agree on and contribute to (p. 203).”

second a flight into irresponsibility (Bretherton/ Vogler 1999). Instead, the kind of power which Europe *is* or respectively *should become* is a novel one: novel in comparison to a period (namely before 1945 and at times thereafter) in which the foreign policy of European nation-states was one of unethical and in the end auto-destructive ‘power politics’ (Diez 2005b).⁴ Learning from these lessons, Europe is to become both a self-limiting and at the same time universal power (Manners 2002; Youngs 2004).⁵

Finally, a third position can be identified which straddles the two former ones. Here, it is less a general kind of agency (moral or interest based, novel or traditional) than an evaluation of the current global conditions and the main ‘powers’ - both understood as the actors as well as the forces (‘conceptions’) that are at work. On the basis of such an identification of the problematic features of this current situation, what matters is that Europe becomes an effective power: one that makes an in the end normative difference in the world (Habermas/ Derrida 2003). Exactly what kind of means of action this notion of Europe would resort to - conventional force or persuasions of example - is thereby left open. Still, in many contributions, a mix of different means of action as well as a mix of traditional and novel elements of a self-understanding is asked for – the elements of which can indeed be found in European history. Indeed, what matters most is that Europe becomes a specific power in the world: a *European* power.

2. The conditions of Europe acting in the world: Global political re-ordering

The problématiques: acting beyond ones boundaries and the grounds for it

Two questions are, thus, at the centre of attention when discussing Europe acting beyond its borders: Does such action that is effective takes place? If yes, of what kind it is? These perspectives were brought to the object EU by analysts. The same questions, unsurprisingly, are also at the forefront of the concerns of the EU institutions. What kind of assumptions must be made so that these questions can arise as actual questions to be addressed for the EU? What kind of conceptual conditions must be present so that these questions become conceivable? There are

⁴ Critically Scheiperts/ Sicurelli (2007) ask whether ”Normative Power Europe [is] A Credible Utopia?”

⁵ Robert Cooper (2003) argues that this strategy can be explained as follows. Europe “. . . is militarily weak because it has chosen to abandon power politics. The European Union started as a project to make the politics of force and threat impossible in Western Europe . . . The European project therefore amounted to nothing less than the abandonment of foreign policy within the European continent (159-160).”

two levels of generality: first, the EU must conceive of itself as a bound entity situated in an environment of similar bound entities. Second, justifications for exercising authority beyond these boundaries must exist and be at hand as resources.

In contemporary discourse boundaries and borders are put into question: 'globalisation' is conceived to undermine them or even make them superfluous; they are rendered permeable and fluid; a-topical network of powers (Castels 1996) is to replace the modern power-containers. The forces that shape the world are, it is assumed, independent of space. Despite these diagnoses, the boundedness of political entities and practices still seems to be a fundamental assumption held by the political actors (and also by diverse traditions of scholarship on political phenomena which emphasise the constitutive nature of boundedness for politics). Being a bound entity in the world implies having an environment – unless the polity is conceived to be a Cosmo polis, to be 'the world.' This environment can be of different kinds, among them, the wilderness - the world of the barbarians. Here, 'our' – consciously to use again this vague expression - assumption is that the environment is made of entities of similar kinds of polities. The world 'as we know it' is covered by discrete polities.

The facticity of such a world of discrete political entities is the only basis on which the question of 'acting beyond the own boundaries' can emerge. We also still take it for granted, meanwhile, that such exercising of authority beyond one's own realm is not the 'normal' case – it requires justification, indeed strong justifications. This points to the second basic assumption that is still held in our political world with regard to the boundedness of polities. Namely, that each polity is entitled to determine how things are dealt with (regulated) on their own, without external intervention – which became identified with the concept of (first princely, and then popular) sovereignty. In view of this assumption, any exercise of authority which is not placed within the own polity needs to be placed on strong grounds – both in the justifications towards the inside i.e. the members of the polity and towards the outside i.e. the other bounded entities. For each, different rules apply.

In view of these strong requirements for justification, a first range of options emerges: the one pole is marked by a principled position not to go beyond one's boundaries ('isolationism'), the other by a strong inclination to do so ('missionarism'). If the acting beyond is conceived to be a

feasible option, then the, second, the questions *of the grounds* emerge: these tend to be phrased either in terms of a right or in terms of a responsibility. Third, this validity claim as to the desirability of the intervention can be supported by *the way* in which the acting beyond the borders takes place: whether one acts in common or along; whether one is invited to do so or enforces one's intervention; whether it is supported by international law or not. *Imaginable* but in need of *strong justifications*: this is the conceptual condition of acting beyond the boundaries. Yet these conceptual conditions only became relevant in view of concrete, given ('external') conditions: in other words, in view of the contemporary political world.

