EU and US External Policies on Human Rights and Democracy Promotion: Assessing Political Conditionality in Transatlantic Partnership

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Abstract: *This contribution[2] aims at advancing existing research about the role that the Transatlantic Partnership may play within the specific field of human rights and democracy promotion in the current changing global order. It examines recent changes to the foreign policies of the European Union and the United States on this area and assesses the impact of these changes on the transatlantic partnership over the last five years. The paper argues that these modifications entail a greater convergence between the policies of the two regions, though some ideological divergences, lack of coordination and differences in implementation are still observable. However, the increasing mutual realignment could foster a truly transatlantic partnership in the field if both partners attain to define a joint strategy and establish common institutions to ensure permanent dialogue and policy coherence. At the same time, this enhanced co-operation could enable them to remain the principal supporters of human rights and democracy in the current multi-polar order.*

Keywords: *human rights; democracy promotion; political conditionality; transatlantic co-operation; multi-polar world.*

Introduction

The European Union (EU) and the United States (US) have traditionally been the chief supporters of human rights and democracy promotion throughout the world. Over the last three decades, the two have been committed to strengthening dialogue on these issues both unilaterally and bilaterally. Throughout this period, however, areas of transatlantic discrepancy have also emerged, although the first post-Cold War decade was generally marked by significant convergence between the two partners. Indeed, with new states

emerging in Central and Eastern Europe, the issue of human rights and democracy promotion became a central feature in the transatlantic relationship.

Over the last decade, global power shifts and the rise of a whole array of actors participating in human rights and democracy promotion policies, such as international organizations, new democracies and non-governmental organizations (NGOs), have put an end to transatlantic hegemony in this field. There is now a range of divergent approaches in the international arena of human rights and democracy promotion. As a consequence, in the current multi-polar world context, the EU and the US are no longer the sole players in this field. In addition, the current global environment, with non-democratic countries run by entrenched regimes and failed states, makes democratisation an especially challenging task. Driven by different factors and geopolitical circumstances, the two partners have recently made significant adjustments to their policies in order to improve their capacities in the field of human rights and democracy promotion.

In light of these factors, this paper considers whether these policy reforms will enable the transatlantic partners to maintain their position as leaders in the promotion of human rights and democracy in the current multi-polar world. In addressing this question, this paper argues that recent adjustments in EU and US external human rights and democracy promotion policies have narrowed the ideological gap between them, which may have the potential to foster a more sustained transatlantic co-operation in this area. Drawing on this hypothesis, the first part of the paper reviews the basic tenets, actors and instruments of current EU and US policies. It demonstrates that while recent adjustments by the two regions come in response to different stimuli, in practice the changes entail a growing convergence between their respective policies, in terms of both approach and instruments. The second part goes on to assess the potential of this mutual realignment on the transatlantic human rights and democracy agenda and in the global context. It finds that despite co-operating in various forums and conflicts, divergences and lack of coordination still persist between the two partners. Nonetheless, enhanced co-operation is possible if the EU and the US define a joint strategy that ensures policy coherence, while enabling them to remain the primary leaders in the international arena.

The EU and the US as Human Rights and Democracy Promoters: Adapting Foreign Policies and Instruments to the Changing Global Order

The EU and the US both view the advancement of human rights and democracy as an international endeavour. They are both western powers and share the same commitment to liberal democracy in their foreign and domestic policies. Historically, however, there have been differences in the ideological motivation given for supporting human rights and democracy and consequently in the methods used to implement them. The EU approach has been developmental, focusing primarily on socio-economic measures, while the US has traditionally tended towards a political form of democracy promotion, concentrating on elections, parties, political rights, civil society, and the media. In addition, human rights promotion has occupied a more modest place in US policy. In practice, the EU has focused primarily on human rights while the US has focused more on promoting democracy.

These divergences in the two approaches to human rights and democracy support abroad are a result of the two regions' different historical experiences, political systems and positions in the international context. However, in response to separate impulses and developments, both partners have recently altered their strategies and these changes could contribute to bringing them closer in this field.

EU Human Rights and Democracy Policy: Responding to External Pushes through Enhancing Political Support

Over the last 30 years, the EU has exercised leadership in human rights and democracy promotion both inside and outside its borders. Article 21, 2b of the Treaty on European Union (TEU) states that one of the Union's central roles is to promote and support democracy and human rights worldwide, identifying democracy, rule of law and the universality of human rights and fundamental freedoms as guiding principles of the EU's external action. In keeping with this commitment, the EU has placed democracy and human rights at the heart of its enlargement policy, currently governed by the Copenhagen criteria[3]. The promise of membership, closely tied to this conditionality policy, has played a significant role in democracy and human rights promotion in Central and Eastern Europe, since accession countries are required to adopt EU standards in this area. The imminent prospect of EU accession to the European Convention on Human Rights and the entry into force of its Charter of Fundamental Rights has more recently reinforced the EU's profile as a global champion of human rights.

Parallel to these initiatives within its borders, the EU has also pursued democracy and human rights in third countries that are unlikely to become EU members. Indeed, since 1995 a human rights protection clause has been included in political framework agreements with more than 120 countries (European Commission, 1995). This clause provides the legal basis for co-operation on this issue in all areas covered by these agreements. Trade association and development co-operation agreements are the most noteworthy indicators of the EU's conditionality policy. Human rights violations can result in the suspension of co-operation or the imposition of economic sanctions, which is known as negative conditionality. In practice, EU conditionality clauses have a very wide geographical scope, but they are not universal. Indeed, trade and co-operation agreements with developed countries contain no clause of this kind. Moreover, no human rights and democracy conditions are included in sectorial agreements in areas such as fisheries, steel and textiles. This can lead to a certain inconsistency in EU policy. For example, development aid may be suspended under the Cotonou Agreement between the EU and 79 African, Caribbean and Pacific countries, while financial payments continue to be made under a Fisheries Partnership Agreement (Bartels, 2008).