The post-1989 situation

As much as with regard to the problématique of expanding the boundaries, the relevant context for the question of acting beyond those boundaries is the one of the post-1989 condition. What is the state of boundaries in this new context? Most evidently, they have experienced more changes in this period, and especially in the first five years after the rupture of 1989, than during the previous four decades. As boundaries are the ordering devices, one can say more generally that the post-1989 context is one in which old orders have faded, crumbled, have been done away with. It is – as has often been said – a disordered world – and one aspect of this disordered condition is the difficulty in describing it coherently. Indeed, the current conditions seem marked by very distinct, even opposite phenomena.

First, and most generally, the condition is one in which the polities of the world have moved closer to each other. This phenomenon is often captured by the concept of 'globalisation'. The multiple attempts to define this notion need not be of concern here. In the following it will be understood as, first, the increase of linkages between different parts of the world, by means of communication and transport. Such a notion entails that events in different places can be effective, even by their mere presence, in a very short time in others. A second aspect of this connectedness is that entities (information, goods, and not the least people), can move faster and more easily between distant places than ever before. It is, as mentioned before, apparently a world where, be it through volition or as side effect, boundaries loose much of their constraining power. Not few conclude from this consequence that the very notion of 'power' needs to be rethought in the post-sovereign condition.

At the same time, boundedness and an ensuing claim for sovereignty, is reaffirmed, foremost by polities that claim their rightful place as actors deciding their own fate, but also in significantly partaking in shaping the fate of the wider world. Most obviously, China and India come to ones mind, but also polities such as Brazil, Iran and Pakistan are no longer the objects of impersonal force on the part of more identifiable western powers. Enabled through their 'weight' – in sheer empirical dimensions – they leave the status of the 'Third World' and claim validity for *their* way of world-making, first, as said, *at home*, but also beyond. The world of 2005, in short, is no longer the world of 1945 or even 1895 in terms of who is effective on whom. This re-distribution of enablement and constraints also affects Europe, which, though mostly as competing individual nation-states, did to a large degree dominate the order of the world for about four centuries. Europe can not longer shape the world by its own volition, as it did for much of the period between the 16th and the 19th century.

Third, the affirmation of some polities runs parallel to an opposite trend which is most aptly described as “a world which is ‘un-doing’” itself. Terms for these phenomena are ‘state-failure’, and they are, for the most part, located in parts of the world that are further away from Europe. This refers to the disintegration of polities, like in the case of Somalia, Zaire, and Afghanistan. While such disintegration sometimes resulted in the establishment of new viable polities – as discussed in chapter three – other polities cannot be described as having assumed new political forms, but as being spaces in which no central authority present. It is, though, not adequate to speak of a power vacuum, as the ability to exercise control – and very often to inflict violence on opposing parties and on the population - is taken over by private actors, by war-lords. It is a pre-sovereign world, but not one without the exercise of power and violence (granted the assumption that there was in fact formal power before).

These strong changes in the context also entail a challenging of the previously established world views. A number of different, at times opposing accounts of the new world-order are given: who the main actors will be; whether it will conflictual or consensual. The perceived task, here, was not merely epistemological. Rather, the perceived task was to shape a new order which will then be intelligible and subject again to common control. Which norms are valid, which key assumptions: power politics, struggle for resources, common problems, a world of NGOs and

knowledge; a world of high-tech weapons; a world united, a world of unknown disparities? It is a new condition of 'ideational insecurity' and the attempts to master it (Joenniemi 2007).

The situations can thus be characterised by the following elements: the practical and effective questioning established boundaries – and the constitution of new states that it entailed; the rise of new powerful polities and their standing in the world, with the affirmation of their boundaries; this dissolution of polities and the unruly condition in these space. Under these multi-faceted conditions of *de-and re-ordering*, the questions are thus, which political entities are effective, and what are the commitments of these political entities. These new conditions are providing new opportunities for the European Union polity to act in new ways beyond its boundaries. In particular the close of the paramount political conflict with its stark territorial divisions of the post-war period has, in the eyes of many observers, opened up a space for new European agency. The problématique whether and under which justification to act beyond these boundaries is thus subject to new conditions, which distribute the basic enablements and constraints: Which concrete actions are taken under the auspices of a European government or defence force will depend on identifying problems and mobilising the ('political') will to address them in common. We will therefore turn now to these problematisations of situations beyond the territory of the European Union polity.

3. Two distinct problems: Humanitarian crises and security threats

What is the condition of a world where order is not longer given and which is – to use again Solana's words – un-doing (*defaire*) itself? It is one of crisis. "To respond in a rapid, efficient and flexible manner, to *situations of urgency, or crisis or to the emergency of crisis*", is thus taken to be the aims for which the European Union polity created the rapid reaction mechanism (Council Regulation No 381/2001). These crises are situations of perpetuated violence to which a large number of human beings fall victim. While the issue of violence among groups of people is not new, the actors inflicting the violence have changed. Here, while the violence is still in part inflicted by statal forces, it is increasingly exercised by non-statal forces, which are identified as 'para-military troops' or war lords. This exercise of violence then – in contrast to previous organised wars – is in parts uncontrolled, and left to the militias. The outcome of this 'privatization of force' and thus the eradication of clear boundaries is that the victims are

increasingly non-combatant civilians. Examples may include the cases of Rwanda, the war in Bosnia-Herzegovina, Darfur.

How novel these phenomena indeed are – for sure in their extension and intensity, not the least due to the, again unevenly spread, availability of weapons – is open to debate. What has unquestionably changed, however, is the presence of images of these events in places that are far from their actual location. “Global communication increases awareness in Europe of regional conflicts or *humanitarian tragedies* anywhere in the world.” (European Security Strategy, p.7) These events become thus a visible reality for the people in the European Union, to which some reaction – even if the one that it is not of the concern of Europe – must be given. Thereby, though we cannot expand on this dimension here, the reporting of these events is highly uneven – and thus also their perceived reality in European eyes.⁶ It is this perception of situations of inflicted violence and the resulting suffering that is the problematic situation that needs to be addressed. The way of addressing it is ‘humanitarian interventions’. What, then, is their central justification?

The validity of human rights beyond boundaries and their criticism

The key justification, or, to use the other term, politicisation of the situation is the concept of human rights. The right to physical integrity and, in the end, to life are here the key concepts that fill the broader concept of *human rights*. They are essential rights and supported by the concept of human dignity. Yet, from the perspective of the European Union polity, they are the rights of non-members, of – as one might rightly put it – ‘others’. These human rights, are here, however, no validity of every polity nor a universal validity in principle. Rather, they are attributed a concrete viability from which a responsibility of the EU to act emerges, not the least in an interpretation of Europe’s own past. Indeed, responsibility becomes a key word in the justifications of intervention – a point to which we will return below. The distant suffering of *Others* not only concerns us – it obliges us to act. This is, needless to say, a very condensed presentation of the identified problem(s) and the key justification to address it by common European action. At this point it should suffice; the activity will become clearer when discussing the means of action as well as further supporting concepts. Before we turn to these, however, the main criticism will be discussed.

⁶ Cf. de Franco (2008).

The criticisms that are of at relevance at this point – others will be mentioned further below – concern the basic problem identification. Its most general expression, the self-determination of other polities, is violated by this kind of European common action. The validity of going beyond one's own boundaries by use of force, if this means a violation of sovereignty, is thereby denied. On closer inspection, this criticism appears in two forms. In a first, the sovereignty of the polities – understood here as states – is taken to be unduly violated by – more generally put – “Western powers”, who, themselves, would deny the erosion of their sovereignty. This critique is often based on a materialist-realist concept of the international political world, in which the more powerful polities – to which the European Union as part of the “North” belongs – dominate the less powerful, and justify these interventions by reference to universal principles – and thus a continuation of the imperialist practices. Thus, a rather classical critique of ideology is here at work, based on a commitment to the idea of national sovereignty.

The second version of the critique of denied self-determination, in contrast, takes the human rights justification not as an ideological smoke-screen disguising real and hard interests (or the simple will for power), but a conception to which Europe, or, again more broadly, “the West”, is indeed committed. But this very commitment is also in need of criticism. This criticism is anchored in an understanding of a reinforcement of political autonomy as well as support of diversity in the contemporary world. It is the belief that each political community should be entitle to govern itself in a way which it deems to be desirable. The exercise of European power under the justification of the protection of ‘human rights’ of universal validity is here criticised as the imposition of a particular world-view on the Other – and thus a continuation of the colonial practices. Here, a – critique of discourse, as developed over the last three to four decades or so – is at work, which is committed to the concept of diversity.

Though the arguments are logically, and in respect to the key concept of evaluation to which they resort, distinct, they often appear interrelated. The common thrust thereby is the unjustified nature of the intervention, rather than bringing protection to those in need, is just another instance in the long history of domination by Europe. In short, the critique arrives at the conclusion that the ‘real issues’ at stake in this situation for the European Union are difficult to discern or even hidden. These types of criticism can be addressed in one response. At their core is a shift in the

attributed validity of the protection of human rights: the violation of essential human rights – that is, above all, the right to life – becomes de-contextualised to a degree that is given a universal status: a practical universal status, in the sense that the perception of its violation irrespective of the location imposes the responsibility to protect. If this problem is at stake, neither the reference to self-determination of a polity in its realist form (‘sovereignty’) nor in its culturalist form (‘diversity’) is granted validity. Not to act in this kind of situation would not be an expression of respect for ‘the Other’, but a failure in responsibility for the fellow human beings (cf. Brahimi Report 1999).