From the mid-90s on, the passive approach of negative political conditionality was complemented by a more active dimension, which has basically been reflected by the

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[3] The first of these criteria is 'stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities'. European Commission, 'Conditions for membership', available at: http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm (accessed 13 March 2015).

establishment of explicit democracy and human rights promotion programmes and policies. The Initiative for Democracy and Human Rights (EIDHR), the European Neighbourhood Policy (ENP) and the Eastern Partnership (EaP) are clear examples of this approach.

Created in 1994, the EIDHR was originally designed to promote the rule of law and human rights worldwide. However, the mechanism was felt to suffer from a lack of flexibility and excessive bureaucracy in granting financial assistance and in 2006, it was reformed and renamed the 'European Instrument for Democracy and Human Rights' (EIDHR II). The EIDHR II now uses a thematic approach, focusing on advancing human rights and fundamental freedoms in countries where civilians are most at risk and on supporting civil society to become an effective force for political reform and the defence of human rights. It operates at national, regional and international level. Its broad scope means that it complements other EU tools used to implement democracy and human rights policies. However, despite the reforms, some problems still remain, such as long waiting periods for project evaluation and the numerous rules to be followed by Commission officials, with the result that this instrument is neither very effective nor very flexible (Herrero, 2009).

Following the success of its fifth enlargement in 2004, the EU launched the ENP, a new approach to foreign policy covering relations with the new neighbour countries at its eastern borders. It encompasses 16 countries, not only from Eastern Europe, but also North Africa and the Middle East. The ENP is based on the same positive political conditionality as the enlargement policy, but without the incentive of membership. Since its inception, the EU has introduced elements of positive conditionality through specific ENP Action Plans and reinforced its financial assistance to neighbour countries in the east. In a further step, in 2007 the Technical Assistance to the Commonwealth of Independent States (TACIS), which had mainly focused on trade promotion and government capacity building, was replaced by the European Neighbourhood and Partnership Instrument (ENPI). Most ENPI funds were initially channelled to governments, while only cross-border and regional co-operation mechanisms involved local authorities and civil society. In an overall assessment of the ENP implementation, little attention was given to improving the political context for civil society or involving civil society actors in monitoring and managing EU aid. Only since 2007 has the EU sought to enhance its direct support to civil society organizations in the eastern neighbourhood under EIDHR II. However, the ENP has not proved to be a fully effective tool for promoting democracy and human rights. It has been criticised for focusing on ensuring stability and security, rather than promoting human rights and democracy (Shapovalova and Youngs, 2012). In addition, despite Article 8 TEU, as introduced by the Lisbon Treaty, which formalized the neighbourhood policy, subsequent practice has not shown any real progress beyond the initial soft-law approach (Casorali, 2013).

In 2008, a number of Member States, including Poland and Sweden, proposed strengthening the EU's policy towards its eastern neighbours. Security concerns aggravated by the armed conflict between Russia and Georgia ensured broad EU support for the new initiative. As a result, the EaP was adopted to include ENP countries Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The EaP is a strengthened version of the ENP. One of the most important innovations of the new programme is greater involvement of non-governmental actors in EU dialogue. New means of engaging with civil society organizations

have been introduced, such as the Civil Society Forum and the Civil Society Facility (Balfour, 2010). Based on the principle of conditionality, the EaP provides closer political co-operation and economic integration with the EU through Association Agreements. Unlike the Action Plans, Association Agreements are legally binding and include clauses on developing democracy and human rights, together with an enhanced system of monitoring and evaluation. In June 2014, Ukraine, Georgia and Moldova signed Association Agreements with the EU, an alliance seen by Russia as a threat to its Euro-Asian Union project (Pugsley, 2014).

Nevertheless, it was the EU's inability to react in timely and effective fashion to the failure of the democratic process in Belarus and, in particular, to social changes in North Africa, that drove the Union to rethink its strategy in this field. The events leading to the Arab Spring of early 2011 brought a change in rhetoric. A new concept, 'deep and sustainable democracy' was introduced in the Joint Communication 'A New Response to a Changing Neighbourhood' adopted by the European Commission and the High Representative (HR) for Foreign Affairs and Security Policy. This new concept refers to a lasting socially and institutionally internalised democratic model in the target states (European Commission and the HR, 2011). At the same time, a review of the ENP was undertaken, based on the 'more for more' conditionality mechanism. In other words, instead of prioritising stability and security, the aim is now to ensure better funding based on the concrete performances of the states in question. The 'more for more' principle now provides for a higher level of differentiation among partners, since the form and amount of bilateral co-operation depends on the country's efforts in progressing towards deep and sustainable democracy. The differentiation is consequently based on political, rather than economic criteria, with the largest financial incentives going to the most ambitious reformers. In line with this new approach, as of 1 January 2014 the ENPI was replaced by the European Neighbourhood Instrument (ENI), which currently accounts for the bulk of funding for the 16 ENP countries.[4] Despite these changes, the term 'deep democracy' does not mark a *volte-face* in EU policy, but the concept has brought the EU closer to the concept of liberal democracy, supported by the US (Kurki, 2012).