Such a failure to assume responsibility is indeed at the core of a second, broader, critique. This critique does, in contrast, to the previous one, accept the standard of evaluation and its global relevance. However, it argues that, while the European Union polity claims global validity of essential human rights, it fails to take the practical steps that such protecting and/or promoting such global validity would demand, namely to intervene wherever there are such situations of humanitarian crisis. The accusation is thus one of selectiveness as to the instances when action is taken, and, by implication, of a lack of coherence across different situation of a similar nature. This selectiveness, in turn, is interpreted as a sign of the human rights commitment being neither sincere nor authentic. Rather, and there the form of critique of ideology that was outlined above is joined, human rights are taken as a means to justify intervention in particular cases when the *actual* stakes are of a different kind. Usually, as in most instances, security and foremost economic interest are evoked here as what really guides the action.

The critique of a lack of coherence in taking actions in these situations is addressed by a feasibility and viability justification: While in principle it is desirable that situations in which these essential rights are at stake are addressed, the situation might also be interpreted as rendering such intervention very difficult, if not impossible. Here, there are two specification of these grounds, one focusing on the ‘internal’ and one on the ‘external’ restraints. As to the former, the European Union polity might not have the practical means (‘capabilities’) for such intervention in too many sites. Means, in this case, refer to human beings – that is military and civilian forces, as will be expanded on later, who would lead the action as well as the equipment with the help of which the action could be undertaken. The external constraints regard the implications that an intervention would in all likelihood entail vis-à-vis other states (or

association of polities), who would *disapprove* of the intervention (especially if it were to take place within their own polity), and possibly react to it to this ‘European action.’

These critiques – the principled and the practical – are *addressed* by the discourse of the official institutions: It is in fact not particular European interests or European ways of conceiving the world (norms, values) that are imposed on the world. Rather, the justifications are embedded in those that are valid in global institutions. Thereby, the legal character of the interventions, and, more broadly, the support for the strengthening of the validity of the rule of law in ‘international society is emphasised: “*Effective multilateralism* and International Law are advocated. The rule of law is supposed to guarantee stability, regularity. Here, a counter position is advocated to the present US administration. Thus, it is claimed that “[W]e are committed to upholding and developing International Law. The fundamental framework for international relations is the United Nations Charter. The United Nations Security Council has the primary responsibility for the maintenance of international peace and security. Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority.”

It is repeatedly stated that the primary responsibility for the assurance of international peace and security lies in the United Nations Security Council. As well, the continued existence of the NATO framework for defence is emphasized: “... the Union will cooperate with the UN, the OSCE, the Council of Europe and other international organizations in a mutually reinforcing manner in stability promotion, early warning, conflict prevention, crisis management and post-conflict reconstruction (Helsinki Council, Annex IV).”

The claim that there is not too little involvement, but, as the first critique, too much in the name of the humanitarian, is the substance of a third major critique. However, in stark contrast to this first principled criticism, the justification that is here evoked is not the self-determination of other polities, but the security of the European Union polity. In a restrained version, it argues that the losses (one also speaks of ‘costs’ here) for European polity that these actions entail are too high: as to the members of the own polity and as to the material resources employed. In its more principled version, this critique is arguing that the activities under the justification of the humanitarian are only focusing on the wrong sites; European action is rather desirable and urgent in situation where ‘the own security’ is at stake. Such ‘security’ problematised situations are

indeed the second generic kind of problematic situations in the world that the EU polity is identifying as worth of political action. We will now turn to these.

A world of danger in novel ways

The disordering of the world created situations of essential danger for people beyond the boundaries of the European Union polity. During the first years of the *treize agitées*, the debates – not just in Europe, but in much of the world – crystallized without doubt on such situations of crisis and the adequate – that is desirable and viable – response to it. For many observers this preoccupation marked a rupture with long established ways of seeing and acting in the world – irrespective of whether it was judged as a change for the good or for the bad. With, roughly, the turn of the millennium, however, a return of the well-known preoccupations of polities returned, namely those concerned with the threats to own security. Some officials welcomed this return, as through it elements of a familiar order of political things had returned; however, the kind of the threats, meanwhile, had changed. This necessitated a change in the ways that these perceived threats were evaluated and judged. Security, even though the term might have passed the rupture of 1989 unaltered, had acquired a novel *gestalt*.

The two key threats to the European Union's security today are identified as terrorism and organised crime. They are seen as negative aspects/side effects/concomitants of globalisation. Increased linkages of communication and transport and lowered boundaries imply that threats (whose origin we will specify later) are 'carried' across the boundaries into the European Union polity. The different nature of these threats to the ones identified in the post-World War II period can be named as the one between fixedness and dissolution. First and as outlined above, the distinction between inside and outside that had been constitutive for the threat-perception of the post-war period is called profoundly into question. Now, the main agents posing threats are taken to travel into the Union polity and act both from within and without. In some cases, they are understood to have arisen from within (though the question whether they are also conceived to be of 'our' origin is one difficult to answer). A mere protection of the borders, even though still is not longer taken to be sufficient. Second, the form in which the threats might become active has changed; it is no longer by mass armies and/ or mass-scale weapons, but by small groups of human beings with destructive means other than conventional weapons. More importantly,

though, the dangerous agency is no longer linked to a peculiar other (or group of) polity (or polities). The second point is captured by the concept of asymmetry of the new threats: with small and inexpensive technological means, an adversary can have enormous and costly effects on polities; a small group of determined people can affect the life of millions; second, the adversary is much more difficult to identify, address, deter (Cooper 2004).

In view of this problem of identification (or, in the language of the activity: threat assessment) the key justification as alluded to above is 'security'. However, the spatial validity of the concept here covers only – or at least above all – the European Union Polity and its members (sites such as embassies or also preferred holiday resorts of European would be included here), where they can inflict harm on the well-being and lives of those living in this polity. The security justification is thereby carried by the concepts of obligation and right: the obligation to secure the physical well-being and integrity of the members of the polity in view of such threats; and the right to take actions accordingly. "The European Union considers the acts of terrorism as criminal acts that aim at the destruction of human rights and fundamental freedoms and seriously affect their enjoyment." Evidently, this justificatory concept is grounded in one key tradition of understanding the polity, namely that its fundamental purpose is the protection of the life of its members. This register of justification is thus much easier available at hand and less contestable. It nevertheless invites criticism.

The critique is fundamental. It can in fact be seen as a mirroring of the critique against humanitarian intervention. While in the former it was claimed that the 'real issues' – of which the EU is very well conscious and which are effective of the actions – are disguised, the critique is here that the 'real issues' that are at stake in the situation are not recognised. Specifically, it is argued that that the 'real issue' in view of this situation is not the presumably dangerous character of the activities (about which this critique then says little, as to if and how, it should be addressed). At stake in this situation are rather the conditions in some of the polities from which these dangers are assumed to stem, conditions for which not the least the European Union polity, or in short: Europe, if not 'the West' is taken to be responsible. The critique thus entails a re-orientation as to which sites and practices should be those that are problematised – and politicised. Indeed, it identifies a different situation to be the real concern, in view of which the others are only epiphenomena at best, or even purposefully used sites to carry attention away

from those ‘real problems.’ The problems – in the language of the traditional social sciences – are thus not actors and events, but structures and the forces that maintain these.

4. The approximation of problems: Similar means and a novel justification

So far, we discussed two distinct problem identifications: the addressing of situations of humanitarian crisis and the dealing with threats towards the ‘security’ of the European Union polity itself. While addressing both the same basic *problématique*, namely the question of the exercise of authority beyond the boundaries of the polity, the ways in which it was addressed was decisively different. In the one, human rights with a global validity were the problem that was at stake; in the other security with a validity of only the European Union polity itself. Such an essentially different nature was also seen in the major critique voiced respectively. The former – in the mode of critique of ideology – denounces the actions of the EU as *deceptive*, where human rights justification serve to disguise ‘the actual interests’: the declared problem-identification is *false*. The latter – in a mode of structural realism - rather criticises the *ignorance* of ‘the real issues’ that are underlying the situation: the problem-identification is *flawed*. However, despite these differences in the mode of critique, one can identify a commonality of both major critics: the ‘positive’ concept of evaluation which is – in more or less explicit a way – referred to is the autonomy and well-being of the other non-European polities.

An approximation – for lack of a better term – of the two situations with regard to these key normative concepts of the criticism can, however, also be seen in the ways in which the respective situations are dealt. I will argue in the following that such an approximation of the two situations – on the one hand universal protection of the humanitarian, on the other the protection of European security – is a fundamental trend. It can be observed in three dimensions: first, in the merging of different means of action in one and the same situation; thereby, we see a new differentiation of activities as to the time-frame to which they refer: crisis intervention; post-crisis management; pre-crisis prevention. Second, and not the least in view of criticism as to an undesirability of this merging, three answers are given: the embeddedness of these activities in international law; the merging of the underlying causes of both problems (the humanitarian and security threats); and, finally, the emergence of a novel concept of evaluation, that covers both activities, and is only differentiated as to its spatial validity: *human security*.

Re-configured activities: A mix of means and a new differentiation as to time-frames

“To practice the mantra of *comprehensive crisis management*” is declared to be the main challenge for Europe as an *effective* actor in the world (Solana 2000). This comprehensiveness has indeed two dimensions: the means which are used as well as the conception of the activity. We will first address the question of means. Here, we see a combination of three different kinds of activities and of ‘the organisations’ that are meant to address them. These include the military; the police, and what is called civilian forces. In their genesis within historical context of the construction of (national) polities in Europe, especially the military and the police were supposed to address essentially different tasks. Constitutive for this differentiation was the clear distinction between prevention of threats from the outside harming the polity and maintaining order in the inside respectively (Björkdahl 2002). At this stage, all of them are addressed in view of one single *problem definition*.