In any case, the most concrete manifestation of renewed EU commitment to democracy and human rights is probably the European Endowment for Democracy (EED). Two years after the Polish presidency called for its creation, the EED began operating in 2013. The EED does not replace existing mechanisms better suited to situations of stability, but instead is mainly intended to support transition movements at times of profound change. Geographically, it focuses particularly on the European neighbourhood, but also includes regions where similar processes are already ongoing, such as Azerbaijan, Belarus, Syria and Myanmar (Youngs and Brudzinzka, 2012).

The EED was created with the primary aim of supporting bottom-up initiatives from civil society and movements. Potential beneficiaries include loose networks, journalists, bloggers, social media activists, unregistered NGOs, political movements and emerging leaders, when they operate in a very uncertain political context. Under its slogan 'Supporting the

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[4] Its allocation for the 2014-2020 period amounts to EUR 15.4 billion (Article 17 of Regulation (EU) 232/2014 establishing a European Neighbourhood Instrument [2014] OJ L77/27).

Unsupported', the EED is currently supporting, for instance, the newspaper Azadliq – one of the few independent media in Azerbaijan – the Syrian Transition for Democracy and the most urgent needs of civil activists in Ukraine[5]. One of the distinctive features of the EED, therefore, is that it seeks to operate with more flexibility and more politically than existing European foundations, institutions and funding agencies. It is expected to make EU support for democracy more flexible and responsive, even though this might politicise the EU agenda on democracy which has traditionally been relatively technical and ideology-free. Indeed, the EED has already been compared to the highly-politicised US National Endowment for Democracy, something which might arouse mistrust among recipients (Kurki, 2012).

It is still early to assess whether the new structure, among others in the EU's democracy support toolkit, will mark a significant upgrade in European democracy and human rights promotion. What is fairly clear, however, is that the aftermath of the Arab Spring has highlighted the democratic identity of the EU. Moreover, the adjustments have been made despite the severe economic crisis in the Eurozone, which has not deterred the EU from introducing new mechanisms nor from seeking to improve the existing ones. Indeed, apart from the EED, a number of other decisions taken by European leaders over the last five years appear to sketch out a conceptually new and upgraded EU policy on human rights and democracy.

For example, the EU has increased the use of negative conditionality tools. Libya, Syria, Iran and, more recently, Russia have been subject to unprecedented sanctions (Giumelli and Ivan, 2013; Council of the Union, 2014; European Commission, 2014). Under the new framework of the Generalized System of Preferences + (GSP+), reformed in 2010, target states have to prove that they meet and support the democratic values prescribed to qualify for the GPS+, reflecting the EU's concern about rights monitoring, a role it had always shown very little interest in playing. In December 2011, the HR and the European Commission adopted the Joint Communication 'Human Rights and Democracy at the Heart of EU External Action. Towards a More Effective Approach', a new policy intended to respond to developing global challenges (European Commission and the HR, 2011a). This document led to the adoption of the 'EU Strategic Framework and Action Plan on Human Rights and Democracy', which includes 36 points with concrete deliverables and an increased number of human rights dialogues. This comprehensive package reaffirms the EU's commitment 'to the promotion of all human rights, whether civil, political, or economic, social and cultural'. It also 'anchors a commitment to genuine partnership with civil society' and 'reaffirms the EU's determination to promote human rights and democracy through all its external actions', in line with Article 21 TEU (Council of the European Union, 2012). One of the first outcomes of this strategy was the appointment of Mr. Stavros Lambridinis as the first EU special representative on human rights. Similarly, a large number of EU Guidelines on Human Rights dialogues provide an instrument for EU officials and Member States in their dealings with third countries, international organizations and civil society[6].

In addition to recent developments and new approaches, such as the one represented by the EED, EU human rights and democracy policy will need to address relevant challenges

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[5] Updated information is available at: https://www.democracyendowment.eu/news/eed-initiatives/ (accessed 13 March 2015).
[6] Available at: http://eeas.europa.eu/human_rights/guidelines/dialogues/index_en.htm (accessed 13 March 2015).

in coming years. Perhaps one of the most pressing of these is the need to strengthen the Union's internal democratic identity in order to be globally credible. There is a perception that EU statements on human rights and democracy are not always matched by its external and internal policies (Hillion, 2013). However, there are some positive indications that the EU is becoming aware of this inconsistency and is seeking to address it. In this line, in a recent resolution the European Parliament considers that 'effectiveness of EU action rests on its exemplariness and consistency between internal and external actions'. Consequently, in a section entitled 'Credibility, Coherence and Consistency of EU Policy', the European Parliament 'calls on all Member States to repeal any existing laws which contradict the fundamental freedom of religion and conscience and freedom of expression' (European Parliament, 2014).

With new approaches and instruments in process of being implemented, and despite charges of too many ambiguities and too much inconsistency, we may conclude that the EU continues to be a visible, committed supporter of democracy and human rights in the world.

The US External Policy: Realigning Democracy Promotion with Human Rights Protection and Development

Promotion of democracy and human rights has traditionally been one of the core elements of US foreign policy, though human rights have usually occupied a more modest position than in EU policy. Indeed, the American approach to human rights promotion abroad has been controversial, given that the US has yet to ratify several of the most important international instruments. So, for example, since 1974 the US General System of Preferences has linked the granting of trade preferences to the development of internationally-recognized labour rights in developing countries, despite the fact that the US has not ratified all the fundamental International Labour Organization (ILO) conventions. Its reluctance to sign up to these and other binding international treaties, such as the American Convention on Human Rights, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights or the Optional Protocol to the Convention against Torture among others, has undermined US legitimacy in advancing human rights abroad (Bradley, 2010). The US, unlike the EU, has therefore traditionally focused on the promotion of democracy, directing aid at core political processes and institutions (Carothers, 2009; Babayan, 2013).

The longstanding, underlying rationale for this approach is that democratisation abroad is intrinsically good, protects both American and universal values and is a useful instrument since it provides security and economic benefits to the US. This motivation has remained constant, with variations in policy and intensity under different administrations. In particular, the end of the Cold War and the demise of the Soviet Union gave the US the chance to promote democracy with an 'explicit political purpose' (Carothers, 2000). In line with this approach, American government has been promoting democracy through programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, NGOs, and citizens (USAID, 2013).

Over the last decades, these efforts have been pursued and funded under the Foreign Assistance Act of 1961, subsequently amended, as in 1975, to make aid conditional on respect for human rights and civil liberties[7]. The 1961 Act also forms the basis for the National Endowment for Democracy (NED) Act of 1983[8], the Freedom Support Act of 1991[9] and the Millennium Challenge Act of 2003[10]. Since the end of the Cold War, the Agency for International Development (USAID) has become the most important state programmatic actor. Created in 1961, USAID receives direct policy guidance from the US Department of State. One of its core goals is 'Democracy and Governance', which is principally pursued by the Centre of Excellence on Democracy, Human Rights and Governance and the Office of Transition Initiatives, both created in 1994. USAID has developed democracy promotion programs, but in most cases these are implemented by an NGO that has submitted a successful tender, as well as by local political forces involved in democracy reform.

Indeed, NGOs have traditionally been and remain a consistently active part of American democracy and human rights promotion efforts abroad. While the extent of the commitment has varied from administration to administration, American NGOs have remained consistently engaged in democracy and human rights. Many of them even provide policy advice and wield influence over policy-makers and public-sector programmatic options. One of those that focus on programming is the NED, upon which the recently-created EU EED is largely inspired. Created in 1983, the NED, together with other NGOs (e.g. Freedom House and the Carter Centre), has contributed to the establishment of a growing civil-society community for democracy promotion in the US (NED, 2012).

All along the last years, the extent of democracy promotion by US actors has increased and evolved in line with political changes in the global order. Thus, after many years implementing a uniform approach to fostering democracy in former Soviet Union countries, an attempt was made in 2001 to diversify strategies based on specific country needs. This variable strategy has also been tried by the EU over the last ten years. In both cases, it has not yet been fully consolidated, but unlike the EU, the US did not historically introduce explicit conditionality into its economic and trade relations with third countries in order to encourage democratisation. This changed when President George W. Bush launched the Millennium Challenge Corporation in 2004, a new approach that conditions development aid to beneficiary countries on a commitment to good governance and democratic principles. These democratic indicators were reinforced in 2011 and have become the cornerstone of development co-operation (Tarnoff, 2014).

In an overall assessment, American democratic rhetoric has remained consistent at a global level, though certain inconsistencies have also been observed at regional and country scale. For example, for many years there was almost no criticism of US-friendly dictators in Africa (e.g. Nigeria, Zaire, Egypt, Tunisia, Rwanda). In Asia, US has not taken a

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[7] Committee on International Relations (2003) 'Legislation on Foreign Relations through 2002'. Available at: http://www.usaid.gov/sites/default/files/documents/1868/faa.pdf (accessed 13 March 2015).

[8] H.R. 2915, 97 STAT 1039. Available at: http://www.gpo.gov/fdsys/search/home.action (accessed 13 March 2015).

[9] The USA Freedom Act H.R.3361/ S.1599. Available at: http://www.gpo.gov/fdsys/search/home.action (accessed 3 October 2014).

[10] Millennium Challenge Act H.R.1966 / S. 571. Available at: http://www.gpo.gov/fdsys/search/home.action (accessed 13 March 2015).

strong, visible pro-democracy stance, except when there have been internal breakthroughs (e.g. Indonesia and Philippines) (Sedaca and Bouchet, 2014). However, what has visibly evolved from administration to administration has not been the rhetorical commitment to promoting democracy itself, but the specific form of implementation: by consent or openly by force (Babayan, 2013). Thus, while the Clinton administration pursued peaceful and non-interventionist democracy promotion, the subsequent Bush administration opted for a hard-line approach of military intervention whenever the target country failed to comply with democratic requirements. National security was pushed to the top of President Bush's foreign policy priorities by the September 11 attacks. One of his most controversial acts was, perhaps to invade Iraq with the stated purpose of disarming Saddam's regime and dismantling his weapons of mass destruction.

The Obama administration has tried to bring democracy and human rights back into the centre stage of US foreign policy and thus restore US credibility (Hassan and Ralph, 2011). Deliberately avoiding the language of his predecessor – who linked democracy promotion to the 'war on terror' – President Obama has slowly shaped his own rhetoric and approach, closely linking it to human rights and development policies in general (Poppe, 2010). Another significant difference from his predecessor is Obama's multilateral approach. The president has called for a more proactive United Nations' role in fostering global democratic developments, while endorsing multilateral initiatives. For example, the US government co-sponsored the United Nations Human Rights Council (UNHRC) resolution endorsing the Guiding Principles on Business and Human Rights to further promote business respect for human rights globally. In the same line, the Organization for Economic Co-operation and Development (OECD)'s updated Guidelines for Multinational Enterprises were negotiated in 2011 by a multi-lateral group of governments, including the US administration. These guidelines included a new chapter on human rights. The US is also supporting the ILO Decent Work agenda and funds ILO projects to promote decent working conditions in several countries. Another area in which the current US administration seeks to promote respect for human rights is information and communication technology[11].