Nevertheless, there is still a hierarchy of urgency: “ESDP is not only about the creation of a rapid reaction force. Military means will always be the last resort for solving a crisis. ESDP is also about the Union having access to *other tools* which most of the time might be better suited to *maintaining or providing security* than military force. This is why the Union is devoting attention to the development of other instruments for use in crisis management situations (Solana 2000).” These tools, however, are also transformed with respect to their traditional usage by the national polities. There is thus also the transformation of existing means to make their employment more effective in view of the current problem: “To transform our militaries into *more flexible, mobile forces*, and to enable them to address the new threats, more resources for defence and more effective use of resources are necessary (European Security Strategy 2003).”

This merging, or mixing, of means of action is joined by a differentiation as to the sites in which they are used. They differ as to the urgency of the problem that is identified and therein also as to the specific combination of means that is deemed to be necessary for a viable way to act effectively. Three such different kinds of activities (‘operations’) will be briefly discussed: crisis management; post-crisis stabilisation; crisis prevention.

The urgency of the problem is evidently the strongest in a situation of actual crisis, that is, the infliction of violence. This urgency characterises the kind of action employed here. “With the aim of *preventing a large-scale humanitarian and civil crisis* in Ituri, a region in the North-East of the Democratic Republic of Congo (DRC), the EU responded to an appeal by the United Nations Secretary General and launched a military operation on 12 June, 2003 (European Council 2004b)).” In a similar way it is affirmed that “[T]he rapid deployment of the interim EU force followed an escalation of violence and increasing acts of atrocity in the Ituri region. Fighting between ethnic Hema and Lendu militias causes chaos in and around Bunia since early May, with hundreds of people killed and tens of thousands fleeing their homes. The unrest threatened to derail the DRC process and to destabilise the wider Great Lakes region further (European Council 2004c).” This task of stabilisation, then, is one that is the aim of the second kind of activities.

The problem-identification is here on of the disorder that is the consequences of the crisis situation as well as the consequences of the immediate intervention in this crisis situation. Thus, it is assessed that “(i)n almost very major intervention, military efficiency has been followed by *civilian chaos*. We need greater capacity to bring *all necessary civilian resources* to bear in crisis and *post crisis situations* (European Commission 2002c).” The achievement of a situation in which the essential human rights are not longer in danger is thus strongly linked to the concept of stability: “[T]he European Union makes a significant contribution militarily to the maintenance of stability in a number of crisis or post-crisis areas, whether this be through our own operations (which have so far been deployed in the former Yugoslav Republic or Macedonia, in the Democratic Republic or Congo and will soon be deployed in Bosnia), or through EU member States’ Contributions to NATO operations (European Security Strategy 2003).”

The nature of the conflict which is to be stabilised can thereby vary. Repeatedly, it is expressed in term of conflicts between different ethnic groups, wherein. “On 31 March 2003, the EU launched the Concordia mission in the former Yugoslav Republic of Macedonia (FYROM), its *first-ever military operation*. EU forces took over NATO’s Operation Allied Harmony with the aim of contributing further to a *stable, secure* environment in the FYROM The EU force ... patrols the *ethnic* Albanian populated regions of Macedonia that border Albania, Serbia and Kosovo (European Council 2003b).” In other situations, the conflicts are rather conceived to be about the

distribution of wealth.

A third kind of operation tries to prevent the eruption of crises in the first place: “[W]e need to be able to act before countries around us deteriorate, when signs of proliferation are detected, and before humanitarian emergencies arise. Preventive engagement can avoid more serious problems in the future.” The time-frame of such preventive activities is here rather short, there must already be indicators of the likely eruption of a crisis situation. A central aspect of this is the so called risk-factor analysis: “On the basis of this conflict analysis, attention is then drawn in the CSPs to those *underlying causes of conflict* that external aid or other EU instruments should target. At the level of the programming of assistance, the Commission is already putting more emphasis on the strengthening of *the rule of law*, support to *democratic institutions*, the development of *civil society* and the reform of the *security sector*. This approach is key to supplanting conflict or preventing its re-emergence and is also consistent with the Commission’s renewed emphasis on institution building as part of our development policy priorities (cf. declaration of the Commission and the Council on the development policy adopted in November 2000).” We see here, that indeed also (what might be called) more deeply installed practices and institutions in the respective polities are deemed in need of address. To this we will turn shortly. Yet, before, the major criticism voiced *against* the approximation of the activities need to be discussed.

Critiques

The approximation of the activities, through the employment of a ‘mix’ of means was justified by it increasing the viability to achieve the desired outcomes – to address the identified problems in their complexity effectively. However, the desirability of such a merger is questioned by two critiques. They criticise this merger from different angles: on the one hand, a the usage of certain means under a certain justification is deemed to be invalid; on the other, the usage of a certain justification in a situation which is marked by the usage of certain means taken to be undesirable, as hampering the effectiveness.