In addition, President Obama is making efforts to restore leadership by providing a positive example abroad, a stance which won him the Nobel Peace Prize a few months after taking office. As he declared in 2010: 'there is no more powerful tool for advancing democracy and human rights than our own example. We promote our values by living our values at home'[12]. This passive form of democracy promotion, based on leading by example, is remarkably different to the approach not only of the Bush administration but also that of President Clinton.

As a result, democracy promotion has lost its prominent position in US foreign policy, since human rights have now become an explicit key component of the approach to democratic development. This new perspective represents a marked change in practice and not a mere

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[11] Bureau of Democracy and Human Rights and Labor (2013) 'U.S. Government approach on business and human rights'. Available at: http://www.humanrights.gov/2013/05/01/u-s-government-approach-on-business-and-human-rights/ (accessed 13 March 2015).
[12] Barack Obama (2010), Statement by the *President on the 10th Anniversary of the Communities of Democracies*. Available at: http://www.whitehouse.gov/the-press-office/statement-president-10th-anniversary-community-democracies (accessed 13 March 2015).

adjustment, although certain shortcomings on the part of the current administration have also been observed. For example, Obama has been criticized for his reluctance to support Iranian democratic activists, his hesitation to respond to the onset of the Arab Spring, his confused reaction to Syrian chemical attacks, and for striking Islamic State inside Syria with no Congressional or UN authorization (Carothers, 2012; Outzen, 2014; Liptak and Cohen, 2014).

Nevertheless, from a broad perspective, we could conclude that as a result of internal changes in the administration, current US foreign policy is based on a broader rights-based, developmental and civil-society approach. This approach is more similar to the European style of democracy promotion, all of which may foster a closer partnership between the two regions in this area.

The Transatlantic Dialogue: Reinforcing Co-operation to Promote Democracy and Human Rights Globally

Improved dialogue between the US and the EU is essential to deploying coordinated efforts for human rights and democracy promotion both bilaterally and globally. Within the relationship between the two, democracy has fallen from the transatlantic agenda in the last two decades, with dialogue focusing primarily on economics and foreign and security issues. Nevertheless, this situation is expected to change as a result of recent adjustments in both partners' policies. Indeed, with current US foreign policy reflecting a broader rights-based, developmental civil-society approach and with the EU's new focus on sustainable democracy, based on political criteria and support for civil society, there is a political basis for increased co-operation in this area.

Towards Greater Convergence and Co-operation in the Transatlantic Partnership

The US and the EU established diplomatic relations in 1953, but co-operation was officially formalised in November 1990 with the Transatlantic Declaration. As of December 1995, the New Transatlantic Agenda provides the basis for an increasingly broader and more fruitful partnership. Co-operation at multilateral level (such as at the UN and other forums) is also included in the bilateral agenda. The main areas of work have traditionally been economic policy (trade, regulation, competition), security issues and democracy and human rights (Díaz, 2012). In this last domain, however, transatlantic dialogue has mostly been relegated to a lower level of technical policy. In addition, over the recent years of economic crisis in the US and the EU, trade and economic relationships have been prioritised over human rights in the bilateral partnership. Nevertheless, geopolitical shifts arising out of the emergence of potential democracies in North Africa and other Arab states are currently leaving their mark on the content of transatlantic dialogue in this area.

Indeed, a shared, long-term approach respectful of home-grown political developments and encouraging sustainable economic growth seems to be emerging as a joint tool for re-launching transatlantic co-operation. Both partners seek to favour long-term democratic systems by providing support primarily for bottom-up initiatives from civil society. Another

priority – and a substantial part of their strategy to generate political self-confidence – is to achieve sustainable economic development that provides employment and housing. In line with these attempts, for example, both the EU and the US have long supported pro-western democratic movements in Ukraine and have made contributions through the International Monetary Fund (IMF).[13] Likewise, US-EU dialogue on long-term support for democratisation mainly focuses on countries which the EU has identified for implementing its Agenda for Action on Democracy Support, particularly in the Middle East and North Africa (MENA). The new scenario in this region undoubtedly provides broad scope and opportunities for democratic and human rights reform. US and European views on the region have been closely aligned since the onset of the ongoing political changes. They both share a common vision of the political and economic direction they would like to see the region evolve, toward democratic norms, more equalitarian societies and open market economies (Harbors, 2015). Nevertheless, in some cases both partners have not been able to coordinate their policies, ending up in visible contradictions, such as in Egypt, where following the military coup that toppled President Mohamed Mursi, US cut part of its aid, while the EU maintained the same amount (Dworkin and Michou, 2014). Therefore, both partners should coordinate efforts and actions in order to develop a coherent joint strategy that encompasses the whole region, including the Gulf regimes, by reaching out to governments of countries already in transition. In this sense, some existing forums, such as the Deauville Partnership with Arab Countries in Transition, which already provides a platform for political and economic dialogue, could be exploited by the EU and the US to implement their democratisation joint strategy.

Likewise, in consistency with their new, common approach, the strategy of the US and the EU should include encouragement of greater economic integration within the MENA. Specifically, when offering conditionality-based aid, the US and the EU should pursue the 'more for more' approach introduced by the EU in its revised ENP. This common approach will be critical if both partners aim to encourage trade and investment in the MENA and the Gulf region in the framework of their future Transatlantic Trade and Investment Partnership.