The first critique could be phrased as the ‘militarization of the humanitarian.’ Here, the validity of the human rights justification is not doubted; in fact, the value of human life and it not being harmed by means of violence is the indisputable core assumption. What is doubted, however, is

that this substantial aim can be achieved by the employment of the organised means of violence that is military means. In fact, such an employment would negate the validity of the core justification of the humanitarian. To support this argument, the loss of lives that are part and parcel – to a certain degree, despite re-assurance to focus on the destruction of material structures, even assumed to be desired by the military actors – of the use of military means is highlighted. Thereby, ‘the purity’ and through this the validity of the human rights justification will be damaged to the detriment of any kind of activity.

The second critique is led by an opposite logic. Here, to invert the above notion, the ‘humanitarisation of the military’ (or: of security issues) is feared. The stakes of the activity are here primarily identified by the kind of means that are taken to be adequate tools. If these tools are of military nature, then the situation is one of security – or rather: it should be conceived and politicised as one of security. Certain costs – on both sides - of such operations are then assumed to be inevitable. In situations, however, where such military force is used – as it were – ‘under’ the justification of human rights, the employment of the means will be subject to restraints, as it must be possible to evaluate the actions – and their implications – not merely by the security justification, but by the – one might say – much more demanding of human rights. Such normative restraints can, it is argued, be detrimental to the effective use of the means.

This double critique is, in return, addressed in two ways: by arguing that the underlying causes – which have indeed been highlighted by previous critiques – for both kinds of problem identifications are very similar. Second, the overall new situation receives a novel justificatory concept. We will look at the common roots problems first.

Putting working states back on their feet

“Spreading good governance, supporting social and political reform, 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 Security Strategy 2003).”

The use of organised violence in the 20th century, especially in the two major cases of extended war-fare, aimed at putting an end to the viability of the ‘enemy’ polity. The state-structures were

to be rendered un-operational, the moral of the political community rendered low by the stark feeling of radical insecurity and economic deprivation. In view of this historical background, the rise of prominence of a new concept in the activities of the European Union is remarkable: state-failure. The parsimonious appearance of this concept is astonishing. State-failure is taken as the key source of a set of further problems: of both humanitarian crisis and security threats to the European polity itself.⁷

State-failure has two major components: the most basic one is the maintenance of the monopoly of violence, and the trying to prevent that this monopoly is taken over, or indeed distributed among 'societal' actors, such as militias, what is discussed as the privatisation of armed forces. Such a monopoly also implies the working of the institutions that are to secure the validity of the common rules, not the least the legal institutions: "Terrorist movements tend to thrive in societies where human rights are not protected and where opportunities for political expression do not in practice exist. Freedom of expression, political opportunity, accountability and tolerance are powerful weapons in the fight against terrorism. Independent media, an independent judiciary, an impartial civil service, free elections and a vibrant civil society are crucial to a society's capacity to withstand and overcome terrorist inspired propaganda (European Security Strategy 2003)."

On a second level, not the pure existence of the institutions, but the quality of their workings is the concern. The concept of governance takes on a key role here: "Bad governance – corruption, abuse of power, *weak institutions* and lack of accountability – and civil conflict *corrode States from within*. In some cases, this has brought about the collapse of State institutions. Somalia, Liberia and Afghanistan under the Taliban are the best known recent examples. ... State failure is an alarming phenomenon that undermines global governance, and adds to regional instability (European Council 2004a)." The concepts good governance and democracy are thereby strongly linked: "The European Union and Member States have intervened to help to deal with regional conflicts and *put failed states back on their feet*, including in the Balkans, Afghanistan, and in the DRC. Restoring *good government* to the Balkans, *fostering democracy* and enabling the authorities there to tackle organised crime is one of the most effective ways of dealing with organised crime *within the EU* (European Security Strategy 2000)." Further, the ESS postulates that "(t)he quality of international society depends on the quality of the governments that are its

⁷ For a prospect of "Order and Chaos in the Twenty-First Century" which emphasises the "Breaking of nations", see Cooper 2004.

foundation.” From this it is further reasoned that “(t) he best protection for our security is a world of *well-governed democratic states* (European Security Strategy 2000).”

The viability of such polities, however, depends not only on their internal functioning. Two more underpinnings are taken to be necessary. This is, first, a political community in which certain understanding of participation and legality are upheld. The concept of good governance has here indeed a double nature: on the one hand it refers to the good working of the institutionalised realm; in a second usage, however, it refers much more to that which is outside, or beyond this real. The overall viability of the polity is more and more seen to depend on the quality of this – to use the common vocabulary – civil society; a society, which, in this understanding, is due to its distance to the formalized realm or authority less prone to its ‘corrupting’ inclinations.