Finally, beyond annual meetings and punctual co-operation in imminent crises, the establishment of joint institutions to address permanently democracy and human rights issues, as there are in other domains, could foster a more sustained co-operation in this field.

This enhanced co-operation will also entail working together in multilateral forums.

Transatlantic Co-operation in Global Forums: Supporting Normative Processes in Multilateral and Regional Organisations

In an increasingly multilateral world, with economic and political power shifting eastwards and southwards, the US and the EU have no choice but to reinforce their partnership in order to maintain their position as leaders in upholding human rights and democratic values globally. In fact, multilateralism itself is currently being challenged; classic universal institutions, like the UN, created in the aftermath of World War II, are coming to be considered obsolete

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[13] Treasury Secretary Lew on Economic Program for Ukraine, available at: http://iipdigital.usembassy.gov/st/english/texttrans/2014/05/20140501298600.html#axzz37H0vP0dn (accessed 13 March 2015); European Commission (2014) Memorandum of Understanding on Macro-Financial Assistance Programme for Ukraine, IP/14/488, 28 April.

and inadequate to address current global challenges. In their place, regional arrangements, functional state groups and informal solutions have emerged. As a result, increasing global interdependence, political fragmentation of the international community, and new rising powers, of which not all have a democratic profile, pose a serious challenge to human-rights legal building (Maull, 2011).

Indeed, part of the world is currently living through what has been called a 'global political awakening', which is challenging the old powers' ability to influence the international order (Brzezinski, 2012). In this sense, despite a growing global desire for democracy, this political activism is not necessarily driving the world towards liberal democracy. A clear illustration can be found in the Arab uprisings, which were welcomed by both the EU and US but which are also challenging their policies; many countries in the region, including Egypt and Algeria, are actively seeking emancipation from western influence and norms (Denison *et al.*, 2013). In addition, the increasing assertiveness of authoritarian capitalist countries, such as China, has broken the link between liberal democracy and economic development. China and other emerging powers, such as Russia, Iran and Saudi Arabia, are currently offering loans, investment and trade opportunities without imposing any democratic commitment on recipient countries (Denison and Dworkin, 2010). Worse still, some authoritarian regimes have also learnt to manipulate the democratic institution in order to give an appearance of genuine political legitimacy (Schedler, 2010).

In this new context, the need for co-operation in defence of shared political and democratic values is critical. As noted above, such co-operation already exists at a practical level; in cases of urgent intervention, American and European diplomats regularly join forces to pressurise governments or support popular democratic movements, as they did in Libya in 2011 and Ukraine in 2014. In multilateral forums, such as the UNHRC, the Organization for Security and Co-operation in Europe (OSCE)'s Conference on the Human Dimension, and the more informal meetings of the Community of Democracies, European and American representatives usually co-operate smoothly on practical matters. For example, through UN human rights bodies they have pressed for an end to – and accountability for – the grave human rights abuses in Syria, South Sudan and Ukraine.[14] Likewise, through the Working Group on Enabling and Protecting Civil Society, within the Community of Democracies, the US and several EU Member States have participated throughout 2013 and 2014 in a large number of initiatives which focus on protecting civil groups in Mali, Tunisia and Botswana[15].

At present, with the Obama administration's commitment to multilateralism, there is a renewed impetus on the American side, in particular, for effective engagement on international forums. But a new transatlantic strategy must look beyond defending democratic norms against alliances of non-democratic or authoritarian regimes in global forums, such as the UN or the OSCE. In this line, both partners could play a leadership role in promoting shared principles for democracy and human rights assistance, including a common vision for reinforcing the national democratic processes within development co-operation frameworks.

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[14] Information available at: http://www.wfuna.org/news/un-human-rights-achievements-in-2013 (accessed 13 March 2015).

[15] Information available at: http://www.community-democracies.org/Working-for-Democracy/Initiatives/Governmental-Bodies/Working-Group-on-Enabling-and-Protecting-Civil-Soc#Membership (accessed 13 March 2015).

Another line of transatlantic co-operation might consist of supporting normative processes within regional organizations. Such organizations have enormous potential for embedding human rights norms in different parts of the world. The willingness shown by some of them, such as the African Union and the Economic Community of West African States (ECOWAS), to react against undemocratic behaviour and serious human rights violations is very positive (Aning *et al.*, 2012). However, the process of establishing regional systems of human rights protection is currently uneven, particularly in Asia and the Middle East. For example, the Arab League has the Arab Charter on Human Rights which could become a useful human rights tool in coming years[16]. Likewise, the Organization of Islamic Co-operation (OIC) adopted the Cairo Declaration on Human Rights in Islam in 1990[17]. In Asia, the Association of South East Asian Nations (ASEAN) has not adopted a specific charter on human rights, but it has established actions and mechanisms to safeguard them (ASEAN, 2009). The US and the EU have good relations with many of the member countries of these organizations. They could therefore support the development and capacity of regional human rights systems as a key complementary tool for UN norms and institutions and as a major path to promoting human rights and democracy globally.

The transatlantic agenda should also include political support for international human rights law, including relevant provisions of the UN Charter and the Universal Declaration of Human Rights. However, as we have already seen, the US is limited in this task by the fact that it has not ratified some key treaties itself. The EU is therefore likely to be more effective in leading advocacy on this issue. Notwithstanding, the US and the European states could find new ways and improve their co-operation within the UNHRC to exert leverage on states within their regional bloc. Finally, human rights violations committed by the US and the European states jeopardize their credibility in their dealings with the rest of the world in this field. In order to restore their credibility, both partners need to renew their own commitment to the international legal framework on human rights, while correcting recent practices that are detrimental to their human rights compliance records[18].

Conclusions

Democracy and human rights promotion is a key component of the foreign policies of both the US and the EU, though America has traditionally focused on democracy and Europe on human rights. In addition, concepts of democracy and human rights promotion have been divergent, the American definition being more ideologically liberal, the European more orientated towards social-democracy. Over the last ten years, both parties have made changes to their respective policies. In the US, changes are mainly determined by changes in the administration, while recent modifications in the EU have primarily come in response to social uprisings in its neighbourhood. There have always been notable ideological differences between the two players, but the Obama administration's current approach, explicitly linking human rights to development policies, has brought European style to American attitudes.

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[16] It was adopted in 2004. An English version is available at: http://www.acihl.org/res/Arab_Charter_on_Human_Rights_2004.pdf (accessed 13 March 2015).

[17] Text available at: http://www.refworld.org/docid/3ae6b3822c.html (accessed 13 March 2015).

[18] For instance, the indefinite detention of suspected terrorists in Guantanamo by the US or the deportation of irregular immigrants by some European states.

This evolution has taken place against an increasingly complex global backdrop. On the one hand, there are non-democratic states with entrenched regimes, which make democracy and human rights promotion, either at bilateral or multilateral level, a challenging task. On the other, in terms of international relations and balance of power, the world has become multi-polar in the last 20 years. Nevertheless, the realm of human rights and democracy seems not to be as multi-polar. Indeed, though sharing their influence with other players, one could, in an overall overview of the international context, argue that the US and the EU remain the main actors, if not in terms of effectiveness, at least in terms of their willingness and capacity to commit themselves to the issue. As yet, there are no other states with the drive and the resources of the US and EU. Consequently, the EU and the US still have the potential to wield a powerful degree of leverage, in particular on democracy, human rights and development.

To this end, the definition of a joint strategy within the transatlantic partnership could increase their potential for action, now that their policies converge on certain topics, such as support for civil society and linking human rights to sustainable democracy. However, a truly transatlantic co-operation in this area will require the establishment of common institutions that may ensure permanent dialogue and policy coherence within both their bilateral relationship and the multilateral forums.

Beyond occasional co-operation, a sustained transatlantic partnership may be achieved in areas on which the two partners most agree, such as bringing pressure to bear on all countries to observe the tenets of the Universal Declaration on Human Rights, or working with representatives of local civil society in countries where they can provide democracy assistance. The US and the EU could strengthen their links within the UNCHR, establishing dialogue with new democracies and preventing election to the UNCHR of countries with records of human rights abuse. Potential partnership with other democracy and human rights promoters may also become an effective tool to counteract some authoritarian countries. Finally, supporting existing and emerging human rights regional systems could also prove fruitful.

The evolution of the current economic recession, the role of new rising global powers and political developments in the MENA region and at the EU's eastern borders will be key factors that will affect the extent and degree to which the US and the EU promote democracy and human rights within their foreign policy and in their bilateral relationship. As far as the EU is concerned, however, the greatest obstacle to a renewed EU-US partnership are the internal divisions on foreign and security policy, an ambit retained under national sovereignty despite institutional and functional reforms introduced by the Lisbon Treaty. A serious debate is therefore needed in Europe as to which foreign and security issues are considered truly important for the EU in transatlantic terms and can therefore be collectively presented by the EU and the US as a basis for a renewed transatlantic agenda on democracy and human rights.

Finally, the EU and the US need to continue to safeguard democracy and human rights at home in order to have legitimacy and credibility. Leading by example in this area is the best contribution both partners can make to the well-being of American and European society, their bilateral partnership and the world.

References

- Aning, K., Okyere, F. and Abdallah, M. 2012. 'Addressing Emerging Security Threats in Post-Gaddafi Sahel and the ECOWAS Response to the Malian Crisis'. *Kofi Annan International Peacekeeping Training Centre Policy Brief*, No. 1.

- ASEAN. 2009. *Association of Southeast Asian Nations Roadmap for an ASEAN Community 2009-2015*. Jakarta: ASEAN.

- Babayan, N. 2013. 'Home-Made Adjustments? US Human Rights and Democracy Promotion'. *Transworld Working Paper*, No. 20.

- Balfour, R. 2010. 'Debating the Eastern Partnership: Perspectives from the EU'. Available at www.feswar.org.pl/fes2009/pdf_doc/EU.pdf (accessed 10 March 2015).

- Barnett, C., Biddle, S.D., Farhi, F.,Malka, H., Mc Laughin, J., Owen, R., Salem, P. 2015. 'Rocky Harbors. Taking Stock of the Middle East in 2015'. *CSIS Report.*

- Bartels, L. 2008. *The Application of Human Rights Conditionality in the EU's Bilateral Trade Agreements and Other Trade Arrangements with Third Countries.* Brussels: European Parliament.

- Bradley, C.A. 2010. 'The United States and Human Rights Treaties: Race Relations, the Cold War, and Constitutionalism'. *Chinese Journal of International Law* (9) 2: 321-344.

- Brzezinski, Z. 2012. *Strategic Vision: America and the Crisis of Global Power*. New York: Basic Books.

- Carothers, T. 2000. 'Taking Stock of US Democracy Assistance'. In Cox, M., Ikenberry, G. and Inoguchi, T. (eds) *American Democracy Promotion. Impulses, Strategies and Impacts*.181-199. Oxford: Oxford University Press.

- Carothers, T. 2009. 'Democracy Assistance: Political Vs. Developmental?' *Journal of Democracy* (20) 1: 5-19.