The second underpinning of the polity is also societal, but it focuses on the economic dimension. Thereby a minimal degree of prosperity – and the ensuing welfare – is taken to be indispensable for the viability of the polity. The concept of a minimal degree of welfare is given here an undisputable universal validity. Without such a level, a well-ordered polity, free from violence, cannot be expected. At times, this conception of essential prosperity of the polity is enriched by that of minimal degree of distribution of the prosperity of a polity. Too stark level of disparities, in particular the concentration of wealth in a small echelon – not the least received through authoritative means and the state institutions – and a vast impoverished group of people, with an insignificant ‘stabilising’ middle class is to be overcome. If one takes not the conceptions of good governance, a viable civil society and a minimal degree of well-distributed prosperity together, than it is evident that here the main justification for contemporary development co-operation are named. In fact, such an approximation of security and development activities is widely perceived, and judged for the good and the bad. Both share one overarching concept: that of *human security*.

Human security is a concept that combines the two justifications that were previously kept distinct, even considered in tensions with one another (Barcelona Report 2004). The essential human rights of those non-member of the European polity is conceptualised as a political problem in which their essential human security is at stake: their security as humans. Thereby, the concept can be broadened beyond situation of immediate crisis and threat to one's life. Inversely, the dangers that are perceived to concern the European polity itself are also harming human

security. Here, it is the human security of those living within the boundaries of the European polity. This very broad concept can then be *differentiated* as to the validity in certain situations; a validity basement which is supported by the practical conditions (such as feasibility of means to act against it).

Yet, the novel justification of human security is not the end of the critique and justifications. Rather, we can again identify two critiques of these different actions that envisage the protection of human security in the different sites. The first of them regards the protection of human security beyond the European Union polity. While the validity of the protection of human security is not denied, it is questioned whether from this validity implies that the responsibility lies on Europe to act in this situation. A more qualified version of this critique grants that in principle it is desirable that the European Union polity intervenes in view of this problem, but that the concrete ‘costs’ that this activity entails are too high. In other words, the own security and prosperity (of the human being that are engaging in the activities as well as the resources that are spend there) is, in this concrete situation, taken to be ‘weightier’ than the protection of the lives in the distant place. The thrust of this critique is thus to address the problématique of acting beyond the boundaries by scepticism: the concerns of Europe should reside within.

Finally, a similar evaluation of different good – or concept of justification – can be seen as the key to actions against threats within the European polity. Here, while the phenomena of destruction are not denied, the means by which they are taken to be prevented are viewed as either out rightly undesirable or at least disproportionate. These are most essentially the liberal rights of freedom from the interference of the organisation of the state – in the form of surveillance. The restriction of these fundamental freedoms is not justified in view of this – in the end insecure – threat assessment. In both types of criticism, the proportionality of means and the conflict of the key justification with other values is at stake. However, not the least because these are ongoing disputes, we can not come to a conclusive assessment. Instead, and by way of ending this chapter, we will return to the two initial themes: the one of the actorness and of its quality.

5. Repositioning Europe as an actor the world

In traditional accounts of the actions of polities beyond their boundaries two – apart from trading

– activities are in the centre of attention: diplomacy and warfare. The former is to prevent the latter; the latter a way for continuing to act when the former proves to be not effective any more. The activities of the European Union polity, in comparison to such traditional accounts, are novel indeed. Europe, the place where these traditional accounts were developed, is highly prudent towards engaging in activities that imply large scale violence. Moreover, if it is used, the aim is less the defeat of an enemy than the protection of human lives.

The activities which are for this purpose developed are using a mix of traditional means: military, police as well as civilian. These means are used across different situations of action, which are differentiated as to their time expansions: crisis management; post-crisis management and crisis prevention, or the dealing with so called root-problems. These latter activities are also in focus with regard to addressing the 'underlying' causes for the threats that the European Union polity is perceived to face. Thus, in addition to utilisation of similar means, an approximation, if not at times merger, of the two formerly separate activities can be seen: the humanitarian and security. The evolving overall complex finds a new justification: human security.

Overall, the context of the 1990s and the problems that it posed to the European Union polity can be seen as a specific situation of self-identification and re-positioning. The self-identification concerns the problems in view of which action is undertaken, the justifications employed, the means therein used. Thereby, Europe as an actor in the world is decisively re-positioning itself in this world. After three to four centuries of global domination – under a plethora of different justifications – the 20th century, and in particular the time from the World War Two onwards, marked a sharp decline of this effectiveness. The political divisions of the post-war period set additional limits to any independent European actorness. Now, it seems that Europe can re-assert a position. However, this is different in important regards from ones of previous centuries: the use of violence is much more cautious, the imposition of own standards less pronounced, and more self-conscious with a focus on human security also beyond strictly European boundaries. Thus, Europe might, under these new circumstances, take a new, more modest role: a provincialised (Chakrabarty 2000), yet effective role in contributing to the re-ordering of the world.

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