- Carothers, T. 2012. *Democracy Policy under Obama. Revitalization or Retreat?* Washington, DC: Carnegie Endowment for International Peace.

- Casolari, F. 2013. 'The Janus-Faced New European Neighbourhood Policy: Normative (Hard) Power vs. the Pragmatic (Soft) Approach'. *Istituto Affari Internationali Documenti IAI*, No. 13.

- Council of the European Union. 2012. 'EU Strategic Framework and Action Plan on Human Rights and Democracy'. 11855/12, 25 June.

- Council of the European Union. 2014. 'EU Strengthens Sanctions against Undermining Ukraine's Territorial Integrity'. 8049/14, Presse 174, 21 March.

- Denison, S. and Dworkin, A. 2010. 'Valores y Política Exterior en la Unión Europea'. *Política Exterior* (24) 138: 164-177.

• Denison, S., Gowan, R., Kundnani, H., Leonard, M. and Witney, N. 2013. 'Why Europe Needs a New Global Strategy'. *ECFR Policy Brief*, No. 90.

• Díaz, L. 2012. 'Europe and the USA: Diagnosis of the Transatlantic Relationship in the Twenty First Century'. In CEU (ed) *The EU as a Global Player*, 89-100. Madrid: CEU.

• Dworkin, A. and Michou, H. 2014. 'Egypt's Unsustainable Crackdown'. *ECFR Policy Memo*, No. 921.

• Echagüe, A. 2013. 'New Tactics, Same Strategy? US Policy towards the Middle East'. *FRIDE Policy Brief*, No. 147.

• European Commission. 1995. 'Communication on the Inclusion of Respect for Democratic Principles and Human Rights in Agreements between the Community and Third Countries'. COM (95) 216 final, 23 May.

• European Commission and High Representative of the EU for Foreign Affairs and Security Policy. 2011. 'Joint Communication to the European Parliament, the Council, the European Economic and Social Council and the Committee of Regions. A New Response to a Changing Neighbourhood'. *COM* (2011) 303 final, 25 May.

• European Commission and High Representative of the EU for Foreign Affairs and Security Policy. 2011a. 'Joint Communication to the European Parliament, and the Council. Human Rights and Democracy at the Heart of EU External Action. Towards a more Effective Approach'. *COM* (2011) 886 final, 12 December.

• European Commission. 2014. 'Restrictive Measures (Sanctions) in Force'. Available at http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf (accessed 13 March 2015).

• European Parliament. 2014. 'European Parliament Resolution of 17 April 2014 on EU Foreign Policy in a World of Cultural and Religion Difference'. T7 0456/2014.

• Giumelli, F. and Ivan, P. 2013. 'The Effectiveness of EU Sanctions. An Analysis of Iran, Belarus, Syria and Myanmar (Burma)'. *EPC Issue Paper*, No. 76.

• Hassan, O. and Ralph, J. 2011. 'Democracy Promotion and Human Rights in US Foreign Policy'. *The International Journal of Human Rights* (15) 4: 509-19.

• Herrero, S. 2009. 'A Decade of Democracy Promotion through the European Initiative for Democracy and Human Rights". *EPD Working Papers Series on Democracy Support*, No. 1.

• Hillion, CH. 2013. 'Enlarging the European Union and Deepening its Fundamental Rights Protection'. *SIEPS European Policy Analysis,* No.11.

• Kurki, M. 2012. 'How the EU Can Adopt a New Type of Democracy Support'. *FRIDE Working Paper*, No. 112.

• Liptak, K. and Cohen, T. 2014. 'No Vote Needed on ISIS Strategy'. Available at http://edition.cnn.com/2014/09/09/politics/obama-isis-congress/ (accessed 10 March 2015).

- Maull, H. 2011. 'The Rise of New Powers: Implications for the Transatlantic World.' In Hamilton, D. and Volker, K. (eds) *Transatlantic 2020: A Tale of Four Futures*, 71-92. Washington, DC: Center for Transatlantic Relations.

- National Endowment for Democracy (NED). 2012. 'Strategy Document'. Available at http://www.ned.org/docs/strategy/2012StrategyDocument.pdf (accessed 10 March 2015).

- Outzen, R. 2014. 'The Flawed Strategic Debate on Syria'. *Center for Strategic Research Strategic Forum,* No. 285.

- Poppe, A. 2010. 'Whither to, Obama? US Democracy Promotion after the Cold War'. *PRIF Report*, No. 96.

- Pugsley, S. 2014. 'Georgia and Moldova to Sign Association Agreement with the EU'. Available at http://www.ecfr.eu/blog/C47 (accessed 10 March 2015).

- Schedler, A. 2010. 'Authoritarianism's Last Line of Defence'. *Journal of Democracy* (21)1: 69-80.

- Sedaca, N. and Bouchet, N. 2014. 'Holding Steady? US Democracy Promotion in a Changing World'. *Chatham House Americas PP*, No.1.

- Shapovalova, N. and Youngs, R. 2012. 'EU Democracy Promotion in the Eastern Neighbourhood. A Turn to Civil Society?' *FRIDE Working Paper*, No. 115.

- Tarnoff, C. 2014. 'Millenium Challenge Corporation'. Congressional Research Service Report 7-5700.

- USAID (ed). 2013. *USAID Strategy on Democracy Human Rights and Governance.* Washington: US Agency for International Development.

- Youngs, R. and Brudzinska, K. 2012. 'The European Endowment for Democracy: Will It Fly?' *FRIDE Policy Brief*, No. 128.